



LICENSING AND REGULATORY PANEL

Meeting to be held in Civic Hall on
Tuesday, 22nd June, 2010
at 10.00 am

MEMBERSHIP

Councillors

S Armitage
(Chair)

J Dunn

G Hussain

G Hyde

V Morgan

B Selby

C Townsley

D Wilson

1 vacancy

R D Feldman

G Wilkinson

T Grayshon

A G E N D A

Item No	Ward/Equal Opportunities	Item Not Open		Page No
1			<p>APPEALS AGAINST INSPECTION OF DOCUMENTS</p> <p>To consider any appeals in accordance with Procedure Rule 25 of the Access to Information Procedure Rules (in the event of an Appeal the press and public will be excluded)</p> <p>(*In accordance with Procedure Rule 25, written notice of an appeal must be received by the Chief Democratic Services Officer at least 24 hours before the meeting)</p>	
2			<p>EXEMPT INFORMATION - POSSIBLE EXCLUSION OF THE PRESS AND PUBLIC</p> <p>1 To highlight reports or appendices which officers have identified as containing exempt information, and where officers consider that the public interest in maintaining the exemption outweighs the public interest in disclosing the information, for the reasons outlined in the report.</p> <p>2 To consider whether or not to accept the officers recommendation in respect of the above information.</p> <p>3 If so, to formally pass the following resolution:-</p> <p>RESOLVED – That the press and public be excluded from the meeting during consideration of those parts of the agenda designated as containing exempt information on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the press and public were present there would be disclosure to them of exempt information</p>	

Item No	Ward/Equal Opportunities	Item Not Open		Page No
3			<p>LATE ITEMS</p> <p>To identify items which have been admitted to the agenda by the Chair for consideration</p> <p>(The special circumstances shall be specified in the minutes)</p>	
4			<p>DECLARATIONS OF INTEREST</p> <p>To declare any personal/prejudicial interests for the purpose of Section 81(3) of the Local Government Act 2000 and paragraphs 8 to 12 of the Members Code of Conduct</p>	
5			<p>APOLOGIES FOR ABSENCE</p>	
6			<p>MINUTES</p> <p>To approve the minutes of the previous meeting held 23rd March 2010 as a correct record</p> <p>(copy attached)</p>	1 - 4
7			<p>TERMS OF REFERENCE AND OFFICER DELEGATION SCHEME FOR THE LICENSING AND REGULATORY PANEL</p> <p>To consider the report of the Assistant Chief Executive (Corporate Governance) setting out the Terms of Reference for the Panel and the delegation schemes associated with the work and remit of the Panel.</p> <p>(Report attached)</p>	5 - 30

Item No	Ward/Equal Opportunities	Item Not Open		Page No
8	Various;		<p>SEXUAL ENTERTAINMENT VENUES - ADOPTION OF PROVISIONS LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982</p> <p>To consider the port of the Assistant Chief Executive (Corporate Governance) seeking the Panels' opinion on whether the Council should adopt the provisions of the Policing and Crime Act 2009 with regards to the introduction of a new classification of "Sexual Entertainment Venues".</p> <p>(Report attached)</p>	31 - 36
9	Various;		<p>SEXUAL ENTERTAINMENT VENUES - ADOPTION OF POLICY AND STANDARD CONDITIONS LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982</p> <p>To consider the report of the Assistant Chief Executive (Corporate Governance) providing information on the new legislation for lap dancing clubs and the adoption of a policy and standard conditions for sex establishments</p> <p>(Report attached)</p>	37 - 44
10	Various;		<p>WORK PROGRAMME 2010/2011</p> <p>To note the proposed Licensing Work Programme associated with both the Licensing and Regulatory Panel and the Licensing Committee 2010/2011</p> <p>(Schedule attached)</p>	45 - 48

Item No	Ward/Equal Opportunities	Item Not Open		Page No
11			<p>DATE AND TIME OF THE NEXT MEETING</p> <p>To note the date and time of the next Licensing and Regulatory Panel as Tuesday 20th July 2010 (at the conclusion of the Licensing Committee scheduled for 10.00 am the same day).</p> <p>The following is the list for the remainder of the Municipal Year: <u>Licensing Committee and Licensing & Regulatory Panel</u> - one meeting to commence at the former's conclusion. <u>The meeting beginning at 10.00 am will alternate on a monthly basis</u></p> <p>20th July 2010 ; 17th August 2010; 14th September 2010; 19th October 2010; 16th November 2010; 21st December 2010; 18th January 2011; 15th February 2011; 15th March 2011; 12th April 2011 and 17th May 2011</p> <p><u>PLEASE NOTE:</u></p> <p>THERE ARE NO ITEMS OF BUSINESS FROM THE TAXI AND PRIVATE HIRE LICENSING SECTION FOR THIS MEETING</p>	

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Agenda Item 6

LICENSING AND REGULATORY PANEL

TUESDAY, 23RD MARCH, 2010

PRESENT: Councillor R D Feldman in the Chair

Councillors J Dunn, B Selby, G Wilkinson
and D Wilson

IN ATTENDANCE –

Mr J Mulcahy – LCC, Head of Licensing and Registration
Ms P Carville – LCC, Principal Licensing Officer
Mr M Nelson – LCC Licensing Officer
Miss L Eccles – Halcrow Group Limited
Mr M Johnson – LCC Taxi and Private Hire Section
Mr K Darch – LCC Traffic Management, Highways Services
Sgt M Mynard – West Yorkshire Police

Mr D Littlewood – Access Committee for Leeds
Mr T McSharry – Access Committee for Leeds
Mr A Pennock – Amber Cars (Private Hire trade)
Mr P Landau – Unite (Hackney Carriage trade)
Mr M Utting – Streamline/Telecabs (Hackney Carriage trade)
Mr G Nabi – Eurocabs (Hackney Carriage trade)

Several representatives of both the Hackney Carriage and Private Hire trades also attended the meeting to observe

32 Declarations of Interest

Councillor Wilson – agenda item 7 Application for Performance of Hypnotism - declared a personal interest as the proposed performance was due to take place during an event organised by East Leeds Lions Motorcycle Club. Councillor Wilson was a member of the Lions, although not a member of the Lions group organising the event. (minute 35 refers)

33 Apologies for Absence

Apologies for absence were received from Councillors Armitage, Dobson, Morgan and Townsley

34 Minutes

Members noted the volume of minutes presented for approval due to the number of additional and special meetings held since the last formal Panel meeting

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

- a) 7th July 2009
- b) 4th August 2009
- c) 8th September 2009
- d) 26th October 2009
- e) 1st December 2009

- f) 25th January 2010
- g) 22nd February 2010

35 Application for Performance of Hypnotism - Steve Marshall, East Leeds Lions Motorcycle Club Event, Breary Grange Farm, Eccup, Leeds 16

The Assistant Chief Executive (Corporate Governance) submitted a report setting out details of a request for a performance of hypnotism by Mr S Marshall. The performance was scheduled to take place on 4th April 2010 during the East Leeds Lions Motorcycle Club Event at Breary Grange Farm, Eccup, Leeds 16.

Application had been made under the Hypnotism Act 1952 which empowered the local authority to grant a licence for the exhibition, demonstration or performance of hypnotism. The report included a copy of the application form, schedule of the proposed show content and necessary risk assessment. It was noted that Mr Marshall had performed as a stage hypnotist for 15 years and had presented a performance of hypnotism at last years Lions event.

A copy of a document from Royal & Sun Alliance Insurance PLC confirming that Mr Marshall held current Public Liability insurance was included as an Appendix to the report. Proposed conditions which could be attached to any permission were contained within Appendix 4 of the report.

RESOLVED – That permission be granted for the performance of hypnotism, as proposed by Mr Marshall, subject to the conditions specified within Appendix 4 of the submitted report.

36 Unmet Demand Survey for Provision of Hackney Carriage Proprietor Licences

The Panel considered the report of the Assistant Chief Executive (Corporate Governance) on the outcome of the Unmet Demand Survey undertaken in respect of the number of Hackney Carriage Proprietor licences in Leeds.

The Survey stemmed from the report of Office of Fair Trading on the regulation of licensed Hackney Carriage (HC) and Private Hire (PH) vehicle services. Each local authority was asked to review its policy in respect of the setting of limits for the number of HC proprietor licences. Leeds undertook that review through the Scrutiny Board (Central and Corporate Functions) which conducted the first Survey and issued a report on the findings to the Executive Board in March 2005.

This second survey was conducted throughout 2008 by the Halcrow Group Ltd acting as independent consultants to the Council. Approximately 7000 questionnaires had been despatched to licensed HC and PH drivers and operators as part of the consultation process. 522 completed forms were returned.

A copy of the full report by Halcrow was included and Miss L Eccles attended the meeting to present the report. Miss Eccles outlined the methodology of the consultation undertaken during the Survey, the key results and conclusions.

The Panel noted the Survey had concluded there was no evidence of significant unmet demand for HC in Leeds.

Members then discussed the following matters:

- the anecdotal comment that release of further HC plates would have an adverse impact on existing drivers
- impact on the HC trade of the loss of the Leeds Bradford International Airport contract to a PH provider
- the comment that some members of the disabled community felt that their needs were not being met by the existing fleets. It was reported that 274 of the 537 HC fleet were wheelchair accessible compared to 40 of the 4190 PH fleet.
- noted the perception of waiting times for vehicles to attend a request
- fare prices compared to other core cities and whether this would suppress demand

The Panel invited then comments from interested parties and representatives of the trade and the following matters were noted:

- desire of representatives of the Access Committee for Leeds to retain vehicle diversity within the HC fleet
- ongoing consultation by the Access Committee for Leeds with user groups to quantify the transport needs of disabled and older persons
- comment that the majority of the HC fleet remained based within the city centre, not the suburbs
- anecdotal evidence that some customers with mobility difficulties preferred a saloon vehicle and some customers would wait longer than others for a preferred vehicle type, or trusted driver

Sgt Mynard of West Yorkshire Police briefly commented on the figures quoted in Halcrows' findings regarding the number of drivers who felt unsafe in the city centre at night. Mr K Darch highlighted the recent works undertaken by LCC to introduce new and/or realigned ranks within the city and the approaches being made to Central Government for agreement to utilise bus stops as late night HC ranks once bus services cease.

The Panel recalled their previous discussions on city centre rank provision and concerns about transport and the night time economy. Members emphasised the need to continually monitor the usefulness of ranks and to pursue the possibility of using bus stops and bus corridors for the HC trade.

Members then considered each of the recommendations set out in the report and

RESOLVED –

- a) To agree with the conclusions of the report that there is no significant unmet demand within the Leeds area and
- b) To continue with the Council's current policy to limit the number of Hackney Carriage Proprietor Licences to 537.
- c) To determine that the next Unmet Demand Survey be completed no less than 3 years from the date of this meeting (i.e. By March 2013), as per current best practice guidelines

- d) To request that officers review the proportion of wheelchair accessible vehicles within both fleets, in consultation with the trade and other interested groups, with a view to seeking diversity of vehicle types which will ensure suitable provision for all service users, with particular regard to the elderly and disabled passengers. Panel noted this process would take a minimum of 12 months before officers could return with any proposals
- e) To thank Miss Eccles for her presentation

37 Date and time of Next Meeting

RESOLVED –To note the date and time of the next meeting as Tuesday 4th May 2010 at 10.00 am



Report of the Assistant Chief Executive (Corporate Governance)

Licensing and Regulatory Panel

Date: 22nd June 2010

Subject: Terms of Reference and Officer Delegation Scheme for the Licensing and Regulatory Panel

Electoral wards affected:

All

Specific implications for:

Ethnic minorities

Women

Disabled people

Narrowing the gap

Executive Summary

This report sets out the current Terms of Reference and Officer Delegation Scheme associated with the work of the Licensing and Regulatory Panel.

Members' attention is also drawn to the Code of Practice for Determining Licensing Matters

1.0 Purpose of this report

1.1 The purpose of this report is to advise Members of the Terms of Reference and Officer Delegation Scheme for the Licensing and Regulatory Panel for the 2010/2011 Municipal Year

2.0 Background information

2.1 The Terms of Reference (as attached at **Appendix A**) and the Officer Delegation Scheme (as attached at **Appendix B(i) and B(ii)**) were approved by Annual Council on 27th May 2010.

2.2 The Code of Practice for Determining Licensing Matters was introduced in 2008 and the most up to date version is attached at **Appendix C** for Members' reference.

3.0 Main issues

3.1 These documents are presented in order to inform Members of the rules which will govern the work and remit of the Panel for the 2010/11 Municipal Year

4.0 Implications for council policy and governance

4.1 There are no implications for Council policy or governance identified.

5.0 Legal and resource implications

5.1 There are no legal and resource implications, other than the usual administration provided by officers to the Panel.

6.0 Recommendations

6.1 Members are requested to note the Terms of Reference and Officer Delegation Scheme for the Licensing and Regulatory Panel 2010/11.

6.2 Members are requested to note the contents of the Code of Practice for Determining Licensing Matters and to have regard to the Code when considering future items of business

REGULATORY PANELS

Licensing and Regulatory Panel

The Licensing and Regulatory Panel is authorised to discharge¹ the following functions:²

1. To discharge all Council (non-executive)³ functions relating to:
 - (a) licensing and registration functions⁴ in respect of:
 - (i) caravan sites⁵
 - (ii) hackney carriages and private hire vehicles⁶
 - (iii) sex shops, sex cinemas⁷ and sexual entertainment venues⁸
 - (iv) performances of hypnotism⁹
 - (v) acupuncture, ear-piercing and electrolysis¹⁰
 - (vi) pleasure boats and vessels¹¹
 - (vii) market and street trading¹²
 - (viii) scrap yards¹³
 - (ix) dog breeding, pet shops, animal breeding, animal trainers and exhibitors, zoos, wild animals¹⁴
 - (x) the employment of children¹⁵
 - (xi) premises for the solemnisation of marriage¹⁶
 - (xii) charitable collections¹⁷
 - (xiii) operation of loudspeakers¹⁸
 - (xiv) movement and sale of pigs and cattle¹⁹
 - (xv) storage of celluloid²⁰

¹ With the exception of any licensing function under the Licensing Act 2003, the Panel and the Council may arrange for any of these functions to be discharged by an officer – the functions for the time being so delegated are detailed in Section 2 of Part 3 of this Constitution

² "Functions" for these purposes shall be construed in a broad and inclusive fashion and shall include the doing of anything which is calculated to facilitate or is conducive or incidental to the discharge of any of the specified functions.

³ Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as amended (the 2000 Regulations).

⁴ Para. B of Schedule 1 to the 2000 Regulations

⁵ Items 1 and 2 of Para. B of Schedule 1 to the 2000 Regulations

⁶ Item 3 – 5 of Para. B of Schedule 1 to the 2000 Regulations

⁷ Item 15 of Para. B of Schedule 1 to the 2000 Regulations

⁸ Item ** of paragraph** of the Regulations [section 27 Policing and Crime Act 2009 and Schedule 3 Local Government (Miscellaneous Provisions) Act 1972]

⁹ Item 16 of Para. B of Schedule 1 to the 2000 Regulations

¹⁰ Item 17 of Para. B of Schedule 1 to the 2000 Regulations

¹¹ Item 18 of Para. B of Schedule 1 to the 2000 Regulations

¹² Item 20 of Para. B of Schedule 1 to the 2000 Regulations

¹³ Item 25 of Para. B of Schedule 1 to the 2000 Regulations

¹⁴ Items 29 - 33 of Para. B of Schedule 1 to the 2000 Regulations

¹⁵ Item 35 of Para. B of Schedule 1 to the 2000 Regulations

¹⁶ Item 36 of Para. B of Schedule 1 to the 2000 Regulations

¹⁷ Item 39 of Para. B of Schedule 1 to the 2000 Regulations

¹⁸ Item 40 of Para. B of Schedule 1 to the 2000 Regulations

¹⁹ Items 43 – 46 of Para. B of Schedule 1 to the 2000 Regulations

²⁰ Item 56 of Para. B of Schedule 1 to the 2000 Regulations

- (xvi) meat product premises and dairy establishments²¹
- (xvii) motor salvage operators²²

(b) health and safety at work²³ to the extent that those functions are discharged otherwise than in the authority's capacity as an employer; and
(c) smoke-free premises under the Health Act 2006 and regulations.²⁴

2. In respect of any approval, consent, licence, permission, or registration which they may grant,

- (a) To impose conditions limitations or restrictions;
- (b) To determine any terms;
- (c) To determine whether and how to enforce any failure to comply;
- (d) To amend, modify, vary or revoke;
- (e) To determine whether a charge should be made or the amount of such a charge.

3. To discharge any licensing function²⁵, where full Council has referred a matter to the Panel.²⁶

²¹ Items 57 – 59 of Para. B of Schedule 1 to the 2000 Regulations

²² Item 71 of Para. B of Schedule 1 to the 2000 Regulations

²³ Para. C of Schedule 1 to the 2000 Regulations

²⁴ Para FA, of Schedule 1 to the 2000 Regulations.

²⁵ Under the Licensing Act 2003

²⁶ (Section 7(5)(a) of the Licensing Act 2003). The matter must relate to

- a licensing function of the licensing authority under the Licensing Act 2003 and
- a function which is not a licensing function.

Unless the matter is urgent, the Panel must consider a report of the Licensing Committee in respect of the matter before discharging the function concerned (Section 7(6)).

Assistant Chief Executive (Corporate Governance)

1. The Assistant Chief Executive (Corporate Governance) is the Monitoring Officer for the Council.
2. The Assistant Chief Executive (Corporate Governance) is deputy Electoral Registration Officer¹.
3. The Assistant Chief Executive (Corporate Governance) is authorised to discharge the following Local Choice Functions which have been assigned to full Council (see Part 3 Section 1 of the Constitution)

(a)	To appoint review boards under the Social Security Act 1998 ²
(b)	To make arrangements for appeals against exclusion of pupils from maintained schools
(c)	To make arrangements for appeals regarding school admissions ³
(d)	To make arrangements for appeals by governing bodies ⁴
(e)	To make arrangements to enable questions to be put at Council meetings on the discharge of the functions of a police authority ⁵

4. Subject to the exceptions listed below, the Assistant Chief Executive (Corporate Governance)⁶ is authorised to discharge the following Council (non-executive) functions:

Licensing and Regulatory⁷:

(a)	To license hackney carriages and private hire vehicles	(a) As to hackney carriages, the Town Police Clauses Act 1847 as extended by section 171 of the Public Health Act 1875 and section 15 of the Transport Act 1985 and sections 47,
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¹ The Chief Officer (Legal Licensing and Registration) and the Electoral Services Manager are also appointed as deputy Electoral Services Managers.

² s34 (4) Social Security Act 1998

³ s94 (1), (1A) and (4) School Standards and Framework Act 1998

⁴ s95 (2) School Standards and Framework Act 1998

⁵ s20 Police Act 1996

⁶ The fact that a function has been delegated to the Assistant Chief Executive (Corporate Governance) does not require the Assistant Chief Executive (Corporate Governance) to give the matter his/her personal attention and the Assistant Chief Executive (Corporate Governance) may arrange for such delegation to be exercised by an officer of suitable experience and seniority. However the Assistant Chief Executive (Corporate Governance) remains responsible for any decision taken pursuant to such arrangements.

⁷ The function of licensing dealers in game and the killing and selling of game, listed at paragraph 23 of part B of Schedule 1 to the Functions and Responsibilities Regulations 2000, has been removed from the delegation scheme as the local authority's responsibility in this regard was repealed under the Regulatory Reform (Game) Order 2007.

Officer Delegation Scheme (Council (non-executive) functions)

		57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976 (b) As to private hire vehicles, sections 48, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976
(b)	To license drivers of hackney carriages and private hire vehicles	Section 51, 53, 54, 59, 61 and 79 of the Local Government (Miscellaneous Provisions) Act 1976
(c)	To license operators of hackney carriages and private hire vehicles	Sections 55 to 58, 62 and 79 of the Local Government (Miscellaneous Provisions) Act 1976
(d)	*To licence sex shops and sex cinemas and sexual entertainment venues.	The Local Government (Miscellaneous Provisions) Act 1982, Section 2, Schedule 3, the Policing and Crime Act 2009, Section 27.
(e)	To license performances of hypnotism.	The Hypnotism Act 1952
(f)	*To license scrap yards	Section 1 of the Scrap Metal Dealers Act 1964
(g)	*To approve premises for the solemnisation of marriages	Section 46A of the Marriage Act 1949 and the Marriages (Approved Premises) Regulations 1995(SI 1995/510)
(h)	*To license persons to collect for charitable and other causes	Section 5 of the Police, Factories etc (Miscellaneous Provisions) Act 1916 and section 2 of the House to House Collections Act 1939
(i)	To register motor salvage operators	Part I of the Vehicles (Crime) Act 2001

Functions relating to elections⁸:

(a)	Functions relating to community governance	
i	Duties relating to community governance reviews	Section 79 of the Local Government and Public Involvement in Health Act 2007
ii	Functions relating to community governance petitions.	Sections 80, 83 to 85 of the Local Government and Public Involvement in Health Act 2007
iii	Functions relating to terms of reference of review	Sections 81(4) to (6) of the Local Government and Public Involvement in Health Act 2007
iv	Power to undertake a community governance review.	Section 82 of the Local Government and Public Involvement in Health Act 2007
v	Duties when undertaking review.	Section 93 to 95 of the Local Government and Public Involvement in Health Act 2007
vi	Duty to publicise outcome of review.	Section 96 of the Local Government and Public Involvement in Health Act 2007
vii	Duty to send two copies of order to	Section 98(1) of the Local Government and

⁸ Functions relating to making of recommendations under section 87 – 92 of the Local Government and Public Involvement in Health Act 2007 (Item 5 Paragraph EB of Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000/2853) are reserved to the relevant committee that is responsible for making recommendations to full council.

Officer Delegation Scheme (Council (non-executive) functions)

	Secretary of State and Electoral Commission.	Public Involvement in Health Act 2007
(b)	To dissolve small parish councils	Section 10 of the Local Government Act 1972
(c)	To make orders for grouping parishes, dissolving groups and separating parishes from groups	Section 11 of the Local Government Act 1972
(d)	To make temporary appointments to parish councils	Section 91 of the Local Government Act 1972

Functions relating to changing governance arrangements:

(a)	To consult prior to drawing up proposals ⁹	S33E Local Government Act 2000
(b)	To make arrangements to hold a referendum ¹⁰	S33K(2) Local Government Act 2000
(c)	To publish a notice if proposals are not approved in referendum	S33K(6) Local Government Act 2000
(d)	To implement new governance arrangements	S33G and S33H Local Government Act 2000
(e)	To comply with any direction from the Secretary of State	S33I Local Government Act 2000

Functions relating to standing orders:

(a)	To make standing orders	Section 106 of, and paragraph 42 of Schedule 12 to the Local Government Act 1972
(b)	To make standing orders as to contracts	Section 135 of the Local Government Act 1972

Exceptions¹¹:

The Assistant Chief Executive (Corporate Governance) is not authorised to discharge those functions marked *above where objections have been received.

Licensing Functions delegated by Licensing Committee:

<p>Subject to the exceptions listed below, the Assistant Chief Executive (Corporate Governance) is authorised to discharge the licensing functions¹² of the licensing authority.</p> <p><u>Exceptions:</u></p> <ul style="list-style-type: none"> any licensing function¹³ reserved to full Council¹⁴; and 	Licensing Act 2003 and the Gambling Act 2005.
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⁹ Subject to consultation with party Leaders about the consultation plan

¹⁰ Where the Council has decided to hold a referendum

¹¹ Under this delegation scheme (council functions). The Licensing and Regulatory Panel may however arrange for the discharge of any of its functions by the Assistant Chief Executive (Corporate Governance) - (Section 101(2) Local Government Act 1972.

Officer Delegation Scheme (Council (non-executive) functions)

- | | |
|---|--|
| <ul style="list-style-type: none">• any licensing function where full Council has referred a matter to a committee other than the Licensing Committee¹⁵; and• any licensing function within the terms of reference of the Licensing Sub-committees¹⁶; and• to object when the Authority is consultee and not the relevant authority considering an application under the 2003 Act | |
|---|--|

Appointments to Committees Boards and Panels

To appoint members to vacancies during the period between the local elections and the Annual Council meeting, in consultation with appropriate whips, in order to secure that meetings necessary to be held during that period can proceed with adequate and appropriate membership levels.

¹² "Licensing functions" means functions under the 2003 Act and the 2005 Act.

¹³ "Licensing functions" means functions under the 2003 Act and the 2005 Act.

¹⁴ Part 3, Section 2A of the Constitution sets out licensing functions reserved to full Council, as licensing authority under the 2003 Act.

¹⁵ Under the provisions of Section 7(5)(a) of the 2003 Act

¹⁶ Except where a Licensing sub-committee has arranged for the discharge of any of their functions to an Officer

Director of Environment and Neighbourhoods

The Director of Environment and Neighbourhoods¹ is authorised to discharge the following Council (non-executive) functions²³⁴:

(a)	To issue licences authorising the use of land as a caravan site ("site licences")	Section 3(3) of the Caravan Sites and Control of Development Act 1960
(b)	To license the use of moveable dwellings and camping sites	Section 269(1) of the Public Health Act 1936
(c)	To license premises for acupuncture, tattooing, ear-piercing and electrolysis	Sections 13 to 17 of the Local Government (Miscellaneous Provisions) Act 1982
(d)	To license premises for the breeding of dogs	Section 1 of the Breeding of Dogs Act 1973 and Section 1 of the Breeding and Sale of Dogs (Welfare) Act 1999
(e)	To license pet shops and other establishment where animals are bred or kept for the purposes of carrying on a business	Section 1 of the Pet Animals Act 1951, section 1 of the Animal Boarding Establishments Act 1963, the Riding Establishments Act 1964 and 1970, section 1 of the Breeding of Dogs Act 1973 and sections 1 and 8 of the Breeding and Sale of Dogs (Welfare) Act 1999
(f)	To register animal trainers and exhibitors	Section 1 of the Performing Animals (Regulation) Act 1925
(g)	To license zoos	Section 1 of the Zoo Licensing Act 1981
(h)	To license dangerous wild animals	Section 1 of the Dangerous Wild Animals Act 1976
(i)	To grant consent for the operation of a loudspeaker	Schedule 2 to the Noise and Statutory Nuisance Act 1993
(j)	To issue licences for the movement of pigs	Article 12 of the Pigs (Records, Identification and Movement) Order 1995 (SI 1996/11)
(k)	To license the sale of pigs	Article 13 of the Pigs (Records, Identification and Movement) Order 1995
(l)	To license collecting centres for the	Article 14 of the Pigs (Records,

¹ The fact that a function has been delegated to the Director does not require the Director to give the matter his/her personal attention and the Director may arrange for such delegation to be exercised by an officer of suitable experience and seniority. However the Director remains responsible for any decision taken pursuant to such arrangements.

² Items 24 and 68 Paragraph B Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000/2853 deleted as legislation stated in the Regulations is no longer in force. The functions are carried out under new legislation and are Executive functions.

³ Items 34 and 57 – 63 and 66 – 67 Paragraph B Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000/2853 deleted as legislation stated in the Regulations is longer in force and the functions are no longer carried out by Leeds City Council

⁴ Items 22 Paragraph B Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000/2853 not included as the function is carried out by West Yorkshire Trading Standards as a joint service on behalf of all Local Authorities in the West Yorkshire area.

Officer Delegation Scheme (Council (non-executive) functions)

	movement of pigs	Identification and Movement) Order 1995
(m)	To issue a licence to move cattle from a market	Article 5(2) of the Cattle Identification Regulations 1998 (SI 1998/871)
(n)	To sanction use of parts of buildings for storage of celluloid	Section 1 of the Celluloid and Cinematograph Film Act 1922
(o)	Duty to enforce Chapter 1 and regulations made under it	Section 10(3) of the Health Act 2006
(p)	Power to authorise officers	Section 10(5) of, and paragraph 1 of Schedule 2 to, the Health Act 2006
(q)	Functions related to fixed penalty notices	Paragraphs 13,15 and 16 of Schedule 1 to the Health Act 2006. Smoke-free (Vehicle Operators and Penalty Notices) Regulations 2007 (SI 2006/760)
(r)	Power to transfer enforcement functions to another enforcement authority	Smoke-free(Premises and Enforcement) Regulations 2006 (SI 2006/3368)
(s)	Power to make or revoke an order designating a locality as an alcohol disorder zone.	Section 16 of the Violent Crime Reduction Act 2006

CODE OF PRACTICE FOR THE DETERMINATION OF LICENSING MATTERS**1.0 BACKGROUND**

- 1.1 This Code of Practice for the determination of licensing matters substantially follows the Guidance produced by LACORs (Local Authority Co-ordinators of Regulatory Services) in consultation with the Standards Board for England, the Association of Council Secretaries and Solicitors (ACSeS), the Association of London Government (ALG) and the Society of Local Authority Chief Executives (SOLACE) for Licensing Committee Hearings under the Licensing Act 2003 (Updated October 2007).

2.0 SCOPE

- 2.1. This code **applies** to all licensing decisions including
Decisions of the Licensing and Regulatory Panel
Decisions of the Licensing Committee
Decisions of any Licensing Sub committee
Delegated decisions within the terms of reference of the above bodies

All decisions made by the above bodies will be referred to within this code as decisions of the licensing authority

This code **also applies** at all times when Members are involved in the licensing process. This includes taking part in decision making meetings of the Council in exercising the functions of the licensing authority and on less formal occasions such as meetings with officers or the public and consultative meetings. It applies as equally to licensing enforcement matters, reviews, or site specific issues as it does to licensing applications.

- 2.2 **The aim of this code of good practice is** to ensure that in the licensing process there are no grounds for suggesting that a decision has been biased, partial or not well founded in any way.
- 2.3 Sections 3-5 apply to all Members. Sections 6-14 apply particularly to Members of the Licensing Committee or Licensing and Regulatory Panel. Sections 15-16 apply to officers. Sections 17-19 deal with procedures, monitoring and review
- 2.4 **If you have any doubts** about the application of this Code, you should seek early advice, preferably well before any meeting takes place from the Assistant Chief Executive (Corporate Governance).

3.0 RELATIONSHIP WITH THE MEMBERS CODE OF CONDUCT

- 3.1 Leeds City Council's Members Code of Conduct was adopted by the Council on the 24th May 2007 and must be complied with throughout the decision making process.

Do apply the rules in the Members Code of Conduct first and at all times.

Do then apply the rules of this Code which seek to explain and supplement the Members Code of Conduct for the purposes of licensing. If you do not abide by this Code you may put:

- the Council at risk of proceedings on the legality or maladministration of the related decision; and
- yourself at risk of either being named in a report made to the Standards Committee or Council or, if the failure is also likely to be a breach of the Members Code of Conduct, a complaint being made to the Standards Committee.

4.0 DECLARATIONS OF INTERESTS UNDER THE MEMBERS CODE OF CONDUCT

4.1 It is your responsibility to declare any personal or prejudicial interest you may have, or be perceived as having, in a matter at any relevant meeting, including informal meetings or discussions with officers and other Members preferably at the beginning of the meeting. You should declare the existence and nature of that interest.

If your personal interest in a matter arises due to solely from your membership of, or position of control/ management on:

- Any other body to which you were appointed or nominated by the authority;
- Any other body exercising functions of a public nature (for example another local authority).

The Model Members Code of Conduct states¹ that in these cases, provided that you do not also have a prejudicial interest, you only need to declare that interest if you intend to speak on the matter.

If you have a personal or prejudicial interest in a matter do then act accordingly depending on the interest that you have declared.

Where your interest is personal and prejudicial you should withdraw from the room or chamber where the meeting is being held:-

Do not participate or give the appearance of trying to participate in any part of the meeting which involves the matter in which you have a prejudicial interest. You may however make representations, answer questions on a matter or give evidence on a matter if the public also have the right to do so². You only have the same right as the public to make representations You will be brought into the meeting when the other parties are called in. You will be subject to the same time limits as all other parties and have the same rights i.e. to make representations, give evidence and answer questions but not to cross examine other parties You must leave the room immediately after making representations, answering questions or giving evidence

¹ Paragraph 9(2) Model Code of Conduct for Members

² Paragraph 12(2) Model Code of Conduct for Members
Part 5 (l)

and must take no part in the decision making. If the public have no right to make representations, answer questions on a matter or give evidence on a matter then you must withdraw from the meeting room when the matter in which you have a prejudicial interest is discussed.

Where you have a prejudicial interest in the matter is to be determined by a Licensing Sub Committee you should ensure that you have arranged for a substitute to attend the hearing in your place as although you may have a right to make representations, answer questions on a matter or give evidence on a matter you are not able to take part in the decision.

Do not get involved in the processing of the application.

Do not seek to improperly influence a decision on a matter in which you have a prejudicial interest. Not all attempts to influence a decision will be improper. Improper influence would be any attempt to use your position to further your own interests in a way that would not be open to an ordinary member of the public. Do not seek or accept any preferential treatment or place yourself in a position that could lead the public to think you are receiving preferential treatment because of your position as a Councillor.

Do be aware that, whilst you are not prevented from seeking to explain or justify a proposal in which you have a personal or prejudicial interest to an appropriate officer, the Code places greater limitations on you than would apply to an ordinary member of the public and sensible steps must be taken to ensure openness and fairness in the decision making process. In particular you should:

- Notify the Monitoring Officer in writing of your own application (or that of a relative or employer where known) or where you are employed as an agent.
- Consider whether it is advisable to employ an agent to act on your behalf in dealing with officers and any public speaking at a licensing hearing.

5.0 MEMBERS SPEAKING AT LICENSING HEARINGS

5.1 All Members of the Council should be aware of the planning case involving a North Yorkshire Councillor, Councillor Richardson. The Councillor was not a member of the Planning Committee but sought to represent the views of his constituents. However his property was affected by the application and the Standards Board for England disqualified him from being a Councillor on the basis that he did not disclose a Personal and Prejudicial interest even though he was not the decision maker and was making representations as either the ward member or in an individual capacity. The Court of Appeal upheld the Standards Board decision.

As a result of this case the Model Members Code of Conduct was amended and now provides that you can make representations, answer questions on a matter or give evidence on a matter in which you have a prejudicial interest if the public also have the right to do so. You must leave the room immediately after making representations, answering questions or giving evidence.

You only have the same right as the public to make representations. You will be brought into the meeting when the other parties are called in. You will be subject to the same time limits as all other parties and have the same rights i.e. to make representations, give evidence and answer questions but not to cross examine other parties. You must not remain in the room when the decision is made even if you are not making the decision.

6.0 BIAS AND PREDETERMINATION IN THE LICENSING PROCESS

6.1 Given the requirement that Members of the Licensing and Regulatory Panel or Licensing Committee or Sub committee should exercise an independent mind and decide proposals in accordance with the relevant licensing considerations, Members must not favour any person, company, group or locality or commit themselves to a particular point of view on a licensing application prior to its full consideration at the Licensing and Regulatory Panel or Licensing Committee or Sub committee.

Do not make up your mind or give the impression of making up your mind (particularly in relation to an external interest or lobby group) prior to the decision making meeting and of your hearing the officer's presentation and the evidence and arguments on both sides.

Do be aware that you are likely to be biased or pre-determined where the Council is the landowner or applicant **if** you have been or are perceived as being, a chief advocate for the proposal. This will not necessarily arise from being a member of the proposing board or the Executive but through a significant personal involvement in preparing or advocating the proposal by which you may be perceived as being unable to act impartially or determine the proposal purely on its licensing merits and in the public interest.

Do remember that you are, of course, free to listen to a point of view about a licensing proposal, give procedural advice and agree to forward any comments, but should then refer the person to the appropriate licensing officer.

Do not use any political group meetings prior to the Licensing and Regulatory Panel or Licensing Committee or Sub committee meeting to determine how you or other Councillors should vote. There is no objection to a political group having a predisposition, short of predetermination, for a particular outcome or for you to begin to form a view as more information and opinions become available but decisions can only be taken after full consideration of the Licensing Officer's report and documents and information considered at the Hearing.

The Standards Board for England have provided advice and guidance on bias and pre-determination which can be obtained from www.standardsboard.gov.uk.

7.0 MEMBERSHIP OF PARISH COUNCILS AND OUTSIDE BODIES

7.1 This section concerns the position of Members of Leeds City Council who are also Parish Councillors or members of an outside body. These should be recorded on your register of interests.

Do consider if you have a prejudicial interest in a matter by virtue of you being a member of the Parish Council or a Member of the outside body. If the matter affects the financial position of the Parish Council or outside body, or the matter relates to an application made by the Parish Council or outside body then it is capable of being a prejudicial interest.³ (If the matter does not affect the financial position or relate to an application made then it cannot be a prejudicial interest)

If the matter is capable of being a prejudicial interest then you should go onto consider whether the interest is one that a member of the public with knowledge of all the relevant facts would reasonable regard as so significant that it would be likely to prejudice your judgement of the public interest.⁴

Do not take part in the licensing decision making process but withdraw from the meeting or arrange a substitute when you have a prejudicial interest in that matter by virtue of you being on the Parish Council or a member of the outside body. (However you may make representations, answer questions on a matter or give evidence on a matter if the public also have the right to do so)

Do consider yourself able to take part in a licensing debate and vote on a proposal at a meeting of the Parish Council or outside body is a consultee provided:

- The proposal does not substantially affect the well being or financial standing of the consultee body.
- You make it clear that that you are keeping an open mind and may vote differently at the licensing hearing when full details are available.
- You do not commit yourself so far to a particular point of view that you cannot be considered as open to persuasion at a licensing hearing when the proposal is decided.
- You disclose a personal interest regarding your membership or role when the proposal comes to a licensing hearing.

8.0 AREA COMMITTEES

8.1 The introduction of Area Committees within Leeds City Council also requires recognition of the “Dual Hatted” roles which members of the Licensing Committee or Licensing and Regulatory Panel and Area Committees must consider. It is unlikely you would have a Personal and Prejudicial Interest for the purpose of the Members Code of Conduct purely by being a member of the Area Committee but there is a possibility that you may be considered as pre determining a matter if you have spoken in support or against it or are closely associated with such a decision taken at the Area Committee.

³ Paragraph 10(2) Model Code of Conduct for Members

⁴ Paragraph 10(1) Model Code of Conduct for Members

Do consider whether it is appropriate for you to speak at the Area Committee if you wish to speak also on the application at a licensing hearing.

Do consider, whatever your own views, whether as Chair of the Area Committee or a member of any Panel, Committee or Sub Committee, you would be so closely associated with that decision that it would be unreasonable to expect you to disregard it.

Do remember that you can speak and vote on an application which is before the Area Committee for consultation so long as you make it clear that you have only formed a provisional view and will still approach the issue with an open mind and be open to persuasion when the matter is discussed at the licensing hearing.

Do remember that it is not always sufficient to make such a statement if it is not demonstrably genuine. The more controversial the application and or the more vehemently you have supported or opposed it, the more difficult it will be to show that you have not predetermined the matter and therefore render the decision susceptible to challenge. In those circumstances you should not attend the hearing for that application.

9.0 SPOUSE/PARTNER COUNCILLORS

9.1 There may be occasions when the spouse or partner of a Member, usually a member for the same Ward, is also a Member of the Licensing Committee or Sub Committee or the Licensing and Regulatory Panel. That Member might quite properly refer constituents who wish to make representations to his or her spouse or partner rather than be directly lobbied. Generally the fact that the spouse or partner Councillor has been approached will not affect your ability to speak and vote at a licensing hearing.

Be aware that the Members Code of Conduct defines that you have a personal interest in any business of the authority where a decision in relation to that business might reasonably be regarded as affecting your well being or financial position, or the well being or financial position of a relevant person to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the ward affected by the decision.

Relevant person⁵ includes your spouse or partner.

Acknowledge that in certain circumstances, such as a particularly controversial application in the run up to an election, there is the possibility that a Personal and Prejudicial interest could exist.

Consider if your spouse or partner is so closely involved with the support for, or opposition to, an application that a member of the public might reasonably think that the involvement is such that you must be biased or have predetermined the application.

⁵ Paragraph 8(2) Model Code of Conduct for Members
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10.0 EXECUTIVE BOARD MEMBERS

- 10.1 There is no Constitutional or legal reason why an Executive Board Member should not also be a Member of the Licensing and Regulatory Panel or Licensing Committee and take part in the decision making processes which are not part of the executive function.

Be aware that you should not speak or vote on any matter which you have discussed at Executive Board unless you have demonstrated there and can do so at the licensing hearing that you have not predetermined the application.

Do not take part in any meeting of the Licensing and Regulatory Panel or Licensing Committee or Sub Committee on a matter in which you may have been seen as advocating a proposal as an Executive or Deputy Executive Member.

11.0 CONTACT WITH APPLICANTS AND OBJECTORS

- 11.1 In order to maintain impartiality, it is preferable that Members are not involved in pre-application discussions but there will be occasions when this can be unavoidable. The following guidance is given:

Do not agree to any formal meeting with applicants, or groups of objectors where you can avoid it. Where you feel that a formal meeting would be helpful in clarifying the issues, you should not arrange it yourself, but request the Licensing Officer to do so. The officer will then ensure that those present are aware that any discussion will not bind the Council and maintain a written file record of the meeting.

Do refer those who approach you for advice to officers.

Do follow the rules on lobbying

Do report any significant contact with the applicant or other parties to the Assistant Chief Executive (Corporate Governance) explaining the nature and purpose of the contacts and your involvement and ensure that this is recorded on the licensing file.

Do not attend a presentation by an applicant unless an officer is present and/or it has been arranged by an officer.

Do ask relevant questions for the purpose of clarifying your understanding of the proposals but do not express any strong view or state how you or other members might vote.

Do make it clear that the presentation is not part of the formal decision making process and any view is both personal and provisional since not all relevant information will be to hand and the views of interested parties will not have been obtained.

12.0 MEMBERSHIP OF A LOBBY GROUP

12.1 Lobbying by Councillors is a legitimate activity but in the case of Members of the Licensing and Regulatory Panel or Licensing Committee or Sub Committee significant care needs to be taken to avoid any challenge of bias or predetermination or an allegation of bringing the Council into disrepute.

Do declare the existence and nature of your interest in any lobby group at a licensing hearing so that members of the public are informed about interests that may relate to your decisions. Often this will be a personal interest and you can continue to participate but note that it can sometimes be a prejudicial interest or lead to allegations of bias or predetermination and in those circumstances you must withdraw from the meeting.

Do not take part in any matter that affects the financial position of the lobby group or that relates to the determination of any application for approval, consent, licence, permission or registration made by the lobby group of which you are a member. If the Licensing and Regulatory Panel or Licensing Committee or Sub committee is discussing such a matter you should consider whether you have a prejudicial interest and should act accordingly.

You may take part in a matter than involves issues upon which your lobby group has simply campaigned as long as your involvement has not resulted in you being biased and/or predetermining the matter. You will have personal interest in this matter as the lobby group should be registered on your register of interests and a personal interest arises when the matter directly affects the lobby group, or where the lobby group is otherwise concerned about the outcome of the matter.

Do weigh up the following factors where your lobby group has expressed a public view on a matter and consider whether a reasonable member of the public, knowing the relevant facts, would think that you are biased or have pre-determined a matter. The factors are:

- the nature of the matter to be discussed
- the nature of your involvement with the lobby group
- the publicly expressed views of the lobby group
- what you have said or done in relation to the particular issue

Do not lead, be part of the management of, or represent an organisation whose primary purpose is to promote or oppose licensing proposals. If you do, you may have fettered your discretion (be biased/pre-determined) and have to withdraw.

Do not become a member of an organisation whose primary purpose is to promote or oppose specific licensing proposals or those within a limited geographical area as you may be perceived as having fettered your discretion (be biased/pre-determined).

Do join general interest groups which reflect your areas of interest and which concentrate on issues beyond particular licensing proposals such as a local Civic Society but declare a personal interest where that organisation has made

representations on a particular proposal and make it clear to both the organisation and the Panel or Committee that you have not made up your mind on each separate proposal

Do remember that if the local branch of a general interest group has been vociferous or active on a particular issue or you are closely associated with the management or decision making process of that organisation such as being the Chairperson or a member of the Board or Committee, it will become increasingly difficult to demonstrate your ability to judge the matter with an open mind and you may consider that you are biased and/or pre-determined and should withdraw from the meeting.

Do not excessively lobby fellow members regarding your concerns or views or attempt to persuade them that they should decide how to vote in advance of the hearing at which the decision is to be made. It is difficult to define 'excessively' but you need to consider whether a member of the public, knowing the facts would think that, through your representations, the lobbied member was no longer able to take a view on the matter in the public interest but had predetermined it.

Do not publicly support a particular outcome on a proposal or actively campaign for it if you wish to take part in the decision making process. Although in most circumstances this would not amount to a prejudicial interest, it would be very difficult for you to demonstrate that you had the necessary degree of impartiality to properly weigh the arguments presented and the decision would be open to challenge. Again it is a question of maintaining the fine balance between a predisposition where your mind is not totally made up and a predetermination. This would, however, not prevent you from expressing the views of your constituents provided you are capable of determining the Application in accordance with the law.

13.0 SITE VISITS

13.1 Site Visits can play a legitimate part in the decision making exercise but must be limited to inspections by viewing and as a fact finding exercise.

They are not to be used to determine a proposal prior to a hearing.

Due to the tight timescales involved in licensing decisions, site visits must be viewed as an exception rather than the rule

When undertaking a site visit Members should have regard to the following paragraphs of the Code of Practice for Determining Licensing Matters

- ❖ Paragraph 6 Fettering Discretion in the Licensing Process
- ❖ Paragraph 11 Contact with Applicants/Objectors

13.2 THIS SECTION APPLIES TO MEMBERS REQUESTS FOR A SITE VISIT

- If a Member feels, on receipt of the report on an application that a site visit would be beneficial, s/he should first discuss their concerns with the Principal Licensing or Gambling Officer. Officers have powers to request additional information from

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parties, which can then be discussed at the hearing. This information may resolve the issues without the need for a site visit. If a Member still feels that a site visit is necessary then, in the interest of fairness, it is preferable that concerns should be expressed at the scheduled hearing since Members may find that the applicant, interested parties or responsible authorities can provide verbal information to the satisfaction of the Members present.

- Views of the parties present must be canvassed and considered before a site visit is agreed since that is likely to result in a delay to the decision making.
- In the case of a Sub Committee hearing, three Members or a 2:1 majority must be in favour of a site visit for arrangements to be made. The same three Members will be expected to undertake the requested site visit and attend the hearing for the application, which will be re-convened at a later date
- In the case of a meeting of the Licensing Committee or the Licensing and Regulatory Panel, a majority of the Members present must be in favour of a site visit. The same Members will be expected to undertake the requested site visit and be able to attend the re-convened meeting which will consider the application subsequent to the site visit
- **DO** raise the need for a site visit at a hearing and be prepared to give reasons why it is of real benefit. The reason will be recorded in the Minutes.
- **DO NOT** request a site visit unless there is a real benefit from viewing the site.

This might arise where:-

- ❖ Particular site factors are significant in terms of the weight attached to them relative to other factors or the difficulty of their assessment in the absence of a site inspection; or
- ❖ There are significant policy or precedent implications and specific site factors need to be carefully addressed or
- ❖ Relevant factors cannot be fully ascertained from any supporting information or the plans submitted to the Licensing Officer and available at the hearing, to Members satisfaction

13.3 THIS SECTION APPLIES TO SITE VISITS AS PROPOSED BY OFFICERS

- The Principal Licensing or Gambling Officer may suggest the Committee or a Sub Committee undertake a Site Visit without prior discussion at a hearing, where in the professional opinion of the Officer there is a real benefit from viewing the site.
- In such cases, officers will approach Members seeking a date for the site visit and hearing – usually in the form of an e-mail in the first instance

- The e-mail should set out the proposal for a site visit, the reasons behind the request; the projected benefit for Members; the address of the premise; the type of application and set out the arrangements for the day.
- In such cases it is usual for the site visit to commence at 9.30 am (departing from the Civic Hall) and for the formal meeting to commence at 11.00 am in the Civic Hall to determine the application. As such it is anticipated that hearings will not conclude until the afternoon.
- Having done this, officers will seek confirmation from the Members able to attend that they are happy to undertake the propose site visit

13.4 ON THE SITE VISIT

- **DO** ensure that any information gained from the site visit is reported back at the subsequent hearing.
 - **DO** ensure that you treat the site visit as an opportunity to seek information and to observe the site. It is not to be used to determine a matter prior to the hearing
 - **DO** ask the officers at the site visit questions or seek clarification from them on matters which are relevant to the site inspection.
 - **DO** be prepared to listen to and ask questions of fact from the Applicant or other parties
 - **DO** be aware that Officers will make all parties aware of the site visit. All parties may attend subject to being granted access by the owner (see below). If only one party is present be particularly careful only to obtain information and ensure that that information is repeated at the public meeting where the other parties have a right to comment on it.
 - **DO** be aware that access to the site is at the discretion of the owner. The owner can legitimately refuse access to objectors and even Members. If access is to be refused consider whether it is still appropriate to undertake the visit.
 - **DO NOT** be drawn into arguments or detailed discussions on the individual merits of an application or give the impression that you have made up your mind
- Note that** the decision can only be made at the Licensing Hearing and you should make this clear to any applicant or other party
- **DO** note comments of the applicant or other parties which are made solely for the purpose of making members aware of any specific local circumstances and issues relevant to the application site.
 - **DO NOT** express opinions or views to anyone which can suggest bias or predetermination.

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As indicated above, you should make it clear that formal consideration of the proposal will take place in public at the subsequent hearing/meeting.

- **DO NOT** enter a site which is subject to an application otherwise than on a formal site visit although this does not prevent you from viewing the site from the highway or other publicly accessible area.

14.0 TRAINING

14.1 Members making licensing decisions must attend two training sessions each and every year: a Licensing Update session, to receive guidance in relation to regulations and procedures and a Governance and Conduct session for training on declaration of personal and prejudicial interests. Failure to undertake either or both sessions will result in the Elected Member being unable to sit on Licensing and Regulatory Panel or Licensing Committee or Sub Committee.

- **Do not** participate in decision making on licensing matters if you have not undertaken mandatory training.
- **Do** try to attend any other specialised training session provided, since these will be designed to extend your knowledge of licensing law, regulations, procedures and Policies beyond the minimum required and assist you in carrying out your role properly and effectively.
- **Do** revisit a sample of implemented licensing decisions to assess the quality of the decisions. Such a review should improve the quality and consistency of decision-making, thereby strengthening public, confidence in the licensing system, and can help with reviews of planning policies.

15.0 OFFICERS

15.1 Councillors and officers have different but complementary roles. Both serve the public but Councillors are responsible to the electorate whilst officers are responsible to the Council as a whole. Officers are employed by the Council and not by individual Councillors and instructions can only be given through a decision of the Council, the Executive or a Panel or Committee. A successful relationship can only be based on mutual respect, trust, courtesy and understanding of each others positions.

15.2 The role of the Legal officer is to assist the panel in gathering evidence and understanding all relevant issues in order for Members to make a decision; to advise on the sub committees legal duties under the relevant legislation and on the admissibility of evidence.

15.3 All legal advice should be given or repeated in open session for all parties to be made aware of

15.4 The role of the Governance Officer is to facilitate the smooth running of the hearing; advise on the Rules of Procedure and Regulations relating to hearings; make notes of the proceedings and reasons for granting or refusing applications

and ensure that decision letters are sent to all parties as soon as possible after the hearing.

- 15.5 The role of the Licensing Officer is neutral. They will make no recommendations to the Panel or Committee and attend hearings only to provide a summary report of the application, giving details of the representations received and any relevant legislative or policy considerations.

Do not put pressure on officers to put forward a particular recommendation.

Do recognise that officers are part of a management structure and only discuss an application, outside of any arranged meeting with those officers who are authorised to deal with the application at Member level.

Do recognise and respect that officers involved in the processing and determination of licensing application must act in accordance with the Council's Code of Conduct for Officers. As a result, officers reports will be presented on the basis of their overriding obligation of professional independence

16.0 RELATIONSHIP WITH THE OFFICER CODE OF CONDUCT

- 16.1 The Council has an approved Officer Code of Conduct.

That Code applies at all times when officers are involved in the licensing process. This includes decision making by officers under delegated powers and attendance at meetings whether those are formal decision making meetings or informal meetings with members or the public.

Officers must apply the rules in the Officer Code of Conduct at all times. If they do not they may put the Council at risk of proceedings on the legality maladministration of any related decision put themselves at risk of disciplinary action.

- 16.2 Generally licensing officers have little discretion in making licensing decisions. For example they may only grant licences where there are no objections. However there may be situations where they are called upon to exercise discretion such as deciding whether an objection is relevant. Other officers such as those employed by Environmental Health or Development have discretion on whether to object. Legal officers and committee clerks remain in the room with Members when decisions are made.

In all cases officers must avoid any improper conduct or occasion for suspicion of the appearance of improper conduct and should:-

- Ensure that they have given notice of any financial interest in any contract which has been or is proposed to be entered into by the Council
- Not accept gifts, entertainment, hospitality or any benefits in kind as set out in the Officers Code of Conduct
- Declare to their Director by completing the Register of Interests Form any personal interests which may conflict with licensing applications such as

Code of Practice for Determining Licensing Matters

- any involvement with an outside organisation which has an interest in any licensing application
- any financial interest in any licensing application
- any other interest where others may think that a conflict of interest may arise
- Examples of such situations include where the officer lives adjacent to any licensed premises or visits the premises in a personal capacity on a regular basis

16.3 Officers should also consider whether their spouse, partner or close relative has a financial or other interest in a licensing application which may give rise to the suspicion of the appearance of improper conduct and where the officer may therefore need to declare an interest.

16.4 Where an officer has declared an interest he or she should not participate in the processing of a licensing application but should instead refer the matter to his or her Manager who will arrange for another officer to discharge the duties.

17.0 PROCEDURES AT LICENSING HEARINGS

17.1 Procedure Rules exist for hearings before the Licensing Committee and Sub committees. Hearings before the Licensing and Regulatory Panel will be governed by the Council Procedure Rules as they apply to Regulatory Panels.

18.0 MONITORING AND REVIEW

18.1 The Assistant Chief Executive (Corporate Governance) will report annually to the Standards Committee regarding whether the arrangements set out in this Code have been complied with and will include any proposals for amendment in the light of any issues that have arisen during the year.

18.2 In particular, the Assistant Chief Executive (Corporate Governance) shall monitor the following:-

- the number of complaints made about breaches of the Code and the outcome of those complaints
- the number of appeals upheld
- any external inspection reports in respect of relevant issues
- any ombudsman complaints or reports in respect of relevant issues

19.0 BREACHES OF THE CODE OF PRACTICE

19.1 Maintaining high ethical standards enhances the general reputation of the Council, its Members and its officers. Open and transparent decision making enhances local democracy and should lead to better informed citizens. This Licensing Code, along with Leeds Council's Members Code of Conduct, and the Officer Code of Conduct are intended to promote these standards.

Do be aware of your responsibilities under this Code and the Members Code of Conduct

Do report any apparent breaches of either Code to the Monitoring Officer.

Do seek advice if you are in doubt.

- 19.2 Failure to comply with the Members Code of Conduct may lead to a complaint to the Standards Committee – Assessment Sub-Committee who can, in certain circumstances disqualify a Councillor. Failure to comply with this Licensing Code may lead to a finding of Maladministration by the Ombudsman or could lead to a decision being challenged in the courts.
- 19.3 Allegations of breach of this Licensing Code of Practice by Members may be referred to the Assistant Chief Executive (Corporate Governance) for referral to the Standards Committee, the relevant Leader and/or Chief Whip of the Party.
- 19.4 Allegations of breach of this Licensing Code by Officers will be referred to the relevant Director for consideration under the Council's Disciplinary Procedure.

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Report of the Assistant Chief Executive (Corporate Governance)

Licensing and Regulatory Panel

Date: 22nd June 2010

Subject: Sexual Entertainment Venues – Adoption of Provisions
Local Government (Miscellaneous Provisions) Act 1982

Electoral Wards Affected:

Specific Implications For:
Ethnic minorities <input type="checkbox"/>
Women <input type="checkbox"/>
Disabled people <input type="checkbox"/>

Executive Summary

The Policing and Crime Act 2009 amends the Local Government (Miscellaneous Provisions) Act 1982 s2 and Sch 3 to introduce a new classification of sex establishment, namely sexual entertainment venues. This brings to lap dancing, pole dancing and other “relevant entertainment” a new licensing regime.

The legislation is adoptive and this report seeks the Panel’s opinion on whether the council should adopt the provisions of this act.

1.0 Purpose Of This Report

- 1.1 The purpose of this report is to provide information for Members on the new legislation for lap dancing clubs and seeks the Panel's decision on whether the council should adopt the provisions of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Policing and Crime Act 2009.

2.0 Background Information

- 2.1 The Home Office has released guidance on Sexual Entertainment Venues (attached at **Appendix 1**). In the Ministerial Foreword Alan Campbell, Parliamentary Under-Secretary of State for Crime Reduction explains:
- 2.2 "In September 2008 the Home Secretary announced the Government's intention to give local people greater say over the number and location of lap dancing clubs in their area. This followed a consultation with local authorities which highlighted concerns that existing legislation did not give communities sufficient powers to control where lap dancing clubs were established.
- 2.3 In order to address these concerns, section 27 of the Policing and Crime Act reclassifies lap dancing clubs as sexual entertainment venues and gives local authorities in England and Wales the power to regulate such venues as sex establishments under Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982.
- 2.4 These new measures, which took effect on 6th April 2010 in England will, if adopted by local authorities, give local people a greater say over where and how many lap dancing clubs open and operate in their neighbourhoods."

3.0 Main Issues

3.1 Definition of Sexual Entertainment Venue

- 3.2 A sexual entertainment venue is defined as "*any premises at which relevant entertainment is provided before a live audience for the financial gain of the organiser or the entertainer.*"

- 3.3 The meaning of 'relevant entertainment' is "*any live performance or live display of nudity which is of such a nature that, ignoring financial gain, it must reasonably assumed to be provided solely or principally for the purpose of sexually stimulating any member of an audience (whether verbal or other means).*" An audience can consist of just one person (e.g. where the entertainment takes place in private booths).

- 3.4 It is expected that the definition of relevant entertainment would apply to lap dancing, pole dancing, table dancing, strip shows, peep shows and live sex shows.

3.5 Exemptions

3.6 Paragraph 2A(3) of schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 sets out those premises that are not sexual entertainment venues. These are:

- sex shops and sex cinemas (which are separately defined)
- premises which provide relevant entertainment on an infrequent basis. These are defined as premises where –
 - a) no relevant entertainment has been provided on no more than 11 occasions within a 12 month period;
 - b) no such occasion has begun within a period of one month beginning with the end of the previous occasions; and
 - c) no such occasion has lasted longer than 24 hours
- other premises or types of performances or displays exempted by an order of the Secretary of State.

3.7 Adopting the Provisions

3.8 The Local Government (Miscellaneous Provisions) Act 1982 is adoptive legislation which means that the council will need to resolve to adopt Schedule 3 to the 1982 Act as amended by the 2009 Act so that it has effect in this area. The process involves the council passing a resolution, than advertising the decision in a local paper.

3.9 The legislation requires that should the council decide not to adopt the provisions, they shall seek the views of local people about whether they should make such a resolution.

3.10 Policy and Standard Conditions

3.11 The council, if they decide to adopt the provisions, will have the option of adopting a policy which may include a limit on the number and/or locality of lap dancing premises in the area. The council may adopt standard conditions which can be applied to all sexual entertainment venue licences.

3.12 The council may also chose to adopt a policy and standard conditions for sex shops and sex cinemas.

3.13 Application Process

3.14 There will be special arrangements in place for a transitional period to allow for an initial tranche of applications to be considered at the same time. This period will last for 12 months beginning with the date the council resolves that Schedule 3 will come into force (1st appointed day).

3.15 Applicants will be required to submit an application form and a fee and advertise in a local paper. Anyone will be able to register an objection within the consultation period. New applications will be considered by the Licensing and Regulatory Panel.

Further and more detailed information on the application process will be provided as part of the application pack.

3.16 Refusal of a Licence

3.17 The Local Government (Miscellaneous Provisions) Act 1982 sets out the grounds for refusing an application for grant, renewal or transfer of the licence. Broadly the licence must not be granted to a minor, or to someone who is not fit and proper. The licence can also be refused if it is contrary to the council's policy. Any refusal will be notified to the applicant in writing.

4.0 Implications For Council Policy And Governance

4.1 There will be ramifications for both council policy and governance on the transitional process itself. If council decides to adopt Sch 3 to the Local Government (Miscellaneous Provisions) Act 1982, the council may decide to adopt a policy on the location and numbers of licensed sexual entertainment venues in the district. Before the adoption of the policy the council may decide to consult with stakeholders and the public. The timescale for this is likely to be mid 2010.

5.0 Legal And Resource Implications

5.1 Legal advice will be required to advise the council:

- If it is decided to adopt these provisions.
- In the drafting of the policy.
- In the case of a judicial review of the policy.
- In the case where an existing operator is not successful in securing a new licence.

5.3 Any subsequent consultation is likely to attract a large number of responses, both from the trade, members of the public and interested action groups. This will have resource implications for Entertainment Licensing.

5.4 The transitional arrangements will also apply pressure on the council with a high number of objections expected for each of the applications and a high risk of appeal.

6.0 Conclusions

6.1 The Government has provided local authorities with a way of controlled the number and location of lap dancing clubs in their area.

6.2 The legislation is adoptive which requires the council to formally adopt the provisions. If the council decides not to, it will need to undertake a public consultation seeking the views of local residents on whether to make such a resolution by April 2011.

7.0 Recommendations

7.1 That members note the contents of the report and:

- recommend to council to adopt the provisions of Schedule to the Local Government Miscellaneous Provisions Act 1982 as amended by the Policing and Crime Act 2009.

OR

- recommend to council not to adopt said provisions, but to instigate a consultation with local people.

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Report of the Assistant Chief Executive (Corporate Governance)

Licensing and Regulatory Panel

Date: 22nd June 2010

Subject: Sexual Entertainment Venues – Adoption of Policy and Standard Conditions
Local Government (Miscellaneous Provisions) Act 1982

Electoral Wards Affected:

Specific Implications For:

Ethnic minorities

Women

Disabled people

Executive Summary

The Policing and Crime Act 2009 amends the Local Government (Miscellaneous Provisions) Act 1982 s2 and Sch 3 to introduce a new classification of sex establishment, namely sexual entertainment venues. This brings to lap dancing, pole dancing and other “relevant entertainment” a new licensing regime.

The legislation provides for local authorities to adopt a policy and standard conditions relating to sexual entertainment venues, sex shops and sex cinemas.

1.0 Purpose Of This Report

- 1.1 The purpose of this report is to provide information for Members on the new legislation for lap dancing clubs and the adoption of a policy and standard conditions for sex establishments.

2.0 Background Information

2.1 Previous Reports

- 2.2 On 2nd July 2008 Cllr Blake made a White Paper Motion to Council. The Council resolved unanimously to welcome the moves by Roberta Blackman-Woods MP and the Licensing Minister Gerry Sutcliffe to give local authorities more power to control the number of lap-dancing clubs within their boundaries and urged all Leeds MPs to support the Private Members Bill.

- 2.3 On 9th December 2009 the Assistant Chief Executive took a report to Executive Board to seek approval of the response to the Government Consultation on the Transitional Provisions. At that meeting there was a high level of interest in the adoption of the provisions and the adoption of a policy once the legislation was commenced.

2.4 Definition of Sexual Entertainment Venue

- 2.5 A sexual entertainment venue is defined as “*any premises at which relevant entertainment is provided before a live audience for the financial gain of the organiser or the entertainer.*”

- 2.6 The meaning of ‘relevant entertainment’ is “*any live performance or live display of nudity which is of such a nature that, ignoring financial gain, it must reasonably assumed to be provided solely or principally for the purpose of sexually stimulating any member of an audience (whether verbal or other means).*” An audience can consist of just one person (e.g. where the entertainment takes place in private booths).

- 2.7 It is expected that the definition of relevant entertainment would apply to lap dancing, pole dancing, table dancing, strip shows, peep shows and live sex shows.

2.8 Exemptions

- 2.9 The Act provides a number of exemptions from licensing. They include:

- sex shops and sex cinemas (which are separately defined)
- premises which provide relevant entertainment on an infrequent basis. These are defined as premises where –
 - a) no relevant entertainment has been provided on no more than 11 occasions within a 12 month period;
 - b) no such occasion has begun within a period of one month beginning with the end of the previous occasions; and
 - c) no such occasion has lasted longer than 24 hours

- other premises or types of performances or displays exempted by an order of the Secretary of State.

2.10 Adoption of a Policy

2.11 There is no requirement for a local authority to adopt a policy. But if Members indicate that a policy should be adopted, the policy should:

- Set out its approach for the benefit of operators
- Guide and reassure the public and other public authorities
- Ensure transparency
- Ensure consistency
- Guide and focus the Panel

2.12 Policy Contents

2.13 The policy may deal with:

- Grounds for refusal
- Conditions
- Procedure
- Waiver

2.14 Refusal of applications

2.15 Application can be refused on the following mandatory grounds:

- if the applicant is under 18,
- if the applicant has a disqualification following the revocation of their licence,
- non-resident in the UK,
- company not incorporated in the UK
- or a previous refusal of the applicant at the same premises in the previous 12 months.

2.16 There are also a number of discretionary grounds. These are:

- if the applicant is unsuitable,
- if the business would be managed by or for the benefit of a third party who would be refused licence in their own right
- That the number of sex establishments in the locality or of sex establishments of a particular kind in the locality equals or exceeds the number considered appropriate
- Is inappropriate having regard to:
 - Character of relevant locality
 - Use of premises in vicinity
 - Layout, character, condition or location of the premises.

- 2.17 These discretionary grounds give the Council the ability to state clearly in its policy
- The locations where sex establishments can be sited
 - The locations which are deemed unsuitable
 - The number in those locations that is appropriate
 - The number may be nil
- 2.18 The Council may chose not to define the location and number of premises that are appropriate.
- 2.19 The Council may chose to judge the application on matters such as:
- Disabled access
 - Public safety
 - Sightlines and surveillance
 - Lighting and the ability to monitor
 - Use of private booths
 - The style and character portrayed by the décor
 - The location of the premises – high traffic, high crime, availability of late night transport etc.
- 2.20 Conditions
- 2.21 The Policy may include a pool of conditions which will be available for the Panel to attach to the licence they grant. Different conditions may be set for each type of premises. These conditions may include matters such as hours, display of advertisements, visibility of interior to passers by, use of private hire vehicles, or vehicles as advertising. These conditions could include measures to protect dancers welfare.
- 2.22 The Council also has the ability to attach conditions specific to that application/operation.
- 2.23 Procedure for Applications
- 2.24 The Act does not specify the procedure required to make an application. Therefore the Council has great latitude in deciding the contents of the application form and the supporting documents it requires to make its decision.
- 2.25 The only set requirements laid out in the Act are:
- The application must be made in writing
 - It must include the full address of the premises and
 - The name, permanent address and age of applicant, or name/registered or principal office address of the company and the names and private addresses of directors and other responsible for the management.
- 2.26 This information is required to determine if the application meets the mandatory requirements.

- 2.27 The Council can require reasonable additional information but any requirements should be judged in the context of the Act, i.e.
- To control the number and location of the premises
 - Ensure the suitability for use
 - Ensure the operation is properly managed by reputable individuals
 - Ensure the ultimate management is reputable
 - Ensure the welfare of staff is protected
 - Ensure that customers are safe
 - Ensure the character of the area is protected
 - Ensure the social and environmental impact of the premises is minimized
 - Ensure the applicant intends to comply, and is equipped to comply with standard conditions.
- 2.28 The policy can set out both the application form and the additional documentation. The policy can also set out the requirements for advertising the application including the form of the notice and newspaper advertisement. The policy can also set out how the Council will process objections from residents and ensure anonymity if the objector requests it.
- 2.29 The policy can set out the process used during hearings, including under what circumstances a hearing is held, who is to hear the application, what the process is for the filing of evidence and the rules for the hearing.

3.0 Main Issues

3.1 Policy or No Policy

- 3.2 It is not mandatory to adopt a policy relating to sexual entertainment venues. There has been the ability to set a policy for sex cinemas and sex shops since the Council adopted Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 on 3rd November 1982, but the Council has not adopted a policy so far.
- 3.3 Even if the Council adopts a policy, every application must be determined on its own merits so that the discretion of the council is unfettered and it is within the rights of the Council to determine a licence in spite of its policy.
- 3.4 It is also not a requirement that the council adopts a policy which has a strict locality and numbers policy, as it can refuse any licence application it deems as unsuitable having regard to:
- Character of relevant locality
 - The use of other premises in the vicinity (i.e. schools, churches etc)
 - Layout, character, condition or location of the premises.
- 3.5 Setting a clear locality and or number limit policy on sex establishments, whether they be sexual entertainment venues, sex cinemas or sex shops, would provide a clear and transparent view of the council for applicants. However this would not stop organizations from making an application as the Council can use its discretion and determine the application contrary to its own policy.

3.6 It should be noted that the transitional provisions do not include grandfather rights for existing lap dancing operators. Therefore existing premises have no protection and if they are not successful at securing a new Sexual Entertainment Venue licence they will have to cease trading 12 months after the adoption of the legislation in Leeds.

3.7 Developing the Policy

3.8 As can be seen from this report, the policy relating to sexual entertainment venues can be detailed and prescriptive. It can provide a regulatory system to ensure a number of controls about the way the venues are run in the Leeds area. It will also be subject to legal challenge especially in view of the point made at 3.6.

3.9 As such Members may decide it would be more appropriate for the policy to be developed by a working group of Members and officers. The working group can invite specialists to provide advice on the content of the policy and decide upon the consultation methodology.

3.10 Members may also wish to take this opportunity to establish a policy for sex shops and sex cinemas and amend the standard conditions that are already applied to these licences. However, as the existing premises are not subject to the transitional arrangements in place for sexual entertainment venues, their licence will continue under their existing terms until such time it is amended on renewal. It will apply to any new applications.

3.11 Consultation Methodology

3.12 It is the Council's usual practice to develop a policy, in consultation with relevant stakeholders and to undertake a three month public consultation with members of the public, the trade and stakeholders. If there are major changes after public consultation a second public consultation will be required.

3.13 There is the opportunity to get guidance from the residents of Leeds through the Citizens Panel to gauge the public's view on lap dancing establishments. The Citizens Panel will seek the views of 18,000 residents of Leeds and has a response rate of 50%. However there is a cost implication of approximately £8,000.

4.0 Implications for Council Policy and Governance

4.1 This report is to advise the probable contents of the policy and the consultation process rather than to consult on the policy, therefore any implications for Council Policy and governance will be identified and addressed during the presentation of the policy itself.

4.2 The adoption of a policy under the Local Government (Miscellaneous Provisions) Act 1982 is a responsibility delegated to the Licensing and Regulatory Panel under the Council's constitution. When the policy is ready for adoption it should be referred back to Council for adoption at the same time as the Council resolution to adopt the provisions of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Policing and Crime Act 2009.

5.0 Legal and Resource Implications

- 5.1 Legal advice will be required to advise the council on the proposed policy to ensure that it is legally water tight and resistant to challenge.
- 5.2 Once a policy has been developed the subsequent consultation is likely to attract a large number of responses, both from the trade, members of the public and interested action groups. This will have resource implications for Entertainment Licensing who will need to handle enquiries from the public and written responses to the consultation.
- 5.3 The transitional arrangements will also apply pressure on the council with a high number of objections expected for each of the applications.

6.0 Conclusions

- 6.1 The Government has provided local authorities with a way of controlled the number and location of lap dancing clubs in their area. It has also given the Council great latitude in deciding the policy relating to sex establishments in the Leeds area.
- 6.2 Having decided to adopt the provisions of the Act, the Council can adopt a policy relating to the application and determination of applications for lap dancing clubs, sex shops and sex cinemas.
- 6.3 As the policy will be detailed and open to legal challenge, the Panel may decide to form a working group to develop the policy and seek specialist guidance.

7.0 Recommendations

- 7.1 That members note the contents of the report and to decide:
- Whether to adopt a policy.
 - To form a working group to gather further information, seek specialist advice and to develop the policy.

Background Papers

Verbatim Report – Council 2nd July 2008
Home Office Guidance – Sexual Entertainment Venues

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LICENSING COMMITTEE/REG PANEL WORK PROGRAMME - LAST UPDATED 14 June 2010

ITEM	DESCRIPTION	NOTES	TYPE OF ITEM
Items Currently Unscheduled			
Youth Service	Review of work being done on under age consumption of alcohol	Requested by LC at meeting 04/10	B
EH Noise Service	Update on approach to licensing applications and noise from licensed premises		B
WYTSS	Test purchasing and other measures tackling under age sales		B
Nighttime economy strategy	Briefing by revised strategy – Clare McCall		B
Pubwatch	Briefing on pubwatch activities/support	Possibly Sept meeting	B
Constitution for trade forums	To approve new constitution		DP
NVQ/VRQs for drivers	Update and review report		DP
TPHL policies	To agree a schedule for policies to be refreshed and approved		DP
Driver licences – nationality and immigration status checks	To consider amending the existing driver application process to include checks on applicants right to work in the UK		DP

ITEM	DESCRIPTION	Officer	TYPE OF ITEM
Meeting date: 22 June 2010			
SEVs	Adoption of LG9MP)Act 1982	Sue Holden	DP
SEVs	Policy content and method of consultation	Sue Holden	DP
Sub committees and delegations	To approve the Sub C's TOR and delegations to officers etc for 2010/11	Kate Feltham	PM

LICENSING COMMITTEE/REG PANEL WORK PROGRAMME - LAST UPDATED 14 June 2010

Meeting date: 20 July 2010			
LA03 policy	Public consultation on draft policy	Sue Holden	B/SC
Leeds Festival	Approve EMP	Steve Holder	SC
Appeal	Report on outcome Bargain Booze	Adrian Tonge	B
WYP	Update on licensing approach and issues	Invited by GM 8/6/10	B
Meeting date: 17 August 2010			
SEVs	Update from working group?	Sue Holden	DP
Meeting date: 14 Sept 2010			
Large Casino	Update and possible discussion on application pack	Sue Holden	
Meeting date: 19 October 2010			
SEVs	Update pre public consultation	Sue Holden	DP
Meeting date: 16 November 2010			
Leeds Festival	Debrief meeting report		
Meeting date: 21 December 2010			
Meeting date: 18 Jan 2011			

LICENSING COMMITTEE/REG PANEL WORK PROGRAMME - LAST UPDATED 14 June 2010

Casino	Update – possible start of stage 1	Sue Holden	B
Meeting date: 15 Feb 2011			
SEVs	Report back on public consultation and possible approval of policy	Sue Holden	B/DP
Meeting date: 15 Mar 2011			
Casino	Update on applications/arrange sub committee	Sue Holden	B
Meeting date: 12 April 2011			
Meeting date: 17 May 2011			
Casino	Update on stage 1 appeals/stage 2 process	Sue Holden	B
SEVs	Report on transitional applications	Sue Holden	B

Key:

RP – Review of existing policy

DP – Development of new policy

PM – Performance management

B – Briefings

SC – Statutory consultation

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