



LICENSING COMMITTEE

MEETING TO BE HELD IN CIVIC HALL, LEEDS ON
TUESDAY, 5TH AUGUST, 2014 AT 10.00 AM

MEMBERSHIP

Councillors

K Bruce	Rothwell
N Buckley	Alwoodley;
R Downes	Otley and Yeadon;
J Dunn	Ardsley and Robin Hood;
B Flynn	Adel and Wharfedale
B Gettings	Morley North;
T Hanley	Bramley and Stanningley;
M Harland	Kippax and Methley;
G Hussain	Roundhay;
M Ingham	Burmantofts and Richmond Hill
G Hyde	Killingbeck and Seacroft;
A Khan	Burmantofts and Richmond Hill;
B Selby	Killingbeck and Seacroft;
C Townsley	Horsforth;
G Wilkinson	Wetherby;

Agenda compiled by:
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A G E N D A

Item No	Ward/Equal Opportunities	Item Not Open		Page No
1			<p>APPEALS AGAINST REFUSAL OF INSPECTION OF DOCUMENTS</p> <p>To consider any appeals in accordance with Procedure Rule 15.2 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 15.2, written notice of an appeal must be received by the Head of Governance Services 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 style="padding-left: 40px;">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>DECLARATION OF DISCLOSABLE PECUNIARY INTERESTS</p> <p>To disclose or draw attention to any disclosable pecuniary interests for the purposes of Section 31 of the Localism Act 2011 and paragraphs 13-16 of the Members' Code of Conduct.</p>	
5			<p>APOLOGIES FOR ABSENCE</p>	
6			<p>MINUTES OF THE PREVIOUS MEETING</p> <p>To approve the minutes of the last meeting held on 8th July 2014</p> <p>(Copy attached)</p>	1 - 6
7			<p>MATTER ARISING FROM THE MINUTES</p> <p>To consider any matters arising from the minutes</p>	
8			<p>ACTIVITY UPDATE: TAXI AND PRIVATE HIRE LICENSING 1ST JANUARY TO 30TH JUNE 2014</p> <p>To consider a report by the Head of Licensing and Registration which provides an update of delegated decisions taken by officers during the period 1st January to 30th June 2014.</p> <p>(Report attached)</p>	7 - 14

Item No	Ward/Equal Opportunities	Item Not Open		Page No
9			<p>INFORMATION REPORT - TAXI AND PRIVATE HIRE LICENSING EQUALITY MONITORING</p> <p>To consider a report by the Head of Licensing and Registration which provides statistical information on the equality monitoring returns to the Taxi and Private Hire Licensing Section.</p> <p>(Report attached)</p>	15 - 26
10			<p>ENTERTAINMENT LICENSING SECTION - UPDATE REPORT - JANUARY - JUNE 2014</p> <p>To consider a report by the Head of Licensing and Regulation which provides an update of matters appertaining to the entertainment Licensing Section between January and June 2014.</p> <p>The report provides an overview of the applications received, including reviews and appeals, liaison and enforcement actions, and project development.</p> <p>(Report attached)</p>	27 - 38
11	Otley and Yeadon		<p>DEREGULATION OF ENTERTAINMENT</p> <p>To consider a report by the Head of Licensing and Registration which sets out details of forthcoming changes to regulated entertainment under the Licensing Act 2003 brought about by the Legislative Reform (Entertainment Licensing) Order 2014 (LRO) which was laid before Government in July and will come into effect in April 2015.</p> <p>(Report attached)</p>	39 - 48
12			<p>LICENSING COMMITTEE WORK PROGRAMME 2014</p> <p>To note the contents of the Licensing Committee Work Programme for 2014.</p> <p>(Report attached)</p>	49 - 52

Item No	Ward/Equal Opportunities	Item Not Open		Page No
13	Harewood; Wetherby	10.4(3, 7)	<p>LEEDS FESTIVAL 2014 UPDATE</p> <p>To consider a report by the Head of Licensing and Registration which provides details of progress of the multi-agency meetings and the Event Management Plan for the 2014 annual festival.</p> <p>Please note that Appendix B to this report is designated as exempt under the provisions of Access to Information Procedure Rule 10.4 (3 & 7)</p> <p>(Report attached)</p>	53 - 72
14			<p>DATE AND TIME OF NEXT MEETING</p> <p>To note that the next meeting will take place on Tuesday 9th September 2014 at 10.00am in the Civic Hall, Leeds.</p> <p>Third Party Recording</p> <p>Recording of this meeting is allowed to enable those not present to see or hear the proceedings either as they take place (or later) and to enable the reporting of those proceedings. A copy of the recording protocol is available from the contacts named on the front of this agenda.</p> <p>Use of Recordings by Third Parties– code of practice</p> <ul style="list-style-type: none"> a) Any published recording should be accompanied by a statement of when and where the recording was made, the context of the discussion that took place, and a clear identification of the main speakers and their role or title. b) Those making recordings must not edit the recording in a way that could lead to misinterpretation or misrepresentation of the proceedings or comments made by attendees. In particular there should be no internal editing of published extracts; recordings may start at any point and end at any point but the material between those points must be complete. 	

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Licensing Committee

Tuesday, 8th July, 2014

PRESENT: Councillor Hyde in the Chair

Councillors K Bruce, N Buckley, R Downes,
J Dunn, G Hussain, B Selby, C Townsley
and B Flynn

18 Chair's Opening Remarks

The Chair welcomed Councillor Flynn to his first meeting of the Licensing Committee

19 Appeals Against Refusal of Inspection of Documents

There were no appeals against the refusal of the inspection of documents

20 Exempt Information - Possible Exclusion of the Press and Public

There were no items identified where it was considered necessary to exclude the press or public from the meeting due to the confidential nature of the business to be considered.

21 Late Items

There were no late items

22 Declaration of Disclosable Pecuniary Interests

There were no declarations of disclosable pecuniary interests

23 Apologies for Absence

Apologies for absence were received from Councillors: Gettings, Hanley, Harland, Ingham, Khan and Wilkinson

24 Minutes of the Previous Meeting

That the minutes of the previous meeting held on 10th June 2014 were submitted for accuracy and approval.

In offering comment Councillor Buckley said he had made representations on the HCP Appropriate Suitability Assessment but they did not appear within the minutes. Councillor Hussain made a similar comment in respect of the same item.

RESOLVED – That, subject to the inclusion of Councillor Buckley's and Councillor Hussain comments. The minutes of the meeting held on 10th June 2014 be accepted as a true and correct record.

Draft minutes to be approved at the meeting
to be held on Tuesday, 5th August, 2014

25 Matters Arising from the Minutes

Shisha Smoking and Smoke Free Legislation – Update Report (Minute 130 refers)
Councillor Hussain asked which multi agency partners had been invited to attend.

In responding John Mulcahy, Head of Licensing and Registration said a response had been provided but suggested the information would be sent again

26 Leeds City Centre Business Improvement District Update

The Director of City Development submitted a report which provided an update on the progress being made towards the establishment of a Leeds City Centre Business Improvement District.

It was reported that a detailed feasibility study had been completed in February 2014. The Private Sector supported by the City Council had now embarked on the second phase of the programme which would conclude in a BID ballot in February 2015.

John Ebo, Head of City Centre Management, City Development, presented the report and responded to Members questions and queries.

Detailed discussion ensued on the contents of the report which included:

- Background information and context to the BID
- Late Night Levy
- Formal Consultation
- Partnership and Ambition
- National Comparisons
- Boundary and scope of a Potential City Centre BID
- Small Businesses
- Role of Leeds City Council
- Night time Economy
- The BID for Otley

Councillor Hussain asked if City Centre residents were required to pay the levy.

In responding Mr Ebo said residents would not pay the levy. BIDs levy only applied to businesses. Rateable values below an agreed threshold, which would be decided

following formal consultation (potentially £60,000) would be exempt. This could include a large amount of small businesses. City Centre residents would be consulted and their views would be taken into account as part of the consultation process.

Councillor Dunn welcomed the initiative but expressed disappointment that Leeds appeared to be behind other cities when developing BIDS.

Councillor Buckley also welcomed the initiative and asked “do businesses look upon this as a good thing”

In responding John Ebo said businesses did look upon the initiative as a good thing, the approval rate following the feasibility study was high. Commenting on the consultation process Mr Ebo suggested that the process did provide an indication of good value or not. Good value may lead to a successful ballot.

Referring to a successful BID and the provision of “extra services”, Councillor Selby asked if the extra services would be taken away from other areas of the city.

Mr Ebo, in providing clarification said additional income would be from the BID levy and would deliver the extra service, in addition to the Council’s own baseline service.

Referring to National comparisons, Councillor Flynn asked why Birmingham currently had 10 BIDS in existence.

Mr Ebo said that a large City such as Birmingham had a variety of distinct areas, with large pockets of rateable value. In providing an example for Leeds, Mr Ebo suggested that the waterfront area would be a good comparison.

Commenting on the Otley BID, Councillor Downes said that 78% of businesses had voted in favour of the BID. The initiative had worked well with businesses coming together on the back of the “Tour de France Grand Depart” to promote the area, enhance services and expand the local economy

RESOLVED –

- (i) To note the progress being made to develop a Leeds City Centre Business Improvement District (BID)
- (ii) To note the proposed timescales for implementation and the stages required in section 4 of the submitted report
- (iii) To await the completion of the work on the proposed approach of the BID, including the relationship to the night time economy, which would be reported to the Executive Board in September/ October 2014

27 Cumulative Impact Policy for Otley

The Head of Licensing and Registration submitted a report requesting Members to consider if a cumulative impact policy would be appropriate for Otley, in view of

recent application for a late hours licence and the concern that the current status quo could be affected by just one successful application to vary a licence.

Appended to the report was a copy of the following documents:

- Details of Environmental Health complaints (Appendix 1 refers)
- Details of Entertainment Licensing complaints (Appendix 2 refers)

Susan Holden, Principal Project Officer, Entertainment and Licensing Section presented the report and responded to Members questions and queries.

Detailed discussion ensued on the contents of the report which included:

- Background information
- Nuisance statistics
- Crime and Disorder statistics
- Other measures

Councillor Dunn made reference to “Grandfather rights” questioning if a licensed premises was granted an extension to hours of use, would family members have the right to continue with the extended hours. Also would a CIP have any effect on the licence previously granted?

In providing clarification Ms Holden said the license was for the premises and not the licensee. If problems did arise the premises license could be reviewed.

Commenting on the crime and disorder statistics, Councillor Downes welcomed the fact that crime and disorder figure had dropped by 40% in past 3 years, suggesting that the installation of CCTV had also contributed to the figures coming down.

It was acknowledged that alternative options and other measures set out in the Statement of Licensing Policy, such as local hours, was satisfactory for the purpose of addressing local concerns.

Councillor Hussain referring to a possible legal challenge suggested the necessary evidence to defend a legal challenge may not be robust enough.

In summing up the Chair said the crime and disorder statistics did not support or justify the introduction of a Cumulative Impact Policy for Otley Town Centre.

RESOLVED - It was the view of Members that a Cumulative Impact Policy (CIP) for Otley Town Centre was not necessary at this time

28 Strong Alcohol Schemes

The Head of Licensing and Registration submitted a report which explained the progress being made with regard to a voluntary scheme which works with businesses to remove high strength, low cost alcohol from sale in areas which are experiencing incidents of alcohol related antisocial behaviour.

Appended to the report was a copy of the following document:

- A list of super strength products(Appendix 1 refers)

Susan Holden, Principal Project Officer, Entertainment and Licensing Section presented the report and responded to Members questions and queries.

Detailed discussion ensued on the contents of the report which included:

- Background Information
- Schemes launched in other areas of the Country
- The establishment of a Licensing Working Group to research the issues of super strength alcohol
- Evidence to link super strength alcohol with antisocial behaviour and poor health outcomes
- Identification of vulnerable areas
- Super strength audit
- Identification of products
- Possible solutions
- Unintended consequences
- Impact on low income families
- Other options

In offering comment Councillor Dunn suggested that Middleton should not be singled out as being a vulnerable area for street drinking and suggested that more advice and greater publicity should be provided in these vulnerable areas.

Councillor Downes said that banning such products would drive the issue “underground”. He suggested there was a need for Government intervention for the production alcohol products.

Councillor Bruce welcomed the report but expressed reservations about singling out a particular class of people.

Councillor Selby also welcomed the report and the ban on the below cost sale of alcohol but expressed concern about the absence of delay in receiving advice from the HMCR on correct duty classification for ciders. He suggested that the HMCR and the Home Office be contacted to provide the necessary information and also suggested all Leeds MP's and the LGA be also made aware of the issues concerning the duty classification of strong alcohol.

Councillor Buckley commented that it was a depressing state of affairs when shopkeepers would refuse to stop a selling product for fear that a neighbouring shop would continue to do so.

Councillor Husain suggested that the report be referred to all Community Committees for information/ discussion

RESOLVED –

- (i) That the contents of the report be noted and welcomed
- (ii) To support the proposals contained in sections 3.33 – 3.37 of the submitted report
- (iii) To write to the HMRC and the Home Office seeking clarification that the correct duty classification was being applied in the case of whit cider products.
- (iv) That the Head of Licensing and Registration be requested to write to all Leeds Members of Parliament and the Local Government Association making them aware of the duty classification of white cider products.
- (v) That the report be circulated to all Community Committees for information /discussion

Licensing Committee Work Programme 2014

Members considered the contents of the Licensing Committee Work Programme for 2014/15.

RESOLVED – That, subject to the inclusion of any additional items of business identified at this meeting, the contents of the Licensing Committee Work Programme be noted.

30 Date and Time of Next Meeting

RESOLVED – To note that the next meeting will take place on Tuesday, 5th August 2014 at 10.00am in the Civic Hall, Leeds.



Report author: Kate Coldwell

Tel: 3781563

Report of **Head of Licensing and Registration**

Report to **Licensing Committee**

Date: **5 August 2014**

Subject: **Activity Update: Taxi and Private Hire Licensing 1st January to 30th June 2014**

Are specific electoral Wards affected? If relevant, name(s) of Ward(s):	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Summary of main issues

- 1 This report updates the previous statistical information that was provided to Members in January 2014 regarding delegated decisions taken by officers at Taxi and Private Hire Licensing.
- 2 This report contains information on decisions taken from 1st January to 30th June 2014.

Recommendations

3. That Members note the information in this report.

1 **Purpose of this report**

- 1.1 At their meeting in August 2013, Members requested that further update reports regarding delegated decisions taken by officers be produced and submitted to the Licensing Committee on a six monthly basis.

2 **Background information**

- 2.1 The report in January 2014 gave information on delegated decisions taken from 1st July to 30th November 2013.

2.2 Information on delegated decisions taken in the last six months of 2013 has been reproduced for comparison purposes; this now includes the decisions taken in December 2013.

2.3 All decisions taken are done so with regard to council policy, conditions and application criteria approved by Licensing Committee. A full list is available under Background Documents.

3 Main issues

3.1 Number of Licences

3.1.1 Leeds currently has the following numbers of licences in place: -

- 986 Hackney Carriage Drivers
- 537 Hackney Carriage Vehicles
- 4868 Private Hire Drivers
- 3739 Private Hire Vehicles
- 84 Private Hire Operators

3.2 Number of Decisions Taken

3.2.2 The application, renewal, refusal, suspension and revocation of licence figures for the last six months of 2013 and 1st January to 30th June 2014 are set out in the table below.

	Applications	Refusals	Suspensions	Revocations
Jul - Dec	334	3	39	12
Jan – Jun	331	4	45	11

3.2.3 When considering the above information it is important to note that there is no direct correlation between the number of suspensions and revocations in any one year. For example, the number of licences revoked in any one year will include a proportion which were suspended in the previous year with a final decision being made on revocation in the following year.

3.3 Refusal and Revocation Decisions taken 1st January – 30th June 2014

3.3.1 Between 1st January and 30th June 2014 four licences were refused and eleven licences were revoked. The reasons for refusal and revocation are set out in the table below.

Categories	Refusals		Revocations	
	Jul - Dec	Jan - Jun	Jul - Dec	Jan - Jun
Dishonesty		2		2
Drugs	1	2	2	
Violence	1		1	1
Sexual			4	3
Driving disqualification			1	2
Plying for hire	1		2	3
Fail to comply with conditions			1	
TOTAL	3	4	12	11

3.3.2 In relation to suspensions, 45 drivers have been suspended between 1st January and 30th June 2014. The reasons for suspensions are set out in the table below.

Reason for suspension	Jul - Dec	Jan - Jun
Dishonesty offence	2	1
Drug offence	5	2
Violent offence	3	1
Sexual offence	2	2
Motoring offence	2	0
Driving disqualification	1	5
Plying for Hire	16	18
Fail to comply with conditions	1	3
Fail to disclose convictions	1	1
Inappropriate behaviour	1	1
No right to work in UK	0	1
Medical reason	5	7
DVLA licence expired	0	3
Total	39	45

3.3.3 Members will note that the largest category of suspension so far in 2014 relate to plying for hire. This illustrates the point that there are few cases which turn solely on the exercise of discretion. Members will also note the number of suspensions relating to offences of violence and dishonesty which directly relate to the 'fit and

proper person' test and touch on the key aspect of the licensing scheme namely the safety of the travelling public.

3.4 Complaints Received 1st January – 30th June 2014

3.4.1 So far in 2014, 305 public complaints have been received. The complaint categories are set out in the table below.

Complaint Category		Jul – Dec	Jan - Jun
Driver behaviour	Rudeness	10	14
	Property	2	1
	Disability	1	5
	Over charging	16	12
	Standard of driving	87	69
	Inappropriate behaviour	41	44
	Lateness	1	1
	Smoking	1	3
	Race Discrimination	2	3
	Refuse to carry	1	2
Environmental	Parking nuisance	16	83
	Noise nuisance	4	4
	Littering	0	1
No Insurance		0	1
Plying for hire		16	20
Breach of licensing conditions		10	12
Criminal complaint		5	5
Defective vehicle		5	7
Operator		23	16
Unlicensed vehicle		0	2
Total		241	305

3.4.2 Members will note that the largest categories of complaint relate to parking nuisance, standard of driving and inappropriate behaviour. A high proportion of parking complaints have been received in 2014 from the Hackney carriage trade wishing to complain about private hire vehicles using ranks to drop off and pick up their customers. Complaints regarding the standard of driving most commonly relate to the use of mobile phones whilst driving and speeding. In the majority of cases, licensed drivers are given verbal warnings, a record of which is placed on their licensing file. Complaints regarding inappropriate behaviour cover a range of issues from smoking in a licensed vehicle to making inappropriate comments/ actions of a sexual nature.

3.4.3 Each complaint is dealt with on its own merits however complaints regarding racial, sexual or disability discrimination directly relate to the 'fit and proper person' test and touch on the key aspect of the licensing scheme namely the safety of the travelling public.

3.5 Appeals Received 1st January – 30th June 2014

3.5.1 So far in 2014, 19 appeals have been received. The reason for the appeal and the outcome are set out below;

July – December 2013 Type of Appeal	Volume	Court	Result
Against refusal to grant	5	LMC	Dismissed x 3
		LMC	Withdrawn
		LMC	Upheld
Against revocation	3	LCC	Dismissed
		LMC	Dismissed x 2
Against suspension	7	LMC	Dismissed x 4
		LMC	Withdrawn x 2
		LMC	Upheld
Total	15		

January – June 2014 Type of Appeal	Volume	Court	Result
Against refusal to grant	3	LMC	Dismissed
		LMC	Withdrawn
		LMC	Upheld
Against revocation	5	LMC	Dismissed
		LMC	Withdrawn x 4
Against suspension	11	LMC	Dismissed x 5
		LMC	Withdrawn x 5
		LMC	Upheld
Total	19		

4 Corporate Considerations

4.1 Consultation and Engagement

4.1.3 The information contained in this report has not been the subject of consultation with the trade as it is statistical information only.

4.2 Equality and Diversity / Cohesion and Integration

4.2.1 Equality and Cohesion Screening Assessments are carried out on the policies agreed at Licensing Committee which are used to inform decision making. These are available as Background Documents.

4.3 Council policies and City Priorities

4.3.1 The Taxi & Private Hire Licensing policies contribute to the following aims:

Best Council Plan 2013 -17

Towards being an Enterprising Council

Our Ambition and Approach

Our Ambition is for Leeds to be the best city and Leeds City Council to be the best council in the UK – fair, open and welcoming with an economy that is both prosperous and sustainable so all our communities are successful.

Our Approach is to adopt a new leadership style of civic enterprise, where the council becomes more enterprising, business and partners become more civic, and citizens become more actively engaged in the work of the city.

Our Best Council Outcomes

Make it easier for people to do business with us

Our Best Council Objectives

Promoting sustainable and inclusive economic growth – Improving the economic wellbeing of local people and businesses. With a focus on:

- Helping people into jobs,
- Boosting the local economy
- Generating income for the council

Ensuring high quality public services – improving quality, efficiency and involving people in shaping their city. With a focus on;

- Getting services right first time
- Improving customer satisfaction

4.3.2 The Taxi & Private Hire Licensing policies contribute to priorities:

- Reduce crime levels and their impact across Leeds
- Effectively tackle and reduce anti-social behaviour in communities

4.3.3 Safeguarding children and vulnerable adults:

4.3.4 Leeds City Council has both a moral and legal obligation to ensure the duty of care for both children and vulnerable adults across all of its services. This cannot be achieved by any single service or agency. Safeguarding is ultimately the responsibility of all of us and depends on the everyday vigilance of staff who play a part in the lives of children or vulnerable adults.

4.4 Resources and value for money

4.4.1 As this is a statistical report there are no resource or value for money issues to consider.

4.5 Legal Implications, Access to Information and Call In

4.5.1 As this is a statistical report there are no legal implications or access to information issues to consider. This report is not subject to call in.

4.6 Risk Management

4.6.2 The decisions taken by officers can be challenged by appeal through the Magistrates' Court and further appeal to the Crown Court.

5 Conclusions

5.1 That decisions taken by officers have regard to council policy, conditions and criteria approved by Licensing Committee and that every case has been judged proportionately on its own merits.

6 Recommendations

6.1 That Members note the information in this report.

7 Background documents

Taxi and Private Hire Vehicle Licensing: Best Practice Guide – Department for Transport March 2010

Approved Policies: -

- Medical Exemptions
- Plying for Hire

Conditions: -

- Private Hire Driver
- Hackney Carriage Vehicle inc. Wheelchair Accessible Vehicles, Vehicle Age Criteria & Livery, Signs and Markings
- Private Hire Vehicle inc. Wheelchair Accessible Vehicles, Vehicle Age Criteria & Livery, Signs and Markings
- Private Hire Operator

Application Criteria: -

- Driving Standards Agency (DSA) Test
- Group II Medical
- English Comprehension
- Convictions Criteria
- Disclosure and Barring Service Vetting
- Local Knowledge Test
- Private Hire Vehicle proprietors inc rental companies
- Executive Private Hire Driver
- Executive Private Hire Vehicle
- Executive Private Hire Operator
- Stretched Limousine Private Hire Driver
- Stretched Limousine Private Hire Vehicle
- Stretched Limousine Private Hire Operator

- Hackney Carriage Proprietor

Equality and Cohesion Screening Documents



Report author: Kate Coldwell

Tel: 3781563

Report of **Head of Licensing and Registration**

Report to **Licensing Committee**

Date: **5 August 2014**

Subject: **Information Report – Taxi and Private Hire Licensing Equality Monitoring**

Are specific electoral Wards affected? If relevant, name(s) of Ward(s):	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Summary of main issues

- 1 This report provides statistical information on the equality monitoring returns to the Taxi and Private Hire Licensing Section.

- 2 The report contains a breakdown of the information returned since equality monitoring was introduced in January 2014.

Recommendations

- 3 That Members note the information in this report.

1 Purpose of this report

- 1.1 To inform Members of the breakdown of equality monitoring information returned from licence holders.

2 Background information

- 2.1 At its meeting in October 2013, Members of the Licensing Committee directed Officers to begin capturing equality monitoring information to better understand the profile of service users.
- 2.2 An initial report presented in February 2014 only contained one months' worth of data. This report contains all responses received to date.

3 Main issues

3.1 Number of Licences

- 3.1.1 Leeds currently has the following numbers of licences in place: -

- 986 Hackney Carriage Drivers
- 537 Hackney Carriage Vehicles
- 4868 Private Hire Drivers
- 3739 Private Hire Vehicles
- 84 Private Hire Operators

3.2 Response Rates

- 3.2.1 Since the implementation of the equality monitoring process, 3,219 forms have been sent out alongside renewal reminder letters.
- 3.2.2 A total of 2,496¹ of renewals have been processed, with 1,796 equality monitoring returns received. This equates to a 72% response rate.

3.3 Number of Returns that provided ethnic origin

- 3.3.1 A 91% (1,633) response rate was provided for ethnic origin. This is broken down in the following table;

Ethnicity	Volume	Percent
Asian or Asian British – Pakistani	854	52%
White – English	289	18%
Asian or Asian British – Kashmiri	251	15%
Black or Black British – African	40	2%
Asian or Asian British – Bangladeshi	38	2%
Asian or Asian British – Afghan	35	2%

¹ Renewal reminders issued for July & August but licences not yet due for renewal.

Asian or Asian British – Indian	32	2%
White - British	25	1.5%
Mixed/ multiple ethnic group – White & Asian	10	0.5%
Asian or Asian British - Iranian	6	0.5%
Mixed/ multiple ethnic group – White & Black	6	0.5%
Asian or Asian British – Iraqi	5	0.5%
Asian or Asian British – Kurdish	5	0.5%
Asian or Asian British – Other	5	0.5%
Other ethnic groups – Arab	4	0.2%
White – Polish	3	0.2%
White – Scottish	3	0.2%
White – Turkish	3	0.2%
Black or Black British – Caribbean	2	0.1%
Other ethnic groups – Iranian	2	0.1%
Other ethnic groups – Persian	2	0.1%
White – Irish	2	0.1%
White – Other	2	0.1%
Asian or Asian British – Malaysian	1	0.05%
Mixed/ multiple ethnic group – Other	1	0.05%
Other ethnic groups – Arab Africa	1	0.05%
Other ethnic groups – Assyrian/ Syriac	1	0.05%
Other ethnic groups – Kurdish	1	0.05%
White – Albanian	1	0.05%
White – Kosovar	1	0.05%
White – Northern Irish	1	0.05%
White – Zambia	1	0.05%

3.4 Number of returns that provided religion

3.4.1 A 76% (1,365) response rate was provided for religion. This is broken down in the following table;

Religion	Volume	Percent
Muslim	979	72%
Christian	170	12%
No religion	44	3%
No belief	33	2%
Sikh	18	1%
Jewish	12	1%
Roman Catholic	5	0.5%
Hindu	4	0.5%

Zoroastrianism	2	0.1%
Jedi	1	0.01%
Other	1	0.01%

3.5 Number of returns that provided gender

3.5.1 An 85% (1,532) response rate was provided for gender. This is broken down in the following table;

Gender	Volume	Percent
Male	1510	99%
Female	22	1%

3.6 Number of returns that provided date of birth

3.6.1 A 58% (1,043) response rate was provided for date of birth. This is broken down in the following table;

Age range	Volume	Percent
35 – 44	409	39%
25 – 34	249	24%
45 – 54	234	22%
55 – 64	112	11%
65+	29	3%
18 – 24	10	1%

3.7 A further breakdown of the equality characteristics of those licence holders whose vehicles have been the subject of a roadside inspection can be found at Appendix 1.

3.8 A breakdown of suspensions and revocations by equality characteristic is provided at Appendix 2. Very limited information is available in these categories; either the equality monitoring forms have not been completed and returned or the renewal of the licence is not yet due and the form has therefore not been issued.

4 Corporate Considerations

4.1 Consultation and Engagement

4.1.1 The information contained in this report has not been the subject of consultation with the trade as it is an information report only.

4.2 Equality and Diversity / Cohesion and Integration

4.2.1 This is an information report relating to the Taxi and Private Hire Licensing process for equality monitoring. We are using the council approach and guidance to

equality monitoring and data protection requirements to inform our proposals. As such, an equality screening/ impact assessment is not required.

- 4.2.2 Information collected is being used to profile the licensed trade, identify trends and take appropriate positive action. It is anticipated that this will support the service to meet the general public sector duty within the Equality Act 2010.

4.3 Council policies and City Priorities

- 4.3.1 The Taxi & Private Hire Licensing policies contribute to the following aims:

Best Council Plan 2013 -17

Towards being an Enterprising Council

Our Ambition and Approach

Our Ambition is for Leeds to be the best city and Leeds City Council to be the best council in the UK – fair, open and welcoming with an economy that is both prosperous and sustainable so all our communities are successful.

Our Approach is to adopt a new leadership style of civic enterprise, where the council becomes more enterprising, business and partners become more civic, and citizens become more actively engaged in the work of the city.

Our Best Council Outcomes

Make it easier for people to do business with us

Our Best Council Objectives

Promoting sustainable and inclusive economic growth – Improving the economic wellbeing of local people and businesses. With a focus on:

- Helping people into jobs,
- Boosting the local economy
- Generating income for the council

Ensuring high quality public services – improving quality, efficiency and involving people in shaping their city. With a focus on;

- Getting services right first time
- Improving customer satisfaction

- 4.3.2 The Taxi & Private Hire Licensing policies contribute to priorities:

- Reduce crime levels and their impact across Leeds
- Effectively tackle and reduce anti-social behaviour in communities

- 4.3.3 Safeguarding children and vulnerable adults:

- 4.3.4 Leeds City Council has both a moral and legal obligation to ensure the duty of care for both children and vulnerable adults across all of its services. This cannot

be achieved by any single service or agency. Safeguarding is ultimately the responsibility of all of us and depends on the everyday vigilance of staff who play a part in the lives of children or vulnerable adults.

4.4 Resources and value for money

4.4.1 As this is a statistical report there are no resource or value for money issues to consider.

4.5 Legal Implications, Access to Information and Call In

4.5.1 All equality monitoring information is classed as personal data under the Data Protection Act 1998. The law states that we must keep the information accurate and up to date, must only keep it for as long as it is needed for a specific purpose and we must keep it secure.

4.6 Risk Management

4.6.1 There are no issues.

5 Conclusions

5.1 The equality monitoring process is now being carried out in accordance with the Council's standard categories and equality monitoring guidelines.

6 Recommendations

6.1 That Members note the information in this report.

7 Background documents

Equality Monitoring Guidance
Licensing Committee Report 11 February 2014

Appendix 1

Roadside Inspections

All Roadside inspections

Number of roadside inspections: 759

Number of roadside inspections involving individuals about who we know ethnic origin: 187 (24.64%)

Breakdown of ethnic origin:

Asian or Asian British - Afghan	3	1.60% of total answered
Asian or Asian British - Bangladeshi	2	1.07% of total answered
Asian or Asian British - Indian	4	2.14% of total answered
Asian or Asian British - Iraqi	1	0.53% of total answered
Asian or Asian British - Kashmiri	37	19.79% of total answered
Asian or Asian British - Kurdish	2	1.07% of total answered
Asian or Asian British - Pakistani	98	52.41% of total answered
Black or Black British - African	4	2.14% of total answered
Mixed/ multiple ethnic group - White and Asian	1	0.53% of total answered
White - English	33	17.65% of total answered
White - Other	1	0.53% of total answered

Number of roadside inspections involving individuals about who we know their religion: 152 (20.03%)

Breakdown of religion:

Hindu	2	1.32% of total answered
Muslim	108	71.05% of total answered
Christian	15	9.87% of total answered
Jewish	1	0.66% of total answered
Sikh	1	0.66% of total answered
No religion	13	8.55% of total answered
No belief	4	2.63% of total answered
Other	1	0.66% of total answered

Number of roadside inspections involving individuals about who we know their gender: 165 (21.74%)

Breakdown of Gender:

Male	165	100.00% of total answered
Female	0	0.00% of total answered

Number of roadside inspections involving individuals about who we know their D.O.B.: 119 (15.68%)

Breakdown of age range:

18-24	1	0.84% of total answered
25-34	19	15.97% of total answered
35-44	46	38.66% of total answered
45-54	32	26.89% of total answered
55-64	20	16.81% of total answered
65+	1	0.84% of total answered

Passes Following a Road Side Inspection

Number of vehicles found to be satisfactory: 470

Number of passes involving individuals about who we know ethnic origin: 116 (24.68%)

Breakdown of ethnic origin:

Asian or Asian British - Afghan	3	2.59% of total answered
Asian or Asian British - Bangladeshi	1	0.86% of total answered
Asian or Asian British - Indian	2	1.72% of total answered
Asian or Asian British - Kashmiri	24	20.69% of total answered
Asian or Asian British - Kurdish	2	1.72% of total answered
Asian or Asian British - Pakistani	60	51.72% of total answered
Black or Black British - African	2	1.72% of total answered
White - English	22	18.97% of total answered

Number of passes involving individuals about who we know their religion: 96 (20.43%)

Breakdown of religion:

Hindu	1	1.04% of total answered
Muslim	67	69.79% of total answered
Christian	11	11.46% of total answered
Sikh	1	1.04% of total answered
No religion	7	7.29% of total answered
No belief	3	3.13% of total answered
Other	1	1.04% of total answered

Number of passes involving individuals about who we know their gender: 98 (20.85%)

Breakdown of Gender:

Male	98	100.00% of total answered
Female	0	0.00% of total answered

Number of passes involving individuals about who we know their D.O.B.: 73 (15.53%)

Breakdown of age range:

18-24	1	1.37% of total answered
25-34	10	13.70% of total answered
35-44	29	39.73% of total answered
45-54	22	30.14% of total answered
55-64	11	15.07% of total answered
65+	0	0.00% of total answered

Passes but advice given Following a Road Side Inspection

Number of vehicles found to be satisfactory but with advice given: 129

Number of passes with advice involving individuals about who we know ethnic origin: 33 (25.58%)

Breakdown of ethnic origin:

Asian or Asian British - Bangladeshi	1	3.03% of total answered
Asian or Asian British - Indian	1	3.03% of total answered
Asian or Asian British - Kashmiri	7	21.21% of total answered
Asian or Asian British - Pakistani	17	51.52% of total answered
Black or Black British - African	1	3.03% of total answered
White - English	5	15.15% of total answered

Number of passes with advice involving individuals about who we know their religion: 25 (19.38%)

Breakdown of religion:

Hindu	1	4.00% of total answered
Muslim	19	76.00% of total answered
Christian	3	12.00% of total answered
No religion	2	8.00% of total answered

Number of passes with advice involving individuals about who we know their gender: 31 (24.03%)

Breakdown of Gender:

Male	31	100.00% of total answered
Female	0	0.00% of total answered

Number of passes with advice involving individuals about who we know their D.O.B.: 22 (17.05%)

Breakdown of age range:

18-24	0	0.00% of total answered
25-34	3	13.64% of total answered
35-44	9	40.91% of total answered
45-54	5	22.73% of total answered
55-64	5	22.73% of total answered
65+	0	0.00% of total answered

Required rectifications identified following a Road Side Inspection

Number of vehicles found to require rectifications: 30

Number of vehicles that require rectifications involving individuals about who we know ethnic origin: 4 (13.33%)

Breakdown of ethnic origin:

Asian or Asian British - Pakistani	4	100.00% of total answered
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Number of vehicles that require rectifications involving individuals about who we know their religion: 3 (10.00%)

Breakdown of religion:

Muslim	3	100.00% of total answered
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Number of vehicles that require rectifications involving individuals about who we know their gender: 4 (13.33%)

Breakdown of Gender:

Male	4	100.00% of total answered
Female	0	0.00% of total answered

Number of vehicles that require rectifications involving individuals about who we know their D.O.B.: 2 (6.67%)

Breakdown of age range:

18-24	0	0.00% of total answered
25-34	1	50.00% of total answered
35-44	0	0.00% of total answered
45-54	0	0.00% of total answered
55-64	1	50.00% of total answered
65+	0	0.00% of total answered

Suspension notices served following a road side inspection

Number of vehicles served suspension notices: 130

Number of vehicles suspended involving individuals about who we know ethnic origin: 34 (26.15%)

Breakdown of ethnic origin:

Asian or Asian British - Indian	1	2.94% of total answered
Asian or Asian British - Iraqi	1	2.94% of total answered
Asian or Asian British - Kashmiri	6	17.65% of total answered
Asian or Asian British - Pakistani	17	50.00% of total answered
Black or Black British - African	1	2.94% of total answered
Mixed/ multiple ethnic group - White and Asian	1	2.94% of total answered
White - English	6	17.65% of total answered
White - Other	1	2.94% of total answered

Number of vehicles suspended involving individuals about who we know their religion: 28 (21.54%)

Breakdown of religion:

Muslim	19	67.86% of total answered
Christian	1	3.57% of total answered
Jewish	1	3.57% of total answered
No religion	4	14.29% of total answered
No belief	1	3.57% of total answered

Number of vehicles suspended involving individuals about who we know their gender: 32 (24.62%)

Breakdown of Gender:

Male	32	100.00% of total answered
Female	0	0.00% of total answered

Number of vehicles suspended involving individuals about who we know their D.O.B.: 22 (16.92%)

Breakdown of age range:

18-24	0	0.00% of total answered
25-34	5	22.73% of total answered
35-44	8	36.36% of total answered
45-54	5	22.73% of total answered
55-64	3	13.64% of total answered
65+	1	4.55% of total answered

Appendix 2

Suspensions and Revocations by Ethnic Origin:

Description	Licence Revoked	Licence Suspended
English	0	1
Kashmiri	0	3
Pakistani	1	5
White and Asian	0	1

Suspensions and Revocations by Gender:

Gender	Licence Revoked	Licence Suspended
Male	1	11

Suspensions and Revocations by Age:

Action	18 to 24	25 to 34	35 to 44	45 to 54	55 to 64	65+
Licence Revoked	0	1	0	0	0	0
Licence Suspended	0	0	2	3	0	0

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Report author: Nicola Raper
Tel: 74095

Report of the Head of Licensing and Registration

Report to Licensing Committee

Date: 5th August 2014

Subject: Entertainment Licensing Section – Update Report
January – June 2014

Are specific electoral Wards affected? If relevant, name(s) of Ward(s):	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Summary of main issues

1. This report provides Members with an update of matters appertaining to the entertainment licensing section between January and June 2014. The section deals with a variety of licences and registrations. This report provides an overview of the applications received, including reviews and appeals, liaison and enforcement actions, and project development.

Recommendations

2. That Licensing Committee note the contents of the report.

1 Purpose of this report

- 1.1 To inform the Licensing Committee of matters appertaining to the entertainment licensing section during the last six month period.

2 Background information

- 2.1 Entertainment licensing deals with licences, permits and authorisations under various pieces of legislation.
- 2.2 The main functions of the section are
- Licensing Act 2003 - sale/supply of alcohol and regulated entertainment
 - Gambling Act 2005 - gambling facilities including the large casino
 - Local Government (Miscellaneous Provisions Act) 1982 – adult retail shops, cinemas, and sexual entertainment venues.
 - Scrap Metal Dealers Act 2013 – registration of mobile collectors, scrap yards and motor salvage operators.
- 2.3 The council has statement of licensing policies for all but the latter function (scrap metal) set out above.
- 2.4 Application, inspection and enforcement procedures must be followed in accordance with the relevant legislation.
- 2.5 As a general rule any application that attracts adverse representation will be heard before a licensing subcommittee, with the exception of licences for sexual entertainment venues where all new and renewal applications are brought before Members.
- 2.6 Applications made under the Licensing and Gambling Acts must be granted in the absence of representations.
- 2.7 The Scrap Metal Dealers Act is an executive function and as a consequence these will not come before the licensing subcommittee. Any applicant who the licensing authority is minded to refuse due to having relevant offences will have the opportunity to attend an interview before a panel of officers. The applicant then has a further avenue of appeal to the magistrate's court.

3 Main issues

3.1 Licensing Act 2003

- 3.1.1 The current statement of licensing policy was approved by full council in January 2014 and will be subject to a review in 2017 for approval early 2018.

3.2 Cumulative Impact Policies

- 3.2.1 Prior to approval the policy was subject to an extensive review in association with key stakeholders. The five cumulative impact policies (CIP's) as contained in the existing policy remained.

- 3.2.2 These CIP areas are:
1) City Centre, 2) Woodhouse/Hyde Park corridor, 3) Headingley, 4) Horsforth and 5) Chapel Allerton.
- 3.2.3 The city centre CIP was amended in recognition that the city wishes to encourage new and different businesses and to ensure that the night time economy thrives, but in a way that is safe so the city centre is an enjoyable place to visit. The city centre CIP now includes zones to identify the areas of the city that are subject to the most problems associated with antisocial behaviour and nuisance.
- 3.2.4 The most problematic area of the city is identified as the red zone and includes the Calls and the area around the Corn Exchange, Lower Briggate, Duncan Street and Lower Kirkgate. Applications in this area will attract representations from the responsible authorities and it will be for the applicant to demonstrate to the Licensing Sub Committee that their style of operation is exceptional and will not add to the existing problems.
- 3.2.5 The remainder of the city centre is either designated as the amber zone which is still an area for concern and again applicants should provide good operating schedules tailored to the area, or the green zone where good quality applications will generally be more acceptable.
- 3.2.6 Changes were also made to the Headingley CIP to include off licences applying to sell alcohol after midnight to stem the current trend in 24 hour opening in largely residential areas.

3.3 Local Area Guidance

- 3.3.1 The new policy also introduced local area guidance where a CIP is not appropriate. This guidance provides prospective applicants with information on their area and measures that they may consider in preventing their business from adding to the problems already experienced in that area. Typically this will apply to off-licences and the suggested control measures will include the secure storage of alcohol, limited or zero advertising of alcohol, CCTV, and the display of health advice.
- 3.3.2 Relevant responsible authorities and area representatives tend to meet with applicants to discuss local concerns and agree control measures tailored to location and intended operation of the premises.
- 3.3.3 The South Leeds local area guidance is proving successful. In the past 12 months 10 applications for premises selling alcohol off the premises have been received for this area and of those premises 9 have agreed to control measures and one application was withdrawn prior to hearing. Included in these figures are 3 applications which were dealt with in the past six months. All 3 premises signed up to local control measures.
- 3.3.4 The licensing section is now working with partner agencies to create similar guidance for the areas of Inner East (Harehills) and Inner West (Armley).

3.4 Localised Hours

- 3.4.1 There has been growing concern for the late opening hours of licensed premises particularly in the small town centres where an application or longer hours could result in other premises following suite. Once again a CIP would not be appropriate due to insufficient evidence, but the statement of licensing policy now incorporates a section on licensing hours and sets out that the council will take into account the existing pattern of licensed premises in an area when considering what is appropriate to promote the licensing objectives.
- 3.4.2 Reports to the licensing subcommittee now provide details on other licensed premises in the locality and those hours of operation.
- 3.4.3 It is important for elected members and residents to note that the CIP or localised hours will only be invoked where representations are made and the application is brought to a hearing. In the absence of representations the licensing authority has a duty to grant the application as applied for.

3.5 Licence Statistics – Licensing Act 2003

- 3.5.1 During this reporting period the licensing authority received the following number of licence applications and variations. This table excludes applications made in any of the CIP areas which can be found at paragraph 3.5.2 below.

Premises licence applications and variations (excluding CIP areas):

Total number of applications	67
Outcome:	
Applications with no representations	33
Applications with control measures agreed/representation withdrawn prior to a hearing	18
Applications withdrawn	2
Applications granted at hearing	4
Applications refused	Nil
Applications pending determination	10
Appeals	1

3.5.2 The following table sets out the applications received in the Cumulative Impact Areas:

	Area 1 City	Area 2 Headingley/ Hyde Park	Area 3 Woodhouse	Area 4 Chapel Allerton	Area 5 Horsforth
Total number of applications	16	2	1	3	0
Applications with no representations	7	1	0	0	0
Applications with control measures agreed/rep withdrawn prior to a hearing	4	1	1	2	0
Applications withdrawn	1	0	0	0	0
Pending determination	4	0	0	1	0

3.5.3 Temporary Event Notices

The following table sets out the number of Temporary Event Notices served on the authority:

Normal Temporary Event Notices:

Total Number Received:	700
Accepted:	651
In process:	36
Objections/ Withdrawn:	13
Hearings	0
Counter Notice	0

Late Temporary Event Notices:

Total Number Received:	196
Accepted:	172
In process:	8
Invalid/Objection/Counter Notice Served:	16

3.6 Licensing Act: Reviews and Appeals

3.6.1 Reviews:

- i) La Boheme, Cross York Street, Leeds 2.

Review brought by West Yorkshire Police on the grounds of crime & disorder.

The hearing was adjourned to allow the transfer of the licence to a new operator to the satisfaction of the responsible authorities, and until such time the premises are to remain closed.

- ii) Church Lane Off Licence, Church Lane, Leeds 15.

Review brought by West Yorkshire Police on the grounds of the protection of children from harm and public nuisance.

Members resolved to add conditions to the licence in respect of CCTV, a proof of age policy (Check 25) and a refusals register.

- iii) Miah's Restaurant, 3 York Place, Leeds 1.

Review brought by Health & Environmental Action Services on the grounds of public nuisance due to discarded refuse. Members resolved to revoke the licence.

- iv) Horsforth Manor, Calverly Lane Leeds 13.

Review brought by West Yorkshire Police on the grounds of antisocial behaviour. Members resolved to revoke the licence

- v) Martha's Ale House, Well Lane, Guiseley.

Review brought by the licensing authority on the grounds of crime & disorder and failure to comply with licence conditions, including selling alcohol beyond the permitted hours

Members resolved to modify the conditions attached to the premises to include a variety of measures including the removal of non-standard timings, CCTV, prevention of drinks being taken outdoors, and monitoring of external areas.

- vi) The Angel, High Street, Wetherby.

Review brought by the West Yorkshire Police on the grounds of crime & disorder.

Members resolved to modify the conditions attached to the premises including a reduction in hours to the upstairs bar, a last entry admission time of 22:30hrs, and a minimum of 120 covers in the restaurant area.

The licence holder subsequently made an appeal to the Magistrates, and the matter is yet to be concluded.

3.6.2 Appeals:

- i) Mexi Khana Halal Ltd, Clock Buildings, Roundhay Road.

This was an appeal against the Members decision to grant a premises licence but with reduced hours following hearing representations from local residents.

The council's decision was upheld and costs were awarded to Leeds City Council.

- ii) Ruby May(1) (Red Leopard) and Bean Leisure Trading A Limited (Red Leopard)

The two sexual entertainment venues brought High Court challenges against the council's decision not to renew their licences. A further application was brought by Bean Leisure to judicially challenge the council's statement of licensing policy.

The High Court found in favour of Leeds City Council. Further information may be found at paragraph 4.4.1 below.

3.7 Licensing Act: Policy development and projects

- 3.7.1 The Licensing Act 2003 Statement of Licensing Policy was reviewed and approved by full council in January 2014. The next full review will commence in 2017.

- 3.7.2 Cumulative Impact Policy for Otley

Work has been carried out with partner agencies and elected members following the request for Otley to be designated as a cumulative impact area. Members heard at the licensing committee meeting in July that it is considered more appropriate for local representatives to utilise the council's statement of licensing policy to address any new application or variation, in particular the element of the policy that relates to local hours.

- 3.7.3 Local Area Guidance

Work is ongoing with partner agencies and local representatives to establish local area guidance, similar to that in existence for South Leeds, for the Inner East (Harehills) and Inner West (Armley) areas of the city where there are local concerns for health and anti-social behaviour associated with the availability and consumption of alcohol.

- 3.7.4 Strong Alcohol Scheme

Licensing and partners have been collating data and local information on the reported health and anti-social behaviour problems associated with the sale of high strength ciders and lagers. Members heard at their meeting in July that as opposed to a voluntary scheme to remove high strength ciders and lagers from off licence shelves, that other existing schemes, such as the local area guidance together with the work underway by trading standards and locality teams will be more beneficial.

- 3.7.5 An expression of interest was made in response to the Home Office Local Authority Action Areas (LAAA's) scheme, but the Leeds application was unsuccessful.

However, a licensing representative has been invited to speak to LAAA's and public health on Leeds' local area guidance which has been recognised as good practice.

3.8 Gambling Act 2005

3.8.1 The Gambling Act 2005 Statement of Licensing Policy is effective from January 2013 to December 2015. A full review will commence next year.

3.8.2 During this reporting period the licensing authority has received two applications for new betting shops in the areas of Harehills and Yeadon. Neither attracted representations and as a consequence were granted, but the application for Yeadon was subsequently surrendered.

3.8.3 Fixed Odds Betting Terminals (Betting Shops) Bill 2014-15
Members will be aware of growing concern for the placing of betting shops in sensitive areas and the clustering of such establishments. Furthermore these premises are permitted to provide up to 4 fixed odd betting terminals, known as B2 machines which have a maximum stake of £100 and prize of £500.

3.8.4 The Gambling Act does not provide for licensing authorities to have consideration for the number of betting premises in an area. However the 'Fixed Odds Betting Terminals (Betting Shops) Bill 2014-15' has had its first reading in the House Commons and proposes to create a new planning use class for betting shops, which would provide that the appropriate planning permission will be required for all new betting premises.

3.8.5 The Bill also proposes that local planning authorities:

- should assess demand for fixed odds betting terminal betting shops when considering planning applications for betting premises; and
- place a cap on the number of such shops for which planning permission may be granted in any area; and for connected purposes.

The second reading of the Bill is currently scheduled for the 27th February 2015, with further legislative processes to be completed and possible amendments made before it can finally be enacted.

3.8.6 Large Casino

A provisional statement for a large casino premises licence was granted to Global Gaming Ventures Limited for the site at Eastgate, now known at Victoria Gate. Development works to this site are now underway.

3.9 Local Government (Miscellaneous Provisions) Act 1982 - Licensing of Sex Establishments (including adult shops, cinemas and sexual entertainment venues, i.e. lapdancing)

3.9.1 Members will recall that three of the city's lap dancing venues had their licence renewals refused and two of those premises (Wildcats and Deep Blue) made

application to judicially review those decisions. In addition Wildcats made application to challenge the Statement of Licensing Policy.

3.9.2 At a two day hearing before the High Court in March the claims were rejected and in rejecting each claim the court held that the Council had:

- been entitled to 'take a fresh look'. Whilst there was no change to the character of each locality, the policy itself was a material, new factor
- 'grasped the nettle' of any differences with its previous decisions
- given sufficient reasons for its decision not to renew
- acted fairly and rationally in the comparative exercise it had undertaken

3.9.3 The Court also rejected challenges under the Provision of Services Regulations 2009, the Equality Act 2010, and Articles 10 and Article 1 Protocol 1 ECHR.

3.9.4 Members approved one renewal application for a shorter period expiring June 2014, after hearing how the area was subject to a redevelopment programme, including open green space.

3.9.5 At the time of writing this report that same premises has applied to further renew their licence and is listed for hearing before the licensing subcommittee on the 4th August 2014. An update will available at today's meeting.

3.10 Scrap Metal

3.10.1 A report was brought to the licensing committee in September 2013 which informed Members of the new Scrap Metal Dealers Act 2013 and the licensing regime, proposed fee, and the delegation process, as notably this Act is an executive function.

3.10.2 The Scrap Metal Dealers Act came into effect on the 1st October 2013, and from 1st December 2013 all scrap metal dealers required the relevant licence in the form of either a collectors or a site licence.

3.10.3 Since this time the licensing authority has issued 146 collectors and 25 site licences.

3.10.4 The licensing authority has provided notice that we are minded to refuse 10 collectors and 1 site application. Nine collectors and 1 site requested interviews. Following interview 5 of the collectors plus the site were granted their licences and the remaining 4 collectors were refused.

3.10.5 One applicant has lodged an appeal to the magistrates court and the hearing is set to be held mid-August.

3.11 Enforcement

3.11.1 In accordance with the Hampton Principles and the Regulators' Code, inspections and enforcement action must be risk based and proportionate.

- 3.11.2 Entertainment Licensing has a dedicated liaison & enforcement team of six officers that address a range of licence compliance and enforcement activities. These officers are also designated as the responsible authority on behalf of the licensing authority for the purpose of making representations against licence applications or bringing licence reviews where necessary.
- 3.11.3 The team work with a range of partner agencies including the Police, Fire & Rescue Authority, Trading Standards, HM Revenues & Customs, Home Office Immigration Enforcement (formerly UK Borders Agency), Security Industry Authority, environmental action, planning, health & safety etc.
- 3.11.4 Particularly during the summer months the team are involved with licensed outdoor events, liaising between promoters and agencies. Members of the team were recently involved in the Tour de France Grand Depart and forthcoming events include the Leeds Festival at Bramham Park.
- 3.11.5 As a general overview, over the past six months the team have dealt with:
- complaints of unlicensed scrap metal collectors and sites
 - reports of premises providing gambling facilities
 - premises involving shisha smoking
 - premises providing unlicensed sexual entertainment
 - unlicensed drinking establishments
 - Operation Capitol - city centre compliance visits involving WYP & BTP
 - Operation Rib: multi-agency operation visiting off-licensed and non-licensed premises where a number of contraventions were found including immigration tobacco, alcohol licensing
 - unlicensed late night refreshment
 - engaging with licence holders on the Otley pub run
 - engaging with licence holders on the lead up to the World Cup and Tour de France Grand Depart
 - six weekly meetings of the licensing enforcement group and attending other partnership meetings such as the Leeds Drugs and Alcohol Management Board, Divisional Community Safety Partnership meetings, Pubwatch, etc.
- 3.11.6 During this reporting period the following formal actions have been taken:

Prosecutions against unauthorised late refreshment:

- Gangsters/Pizza Pinache, North Lane, Headingley – Guilty plea to 3 offences. Received conditional discharge for 12 months and ordered to pay costs of £2,550.16 plus victims' surcharge of £15.
- De Niro Pizza, Stonegate Road, LS6 – Not guilty plea. Guilty verdict for all three offences. Conditional discharge for 12 months and ordered to pay costs of £3,000 plus victims' surcharge of £15
- Fat Joe's Takeaway, Amberton Approach LS8 – 4 offences. Defendant failed to attend the court hearing and the prosecution was proved in their absence. Case adjourned to for sentencing.

3.11.7 Other enforcement action:

- Tequila UK – Following the licence review for The Mezz Club a referral was made to the Advertising Standards Authority (ASA) which considered 7 complaints challenging the content of Tequila UK publicity footage. The ASA upheld six of the seven complaints made by Leeds CC.
- Unlicensed drinking establishment, LS8 - Sentenced to 20 weeks custodial, suspended for 12 months. 200 hours unpaid work. £2,160 costs awarded to Leeds CC. £80 victims surcharge.
- Martha's Ale House, Guiseley LS20 - Licence Review made following a history of breaches including selling alcohol beyond the permitted hours. Licensing Committee decided to modify the licence conditions (see para with 3.6.1 (v) above).

4.0 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.1 New licence applications and full variations to existing licences are subject to a 28 day consultation period.
- 4.1.2 The consultation period is advertised by the display of a site notice at the premises and an advert in a local newspaper.
- 4.1.3 The Licensing Authority consults on the licensing policies in accordance with local and government guidelines.

4.2 Equality and Diversity / Cohesion and Integration

- 4.2.1 The council's statement of licensing policies are developed with matters of equality, diversity and human rights taken into consideration. Policies are regularly reviewed in line with the legislation. The council has completed equality, diversity, cohesion screening and impact assessments with regards to the consultation process undertaken during the review of each policy.

4.3 Council Policies and City Priorities

- 4.3.1 When determining applications the licensing authority must have regard for governing legislation and will be assisted by any guidance issued by the Home Office or Gambling Commission. In addition where there is an associated statement of licensing policy this will set out the principles the council will use to exercise its functions under that policy, and in making a decision the council will have regard to that policy.
- 4.3.2 The licensing regime, in general, contributes to our best council objectives of:
 - Building a child friendly city – improving outcomes for children and families

- Promoting sustainable and inclusive economic growth – improving the economic wellbeing of local people and businesses
- Ensuring high quality public services – improving quality, efficiency and involving people in shaping their city

4.4 Resources and Value for Money

4.4.1 The Section encourages partnership working with internal and external services making best use of resources and information sharing.

4.5 Legal Implications, Access to Information and Call In

4.5.1 All information provided in this report is publicly accessible and there is no legal implication to the recommendations of this report.

4.6 Risk Management

4.6.1 As this is an advisory report there are no risks associated.

5.0 Recommendations

13.1 That members note the contents of the report.

Background Papers¹

None

¹ ¹ The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.



Report author: Susan Holden
Tel: 0113 395 1863

Report of the Head of Licensing and Registration

Report to **Licensing Committee**

Date: **5 August 2014**

Subject: **Deregulation of Entertainment**

Are specific electoral Wards affected? If relevant, name(s) of Ward(s):	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Summary of main issues

1. The Legislative Reform (Entertainment Licensing) Order 2014 brings in further deregulation of entertainment.

2. This report describes those changes in context with previous amendments to the Licensing Act 2003.

Recommendations

3. Members of Licensing Committee to note the content of the report.

1 Purpose of the report

- 1.1 To advise Licensing Committee of forthcoming changes to regulated entertainment under the Licensing Act 2003 brought about by the Legislative Reform (Entertainment Licensing) Order 2014 (LRO) which was laid before Government in July 2014 and will come into effect in April 2015.

2 Background

- 2.1 In “The Plan for Growth” published alongside the Budget in 2011, the Government announced that it intended to reduce the licensing burden for live music performance and bring forward proposals to reduce licensing burdens imposed on other forms of entertainment regulated by the Licensing Act 2003.
- 2.2 In September 2011, the DCMS issued a policy consultation that sought views on a proposal to remove licensing requirements in England and Wales for “regulated entertainment”. In launching the consultation, the Government took the view that the Licensing Act 2003 had been a missed opportunity to reform the regime for “regulated entertainment”.
- 2.3 The 2011 consultation was predicated on the view that where entertainment activities occur in conjunction with alcohol sale or supply, it is the presence of alcohol that is generally responsible for any increased threat to the licensing objectives.
- 2.4 After due consideration of the consultation responses, the Department announced a set of deregulatory measures to Parliament on 7 January 2013, and published a consultation response document.
- 2.5 In responding to the consultation, local government, police and the emergency services had generally felt that a limit of 5,000 people was not tenable as a means of promoting public safety and the prevention of public nuisance as licensing objectives. The Government listened and agreed that, especially on public safety grounds, an audience number of 500 was a more suitable general upper limit for deregulation of premises providing entertainment.
- 2.6 By setting the limit at 500 people, there was also a read-across to the 499 audience upper limit for an event authorised by a TEN, which has generally been regarded by local authorities and the emergency services as an appropriate audience ceiling figure for the light touch process of authorising temporary activities.

Implementation

- 2.7 The DCMS is implementing the set of deregulatory measures, under the Red Tape Challenge, through changes to legislation in four phases:
 1. The Live Music Act 2012 conditionally deregulated live music in certain venues and circumstances which came into effect on 1st October 2012.

2. The Licensing Act 2003 (Descriptions of Entertainment) (Amendment) Order 2013 partially deregulated plays, dance and indoor sporting events, and came into force on 27 June 2013.
3. Clause 58 in the Deregulation Bill as introduced to the House of Lords seeks to deregulate the exhibition of film in community premises.
4. The Legislative Reform Order, currently before Government, will amend the Licensing Act 2003 Act to provide exemptions for schools, community premises, local authority premises, and to change the audience limits to 500 to bring live music in line with other deregulation – more detail is provided below.

2.8 As a result of amendments to the Licensing Act 2003 by the Live Music Act 2012 and the Licensing Act 2003 (Descriptions of Entertainment) (Amendment) Order 2013, no licence is required for the following activities to the extent that they take place between 08:00-23:00 on any day:

- a performance of a play in the presence of any audience of no more than 500 people;
- an indoor sporting event in the presence of any audience of no more than 1,000 people;
- a performance of dance in the presence of any audience of no more than 500 people; and
- live music, where the live music comprises:
 - a performance of unamplified live music;
 - a performance of live amplified music in a workplace with an audience of no more than 200 people; or
 - a performance of live music on relevant alcohol licensed premises which takes place in the presence of an audience of no more than 200 people, at a time when the premises are open for the purpose of being used for the supply of alcohol for consumption.

2.9 The Legislative Reform (Entertainment Licensing) Order 2014 suggests that the licensing framework established by the 2003 Act imposed unnecessary burdens on some providers of lower risk entertainment. The introduction of a range of targeted exemptions to the licensing regime, contingent on the satisfaction of clear and important conditions, will result in the reduction of these burdens. The burdens include financial cost and administrative inconvenience.

3 Main issues

3.1 The Legislative Reform Order was laid before Government on 8th July 2014 and seeks to make a number of changes to the Licensing Act 2003 to deregulate entertainment as follows:

- creating licensing exemptions for local authority premises, schools, hospitals, nurseries and circuses
- relaxing existing controls for the playing of recorded music in certain premises
- raising the audience threshold for performances of live music from 200-500 in appropriate premises
- removing the licensing requirement for Olympic wrestling disciplines

3.2 The Government has released the consultation response which described the reasoning behind each change.

Music entertainment in relevant alcohol licensed premises and workplaces

Change

- 3.3 The audience limit for a performance of live amplified music in relevant alcohol licensed premises or in a workplace between 08.00-23.00 on the same day will be raised from 200 to 500.
- 3.4 Any playing of recorded music in relevant alcohol licensed premises will be deregulated (on a conditional basis) when it takes place between 08:00-23:00 on the same day for audiences of up to 500.
- 3.5 Local authorities, health care providers and schools will be exempt from entertainment licensing when making their own defined premises available to third parties for live and recorded music activities between 08:00-23:00 on the same day for audiences of up to 500.
- 3.6 Community premises not licensed to supply alcohol will be exempt from entertainment licensing requirements for live and recorded music between 08:00-23:00 on the same day for audiences of up to 500.

Government Response

- 3.7 Where the deregulation of music entertainment takes place in pubs and clubs or other relevant alcohol licensed premises, the Government has ensured that the sanction of a licence review will apply to ensure that any instances of public nuisance or disorder can be tackled.
- 3.8 The coming into force of the Live Music Act 2012 has not negatively impacted the licensing objectives and the Government considers that having an audience limit of not more than 500 people for music entertainment in relevant premises strikes the right balance between those who welcome it, and those who have concerns about noise nuisance.
- 3.9 The Government wishes to encourage small-scale local music performances in community premises that are not licensed for the supply of alcohol – to help promote community interaction and expression and keep community premises viable. The Government considers that such premises that only provide regulated entertainment are low risk in relation to the licensing objectives.

- 3.10 The Government does not agree with responders that the risk to the licensing objectives from any noise associated with music entertainment is such that licensing of music should not be further reformed. The Environmental Protection Act 1990 provides for redress for noise nuisance should incidents occur at workplaces or community premises that are not licensed for the supply of alcohol. Where the premises are licensed for the supply of alcohol, then licensing conditions can be re-imposed by the licensing authority following a review of a premises licence or club premises certificate for that relevant alcohol licensed premises. The Impact Assessment sets out that that the monetised benefits of deregulation will more than offset the “worst case” cost estimate to local authorities in relation to potential noise complaints and service delivery costs, meaning that local authorities will not be subject to new burdens.

Cross-activity exemption

Change

- 3.11 The provision of regulated entertainment by or on behalf of local authorities, health care providers, or schools on their own defined premises will be exempt from entertainment licensing between 08.00-23.00 on the same day, with no audience limit.

Government Response

- 3.12 The Government believes that local authorities, health care providers and school proprietors can be trusted to be responsible for entertainment that takes place on their own premises. The Government does not agree with a minority of responders that the risk to the licensing objectives from any noise associated with music entertainment is such that licensing should not be reformed. The Environmental Protection Act 1990 provides for redress for noise nuisance should incidents occur.
- 3.13 Details of changes made to the measure, post-consultation, are set out in the Explanatory Document that accompanies the LRO (chapters 3 and 11). These include: a fuller explanation of “on behalf of”; the removal of some bodies from the original definition of ‘local government ’; and a decision not to proceed with an LRO measure for nurseries (early years and day care provision) on the basis that, post-consultation, it is deemed no longer desirable or necessary.
- 3.14 The Government considers that an audience limit is not required for this exemption in terms of the risk to the licensing objectives. The Government considers that local authorities, health care providers and school proprietors should have greater freedom to manage their own affairs with regard to the provision of entertainment. The Government does not start from the position that entertainment provided by such providers always requires regulation and control through licensing.
- 3.15 The Government considers that the exemption will strike the right balance between removing unnecessary licensing burdens that hamper community creativity and protecting the rights of individual citizens.

Travelling circuses

Change

- 3.16 Travelling circuses will be exempt from entertainment licensing in respect of all descriptions of entertainment, except an exhibition of a film or a boxing or wrestling entertainment, where the entertainment or sport takes place between 08:00-23:00 on the same day, with no audience limit.

Government Response

- 3.17 The Government agrees with most respondents that an LRO is suitable and workable for the deregulation of certain entertainment activities as part of circus. Post –consultation, we have clarified in the Explanatory Document to the LRO that deregulation will only apply to travelling circuses where relevant entertainment takes place within a moveable structure.

Greco-Roman and freestyle wrestling

Change

- 3.18 Greco-Roman and freestyle wrestling will be deregulated between 08:00-23:00 for audiences of up to 1000 people.

Government Response

- 3.19 The Government agrees that an LRO is suitable and workable for the deregulation of Greco-Roman and freestyle Wrestling. Post-consultation, the measure has been amended to include an audience size limit of 1,000 people. The Government considers that Cornish or Cumbrian wrestling entertainments cannot with the same certainty be considered to be lower risk entertainment with respect to the licensing objectives.

Incidental film

Change

- 3.20 The final amendment provides that an exhibition of film that is incidental to another activity (where that other activity is not itself a description of entertainment set out in paragraph 2 of Schedule 1 to the 2003 Act) is exempt from licensing.
- 3.21 The Government did not provide any further comment on this deregulation.

Impact on Leeds City Council

- 3.22 On face value it would appear that this wholesale deregulation of regulated entertainment previously licensed under the Licensing Act would have a dramatic impact on both the council and business owners in Leeds.

- 3.33 Officers have examined the proposed changes, and can advise that these changes may impact the way in which noise nuisance and nuisance created by unlicensed music is handled but will not increase or decrease current workloads.
- 3.34 For example an alcohol licensed premises that is playing music too loudly and disturbing their neighbours will be dealt with under the Environmental Protection Act in the first instance, with prohibition notices being served and breaches of those notices witnessed. This may result in a review of the premises licence and the removal of the exemption from licensing (so that stricter conditions can be imposed). Although this will change the route of the formal action, it will not change the end result.
- 3.35 Similarly Enforcement Officers from Entertainment Licensing are often dealing with multiple issues with problem premises. An alcohol licensed premises that is allowing a noise nuisance to occur, is likely to also be breaching other conditions, such as operating after hours, allowing disorder outside the premises etc.
- 3.36 However the council's enforcement officer, regardless of the legislation they are operating under, apply a proportionate response to complaints, and the route of informal or formal action will be preceded by a number of communications with the licence holder. In the majority of cases problems are resolved without the need to resort to action.
- 3.36 With regard to the deregulation of entertainment on council owned land, this would affect events previously seen in Leeds such as Party and Opera in the Park.
- 3.37 These events have been organised in the past by the council, on council land and will be exempt from entertainment licensing. However the alcohol sales will still need to be licensed however this could be achieved under the temporary event notice system. The police may wish to lodge an objection under the licensing objectives if they believe allowing a temporary event notice, to be used to sell alcohol at large scale events, will have a negative impact on the licensing objectives.
- 3.38 Events such as Cocoon, which is a musical event with an audience of 10,000, held on council owned land but staged by an external promoter would not be exempt from licensing and would still need to rely on either the council's licence or apply for their own.

4.0 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.1 The Government has consulted widely on this matter, firstly in 2011 and then again in 2013. This Legislative Reform Order forms part of a 4 stage process to deregulate entertainment under the Licensing Act 2003. Leeds City Council responded to the 2011 consultation, but relied on the LGA to respond to the 2013 consultation.

4.2 Equality and Diversity / Cohesion and Integration

4.2.1 There are no implications for equality in the deregulation of entertainment.

4.3 Council Policies and City Priorities

4.3.1 The licensing regime, in general, contributes to our best council objectives of:

- Building a child friendly city – improving outcomes for children and families
- Promoting sustainable and inclusive economic growth – improving the economic wellbeing of local people and businesses
- Ensuring high quality public services – improving quality, efficiency and involving people in shaping their city

4.4 Resources and Value for Money

4.4.1 The impact of the deregulation may be a loss of annual fee income from premises that are solely licensed for regulated entertainment, which is minimal as most premises licensed for entertainment only are exempt from the fee. Those that hold licences for regulated entertainment and alcohol may surrender their full Premises Licence and rely on TENs but then would be limited to the sale of alcohol on just twelve occasions per year (soon to be increased to fifteen). Entertainment Licensing estimates that this is only likely to happen in a small number of cases. In addition many of the premises which this affects are exempt from a licence renewal fee.

4.5 Legal Implications, Access to Information and Call In

4.5.1 This report is advisory on the deregulation of entertainment. As there is no formal action to be taken by the council there are no legal implications or impact on access to information and call in.

4.6 Risk Management

4.6.1 Other than a potential loss of annual fee income, and the change to procedures within the council to utilise other pre-existing legislation when dealing with noise nuisance, there is little risk to the council.

5 Conclusions

5.1 The Government is introducing a number of changes to the Licensing Act 2003 which will effectively deregulate regulated entertainment under the Licensing Act 2003. Nuisance complaints associated with licensed premises will still be handled by Health and Environmental Action Services and Entertainment Licensing, however it may be that where the nuisance is directly related to a de-regulated entertainment the action taken by the Council may be taken under different legislation.

6 Recommendations

6.1 Members of Licensing Committee to note the contents of the report.

Background documents¹

None

¹ The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.

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LICENSING COMMITTEE WORK PROGRAMME 2014/15 - LAST UPDATED 25/06/14 (JG)

ITEM	DESCRIPTION	NOTES	TYPE OF ITEM
Items Currently Unscheduled			

ITEM	DESCRIPTION	Officer	TYPE OF ITEM
Meeting date: 10 JUNE 2014 . HELD PH operator Conditions Review, HC Proprietors Suitability Assessment, 3Year Driver Licensing, Convictions Criteria and De Regulations			
Meeting date: 8 JULY 2014			
BID UPDATE (Late Night Economy)	To receive a report back on the of Voluntary Initiatives and or the BID	S Holder/M Farrington	DP
Strong Alcohol Schemes	To receive a report back on the strong alcohol schemes	S Holden	DP
Otley Cumulative Impact Policy	To consider proposals for the introduction of a Cumulative Impact Policy for Otley	N Raper	DP
Meeting date: 5 AUGUST 2014			
Entertainment Licensing Section Activity update	To receive an update on activities of the Entertainment Licensing Section for the period January to June 2014	N Raper	PM
TPHL Section Activity Update	To receive a 6 monthly update on the activities of the TPHL Section	D Broster	PM
TPHL Equality Monitoring	To receive an update on the data collection levels achieved so far (January to June 2014) in respect of HC and PH applicants and licence holders,	D Broster	PM
Leeds Festival 2014	To provide an update on the arrangements for the Leeds Festival 2014	S Holder	B

Key: RP – Review of existing policy DP – Development of new policy PM – Performance management B – Briefings SC – Statutory consultation

LICENSING COMMITTEE WORK PROGRAMME 2014/15 - LAST UPDATED 25/06/14 (JG)

ITEM	DESCRIPTION	Officer	TYPE OF ITEM
Meeting date: 9th SEPTEMBER 2014			
WYP Presentation	To receive the 6 monthly update		B
Employment of a Police Constable	To receive proposals for the employment of a Police Constable	D Broster	B
Inner East and Inner West Local Licensing guidance	To consider a report on the Inner East and Inner West Local Licensing guidance	S Holden	B
Hackney Carriage Proprietors – Appropriate Suitability Assessment	To receive a report back following consultation with the Private Hire and Hackney Carriage Trade	D Broster	RP
Meeting date: 7th OCTOBER 2014			
Wi-Fi in licensed vehicles	To provide a report exploring proposals for free Wi-Fi in Private Hire vehicles	D Broster	DP
Meeting date: 11th NOVEMBER 2014			
Meeting date: 9th DECEMBER 2014			
Meeting date: 6th JANUARY 2015			
Meeting date: 10th FEBRUARY 2015			

Key:
 RP – Review of existing policy DP – Development of new policy PM – Performance management B – Briefings SC – Statutory consultation

LICENSING COMMITTEE WORK PROGRAMME 2014/15 - LAST UPDATED 25/06/14 (JG)

ITEM	DESCRIPTION	Officer	TYPE OF ITEM
Meeting date: 10TH MARCH 2015			
Meeting date: WEDNESDAY 8TH APRIL 2015			
Meeting date: WEDNESDAY 6TH MAY 2015			

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Report author: Stephen Holder
0113 2474095

Report of the Head of Licensing and Registration

Report to the Licensing Committee

Date: 5 August 2014

Subject: Leeds Festival 2014 Update

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s): Wetherby and Harewood		
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, Access to Information Procedure Rule number: 10.4 (3 & 7)		
Appendix number: Appendix B		

Executive Summary

1 The Leeds Festival is an annual event held within the grounds of Bramham Park over the August Bank Holiday weekend. The event is , held under the authorisation of a premises licence issued under the Licensing Act 2003.

2. Recommendations

The Licensing Committee is required to consider this report and take such steps it considers appropriate to promote the licensing objectives as detailed in paragraph 5.1.1 of this report and the recommendations as detailed at 5.1.3.

1.0 Purpose of this Report

1.1 This report advises Members of the progress of the multi-agency meetings and the Event Management Plan for the 2014 annual festival

2.0 Background Information

2.1 The premises licence for the Leeds Festival was considered and approved by the members of the Licensing Committee on the 28 April 2006.

2.2 The Licence is held for Bramham Park and allows the festival to take place every August Bank Holiday.

- 2.3 Members resolved to grant the application as requested and accepted the applicants offer to include the following additional three conditions:
- 1) There shall be an Event Management Plan which incorporates the operating schedule submitted to the Licensing Authority at least 6 months prior to the Festival each year.
 - 2) The Event Management Plan and any revisions to the Event Management Plan must be approved by the Licensing Authority prior to the Festival.
 - 3) The Premises Licence Holder shall comply with the terms and requirements of the Event Management Plan each year.
- 2.4 In addition the Committee reserved the right to determine how the final amended Event Management Plan for the festival should be agreed with the facility for the final plan to be agreed by the Committee or officers under delegated authority.
- 2.5 Following a number of successful variation applications the premise licence permits the activities as detailed in Appendix A.

3.0 Main Issues

- 3.1 The 2014 event will take place from Friday 22nd until Sunday 24th August 2014, although the campsites will be opened for early arrivals on Wednesday 20th August from when low key entertainment within the campsites will be provided..
- 3.2 The draft Event Management Plan for the 2014 Event was received by the Licensing Authority and Responsible Authorities in February 2014. As in previous years a summary of key changes following the 2013 event were circulated to Members of the Licensing Committee and Ward Members.
- 3.3 A further copy of the summary of changes is provided with this report for Members attention at Appendix B. It should be noted that the contents of the Event Management Plan and the document containing the summary of changes are potentially exempt information under Access to Information Procedure Rule 10.4(3) and (7) as these include information relating to the financial or business affairs of any particular person and it contains information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.
- Members are asked to consider exclusion of the press and public from the hearing if these matters contained within the summary of changes are to be discussed.
- 3.4 The maximum capacity for the event site is 89,999 in total, although the Event Management Plan for 2014 is set for a capacity of 70,000. The Event Management Plan will be amended subject to consultation and agreement with responsible authorities if ticket sales are to exceed this number.
- 3.5 To ensure the widest circulation of information the Leeds Festival Management teams have held meetings with the Parish/Town Councils in the area surrounding the site and maintain regular contact.

3.6 The first multi-agency meeting was held on the 13 February 2014 and these meetings have continued on a bi monthly basis. The last meeting will be held on the 7 August 2014. It is anticipated that the multi- agency partners and responsible authorities will provide their approval to the Event Management Plan at this meeting.

4.0 Corporate Considerations

4.1 Consultation and Engagement

4.1.1 The application for a premises licence considered in 2006 underwent the full 28 day consultation process including a newspaper advertisement and public notices displayed around the site for the required 28 day notice period. Full liaison was also held with the Ward Members and responsible authorities. The licence holder continues to consult with community representatives through the Parish Councils and local residents on all aspects of the impact of the event.

4.2 Equality and Diversity/Cohesion and Integration

4.2.1 At the time of writing this report there were no implications for equality and diversity. Any decision taken by the Licensing Committee will be in accordance with the four licensing objectives as prescribed by the Licensing Act 2003. The council's statement of licensing policy (Licensing Act 2003) is regularly reviewed and involves a consultation exercise, and is subject to an equality, diversity, cohesion screening and impact assessment

4.3 Council Policies and City Priorities

4.3.1 When determining applications under the Licensing Act 2003 the Licensing Authority must have regard to the relevant legislation, guidance issued by the Home Office, the council's own statement of licensing policy and any associated local area guidance.

4.3.2 Applicants are expected to have had consideration to the relevant policy and any local area guidance when completing their applications and the licensing authority will refer to the policy/local area guidance when making its decision.

4.3.3 The application was granted in 2006 with regard to the Council's Licensing Act 2003 Statement of Licensing Policy, and the event will operate in accordance with the licensing objectives as set out in the current Statement of Licensing Policy 2014-2018.

4.3.4 The licensing regime, in general, contributes to our best council objectives of:

- Building a child friendly city – improving outcomes for children and families
- Promoting sustainable and inclusive economic growth – improving the economic wellbeing of local people and businesses
- Ensuring high quality public services – improving quality, efficiency and involving people in shaping their city

4.4 Resources and Value for Money

- 4.4.1 There are no resource implications to the licensing authority. The premises licence is subject to an annual maintenance fee as prescribed under the Licensing Act 2003.

4.5 Legal Implications

- 4.5.1 There are no legal implications in terms of the premises licence identified.
- 4.5.2 There is no provision for the premises licence to be open for consideration at this point of time given that the licence and subsequent revisions to the terms of the licence have been previously approved. Instead Members should consider whether and how to approve the Event Management Plan as required under condition 2 of the licence.

4.6 Risk Management

- 4.6.1 Preparation for the event is subject to a number of multi-agency meetings.
- 4.6.2 Any matters arising during the planning of the 2014 event having an implication on the premises licence and objectives of the Licensing Act will be brought back before the Licensing Committee.

5.0 Options Available To Members

- 5.1 Members of the Licensing Committee must make decisions with a view to promoting the Licensing Objectives which are:
- 1) the prevention of crime and disorder
 - 2) public safety
 - 3) the prevention of public nuisance
 - 4) the protection of children from harm
- 5.2 Whilst there should be no major amendments to the Event Management Plan there is still scope for minor changes in accordance with the relevant agency approval. It would therefore not be appropriate for members to approve the Event Management Plan today.
- 5.3 Members may therefore consider it more appropriate, as in previous years to:
- a) Give delegated authority to the Head of Licensing and Registration to approve the Event Management Plan prior to the start of the event.
- and
- b) Give delegated authority to the Head of Licensing and Registration to approve any minor amendments to the Event Management Plan prior to the start of the event.
- 5.4 Should the Event Management Plan be subject to amendment without the relevant agency consent, or be of a nature which officers consider may impact on the

licensing objectives then the Event Management Plan will be brought back before the Licensing Committee prior to the event taking place.

6.0 Conclusions

6.1 This report advises Members that the multi-agency process has not highlighted any issues in respect of the 2014 event and that information is being supplied within the agreed time scales.

7.0 Recommendations

7.1 The Licensing Committee is required to consider this report and take such steps it considers appropriate to promote the licensing objectives as detailed in paragraph 5.1 of this report and the recommendations as detailed at 5.3.

Background Papers

Home Office Guidance issued under s182 Licensing Act 2003

Leeds City Council Statement of Licensing Policy 2014 to 2018 – Licensing Act 2003

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Part A

Schedule 12 Licensing Act 2003

Initial licence from:

28th April 2006

Current Licence effective from:

Part 1 – Premises details

Postal address of premises, or if none, ordnance survey map reference or description

Leeds Festival, Bramham Park, Thorner Road, Wothersome, Wetherby, Leeds, LS23 6ND

Telephone number: 0207 009 3000

Licensable activities authorised by this licence

Sale by retail of alcohol, Provision of late night refreshment, Performance of a play, Exhibition of a film, Performance of live music, Performance of recorded music, Performance of dance, Entertainment similar to live music, recorded music or dance, Provision of facilities for making music, Provision of facilities for dancing, Provision of facilities for anything similar to making music or dancing,

Times the licence authorises the carrying out of licensable activities

<i>Sale by retail of alcohol</i>		<i>Entertainment similar to live music, recorded music or dance</i>	
Every Day	00:01 - 00:00	Thursday	19:00 - 03:00
<i>Provision of late night refreshment</i>		Friday to Sunday	12:00 - 06:00
Wednesday to Sunday	23:00 - 05:00	<i>Provision of facilities for making music</i>	
<i>Performance of a play</i>		Thursday	19:00 - 03:00
Thursday	19:00 - 03:00	Friday, Saturday & Sunday	12:00 - 06:00
Friday to Sunday	12:00 - 03:00	<i>Provision of facilities for dancing</i>	
<i>Exhibition of a film</i>		Thursday	19:00 - 03:00
Thursday	19:00 - 03:00	Friday to Sunday	12:00 - 06:00
Friday to Sunday	12:00 - 06:00	<i>Provision of facilities for anything similar to making music or dancing</i>	
<i>Performance of live music</i>		Thursday	19:00 - 03:00
Thursday	19:00 - 03:00	Friday, Saturday & Sunday	12:00 - 06:00
Friday to Sunday	12:00 - 06:00		
<i>Performance of recorded music</i>			
Thursday	19:00 - 03:00		
Friday to Sunday	12:00 - 06:00		
<i>Performance of dance</i>			
Thursday	19:00 - 03:00		
Friday to Sunday	12:00 - 03:00		

The opening hours of the premises

Everyday 00:01 - 00:00

Alcohol is sold for consumption on and off the premises

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

Mr Melvin Benn
Festival Republic Ltd
35 Bow Street
London
WC2E 7AU

Email Address: mbenn@festivalrepublic.com

Registered number of holder, for example company number, charity number (where applicable)

Registered business number: 02948536

Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol

Anne-Maria O'Sullivan
115 Sudbourne Road
London
SW2 5AF

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

Personal licence number: PERS2980

Licensing authority: London Borough Of
Lambeth

Licence issued under the authority of Leeds City Council

Mr Stephen Holder
Principal Licensing Officer
Entertainment Licensing
Licensing and Registration

Annex 1 – Mandatory Conditions

1. Only individuals licensed by the Security Industry Authority may be used at the premises to guard against:-
 - a. unauthorised access or occupation (e.g. through door supervision), or
 - b. outbreaks of disorder, or
 - c. damage
2. No supply of alcohol may be made under this licence
 - a. At a time when there is no designated premises supervisor in respect of the premises licence, or
 - b. At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
3. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
4. The admission of children under the age of 18 to film exhibitions permitted under the terms of this licence shall be restricted in accordance with any recommendations made
 - a. By the British Board of Film Classification (BBFC,) Where the film has been classified by the Board, or
 - b. By the Licensing Authority where no classification certificate has been granted by the BBFC, or,
 - c. where the licensing authority has notified the licence holder that section 20 (3) (b) (74 (3) (b) for clubs) of the Licensing Act 2003 applies to the film.
5. The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children -

- a. games or activities which require or encourage, or are designed to require or encourage, individuals to -
 - i. drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - ii. drink as much alcohol as possible (whether within a time limit or otherwise);
- b. provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
- c. provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;

- d. provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on -
 - i. the outcome of a race, competition or other event or process, or
 - ii. the likelihood of anything occurring or not occurring;
 - e. selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
6. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
 7. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
 8. The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

9. The responsible person shall ensure that -
 - a. where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures:
 - i. beer or cider. 1/2 pint;
 - ii. gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - iii. still wine in a glass: 125 ml; and
 - b. customers are made aware of the availability of these measures
10.
 1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
 2. For the purposes of the condition set out in paragraph 1 of this condition -
 - (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979(a);
 - (b) "permitted price" is the price found by applying the formula $P = D + (D \times V)$ where -
 - (i) P is the permitted price,
 - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
 - (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -

- (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) "value added tax" mean value added tax charged in accordance with the Value Added Tax Act 1994(b).

Annex 2 – Conditions consistent with the operating schedule

Additional details in respect of licensable activities authorised by this licence

Sale by retail of alcohol

Non standard timings:

Non Standard Timings and Seasonal Variations

The times and dates of licensable activities will be submitted and agreed within the Multi Agency forum at least 6 months prior to the festival or such lesser period as agreed from time to time within the multi agency forum.

The premises licence is for the on and off sales of alcohol to ticket holders for 24 hours on the dates which will be agreed within the multi agency forum.

This year the hours will be from 17:00hrs on Wednesday 20th August to 03:00 hrs on Monday 25th August 2012

The licence also provides for the supply of alcohol to staff 24 hours on the dates which will be submitted and agreed with the multi agency forum at least 6 months prior to the festival each year or such lesser period as agreed from time to time with the multi agency forum.

This year the hours will be from 17:00hrs Monday 18th August to 23:00hrs on Tuesday 26th August 2012

The application for an extension of existing hours from 03:00hrs to 06:00hrs Saturday, Sunday and Monday submitted in March 2008 applies to the following campsites only:

Brown/Green campsite DJ
 Orange campsite DJ
 Yellow Bubble campsite DJ
 Blue Valley campsite DJ
 Red campsite DJ
 Piccadilly campsite DJ
 Silent Disco

The location and names of these campsites may be determined from a site plan submitted each year.

Provision of late night refreshment

Location of activity: Both indoors and outdoors

Performance of a play

Location of activity: Both indoors and outdoors

Exhibition of a film

Location of activity: Both indoors and outdoors

Performance of live music

Location of activity: Both indoors and outdoors

Performance of recorded music

Location of activity: Both indoors and outdoors

Performance of dance

Location of activity: Both indoors and outdoors

Entertainment similar to live music, recorded music or dance

Location of activity: Both indoors and outdoors

Provision of facilities for making music

Location of activity: Both indoors and outdoors

Provision of facilities for dancing

Location of activity: Both indoors and outdoors

Provision of facilities for anything similar to making music or dancing

Location of activity: Both indoors and outdoors

Conditions consistent with the operating schedule relating to the licensing objectives

General – All four licensing objectives

11. The Premises Licence Holder shall comply with the terms and requirements of the Event Management Plan each year.
12. There shall be an Event Management Plan which incorporates the Operating Schedule submitted to the Licensing Authority at least six months prior to the festival each year.
13. The Event Management Plan and any revisions to the Event Management Plan must be approved by the Licensing Authority prior to the Festival

Public safety

14. The maximum permitted capacity at the event is 85,000 ticket holders and 4999 guests (89999 persons in total) The proposed capacity for each event will form part of the Event Management Plan notified to the Licensing Authority and the Multi Agency partners under the conditions of this Licence.

Annex 3 – Conditions attached after a hearing by the licensing authority

None

Annex 4 – Plans

The plans for these premises are as those submitted with the application. A copy of which is held by Leeds City Council licensing authority.

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