



## LICENSING COMMITTEE

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MEETING TO BE HELD IN CIVIC HALL, LEEDS ON

TUESDAY, 4TH AUGUST, 2015 AT 10.00 AM

(PLEASE NOTE THE MEETING WILL BE HELD IN THE NEW 6 & 7 COMMITTEE ROOMS)

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### MEMBERSHIP

#### Councillors

|             |                                |
|-------------|--------------------------------|
| N Buckley   | Alwoodley;                     |
| R Downes    | Otley and Yeadon;              |
| J Dunn      | Ardsley and Robin Hood;        |
| B Gettings  | Morley North;                  |
| M Harland   | Kippax and Methley;            |
| G Hussain   | Roundhay;                      |
| G Hyde      | Killingbeck and Seacroft;      |
| A Khan      | Burmantofts and Richmond Hill; |
| B Selby     | Killingbeck and Seacroft;      |
| C Townsley  | Horsforth;                     |
| G Wilkinson | Wetherby;                      |
| B Flynn     | Adel and Wharfedale;           |
| M Ingham    | Burmantofts and Richmond Hill; |
| S McKenna   | Garforth and Swillington;      |
| A Ogilvie   | Beeston and Holbeck;           |

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Agenda compiled by:  
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John Grieve  
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# A G E N D A

| Item No | Ward/Equal Opportunities | Item Not Open |  | Page No |
|---------|--------------------------|---------------|--|---------|
| 1       |                          |               | <p><b>APPEALS AGAINST REFUSAL OF INSPECTION OF DOCUMENTS</b></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><b>EXEMPT INFORMATION - POSSIBLE EXCLUSION OF THE PRESS AND PUBLIC</b></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><b>RESOLVED</b> – 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><b>LATE ITEMS</b></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><b>DECLARATION OF DISCLOSABLE PECUNIARY INTERESTS</b></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><b>APOLOGIES FOR ABSENCE</b></p>  |         |
| 6       |                          |               | <p><b>MINUTES OF THE PREVIOUS MEETING</b></p> <p>To approve the minutes of the last meeting held on 7<sup>th</sup> July 2015</p> <p>(Copy attached)</p>  | 1 - 4   |
| 7       |                          |               | <p><b>MATTERS ARISING FROM THE MINUTES</b></p> <p>To consider any matters arising from the Minutes</p>   |         |
| 8       |                          |               | <p><b>ACTIVITY UPDATE: TAXI AND PRIVATE HIRE LICENSING 1ST JANUARY TO 30 JUNE 2015</b></p> <p>To consider a report by the Head of Licensing and Registration which provides an update on the delegated decisions taken by officers of the Taxi and Private Hire Licensing Section covering the period 1<sup>st</sup> January to 30<sup>th</sup> June 2015.</p> <p>(Report to attached)</p> | 5 - 12  |

| Item No | Ward/Equal Opportunities | Item Not Open    |  | Page No |
|---------|--------------------------|------------------|--|---------|
| 9       |                          |                  | <p><b>INFORMATION REPORT :- THE EMERGENCE OF THE 'APP' BOOKING FACILITY FOR THE TAXI &amp; PRIVATE HIRE SERVICES</b></p> <p>To consider a report by the Head of Licensing and Registration, which informs Members of the available technology and how it fits in with legislation around Taxi &amp; Private Hire licensing.</p> <p>(Report attached)</p> | 13 - 16 |
| 10      |                          | 10.4(1, 2, 3, 7) | <p><b>ENTERTAINMENT LICENSING SECTION - UPDATE REPORT - JANUARY - JUNE 2015</b></p> <p>To consider a report by the Head of Licensing and Registration which provides an update on matters relating to the Entertainment Licensing Section during the period 1<sup>st</sup> January to 30<sup>th</sup> June 2015.</p> <p>(Report attached)</p>            | 17 - 28 |
| 11      | Harewood; Wetherby       | 10.4(3, 7)       | <p><b>LEEDS FESTIVAL 2015 UPDATE</b></p> <p>To consider a report by the Head of Licensing and Registration which sets out details of progress on the multi-agency meetings and the Event Management Plan for the 2015 Leeds Festival.</p> <p>(Report attached)</p>   | 29 - 44 |
| 12      |                          |                  | <p><b>LICENSING COMMITTEE WORK PROGRAMME 2015/16</b></p> <p>To note the contents of the Licensing Committee Work Programme for 2015/16</p> <p>(Copy attached)</p>  | 45 - 50 |
| 13      |                          |                  | <p><b>DATE AND TIME OF NEXT MEETING</b></p> <p>To note that the next meeting will take place on Tuesday 8<sup>th</sup> September 2015 at 10.00am in the Civic Hall, Leeds.</p>   |         |

| Item No | Ward/Equal Opportunities | Item Not Open |   | Page No |
|---------|--------------------------|---------------|---|---------|
|         |                          |               | <p><b>Third Party Recording</b></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> <p>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.</p> <p>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</p> |         |
|         |                          |               |   |         |

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## Licensing Committee

Tuesday, 7th July, 2015

**PRESENT:** Councillor M Harland in the Chair

Councillors N Buckley, B Gettings,  
G Hussain, G Hyde, A Khan, B Selby,  
C Townsley, G Wilkinson, B Flynn,  
M Ingham and A Ogilvie

### **CHAIR'S OPENING REMARKS**

The Chair welcomed Councillor Ogilvie to his first meeting of the Licensing Committee. Councillor Ingham was welcomed back onto the Licensing Committee.

#### **14 Appeals Against Refusal of Inspection of Documents**

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

#### **15 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.

#### **16 Late Items**

There were no late items of business submitted.

#### **17 Declaration of Disclosable Pecuniary Interests**

There were no declarations of Disclosable Pecuniary Interests made at the meeting.

#### **18 Apologies for Absence**

Apologies for absence were received from Councillors: Downes and Dunn.

#### **19 Minutes of the Previous Meeting**

**RESOLVED** – That the minutes of the previous meeting held on 22<sup>nd</sup> May 2015 be confirmed as a true and correct record.

#### **20 Matters Arising from the Minutes**

There were no issues raised under matters arising.

#### **21 Gambling Act 2005 Statement of Licensing Policy**

The Head of Licensing and Registration submitted a report which provided the consultation responses to the Gambling Act 2015 Statement of Licensing Policy, including the proposed final draft Policy Document for Members to recommend to approve.

Appended to the report were copies of the following:

- GA05 Statement of Licensing Policy (Appendix A)
- Proposed Statement of Licensing Policy 2016-18 (Appendix B)
- Local Risk Assessments – Gambling Act 2005 (Appendix C)
- Mandatory, Default and Model Conditions – Gambling Act 2005 (Appendix D)

The Principal Licensing Officer, Entertainment Licensing, presented the report and responded to Members questions and queries.

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

- The requirement to review the Gambling Act 2005 Statement of Licensing Policy and the process for consultation
- Response to the Consultation
- Locality Risk Assessments
- Local Area Profiles

A query was raised over the accuracy of the wording in paragraph 13.10 of the draft policy. In responding officers said the paragraph would be checked and amended if considered necessary.

Referring to Local Area Profiles, Members asked if Ward Members would be consulted in the preparation of Risk Assessments and Local Area Profiles and could an application be refused if the risk assessment was deemed to be insufficient.

In responding the officer reported that Model Conditions and Risk Assessments were in the early stages of being developed and that Community Committees would be involved. Commenting on risk assessments, officers confirmed that an insufficient risk assessment could be reasons for a hearing to be adjourned or may be grounds to impose conditions.

A query was raised regarding the education and support in the community of people vulnerable to problem gambling. In response the officer advised that the Social Inclusion Fund funded by the Large Casino provided grants to organisation providing exactly this kind of support and Community Committees could be encouraged to submit bids to the SIF if there was an unmet need in their area.

## **RESOLVED –**

- (i) To endorse the proposed consultation response as set out in appendix A of the submitted report
- (ii) To endorse the proposed Statement of Licensing Policy 2016-18 as referred to in Appendix B of the submitted report



- (iii) To approve the Guidance Documents in principal as set out in Appendix C & D of the submitted report, subject to further minor amendments by the Head of Licensing and Registration before coming into effect alongside the new policy in January 2016.
- (iv) To recommend to Community Committees to submit bids to the SIF if there was an unmet demand for gambling support services in their area.

## **22 Hemming v Westminster Outcome**

The Head of Licensing and Registration submitted a report which provided an update on the case (Hemming vs Westminster) and the impact of such a case would have on the regulatory regimes.

The Principal Licensing Officer, Entertainment Licensing, presented the report and responded to Members questions and queries.

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

- The Legal Challenge
- The High Court Judgement
- The Court of Appeal Judgement
- The Supreme Court Judgement Implications for local authorities and other regulatory bodies.

In offering comment on the Supreme Court Judgement, Members requested information on the wider implications (if any) of the judgement and how it might affect other Council Directorates.

### **RESOLVED –**

- (i) That the contents of the report be noted.
- (ii) That the City Solicitor inform Members of the implications (if any) for other Council Directorates as a consequence of the Hemming vs Westminster Judgement

## **23 Licensing Committee Work Programme 2015/16**

Members considered the contents of the Licensing Committee Work Programme for 2015/16.

Members requested if a report dealing with the use of smart phone apps for Hackney and Private Hire companies could be added to the work programme for the August 2015 meeting.

**RESOLVED –** With the inclusion of the above, the contents of the Licensing Committee Work Programme for 2015/16 be approved.

Draft minutes to be approved at the meeting  
to be held on Tuesday, 4th August, 2015

## **24 Date and Time of Next Meeting**

**RESOLVED** – To note that the next meeting will take place on Tuesday, 4<sup>th</sup> August 2015 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:** 4 August 2015

**Subject:** Activity Update: Taxi and Private Hire Licensing 1<sup>st</sup> January to 30 June 2015

|  |                              |  |
|--|------------------------------|--|
| Are specific electoral Wards affected?<br>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?<br>If relevant, Access to Information Procedure Rule number:<br>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 February 2015 regarding delegated decisions taken by officers at Taxi and Private Hire Licensing.
- 2 This report contains information on decisions taken from 1<sup>st</sup> January to 30 June 2015.

## Recommendations

3. That Members note the information in this report.

## 1 Purpose of this report

- 1.1 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 February 2015 gave information on delegated decisions taken from 1<sup>st</sup> July to 31<sup>st</sup> December 2014.
- 2.2 Information on delegated decisions taken in the last six months of 2014 has been reproduced for comparison purposes.
- 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 number of licences in place: -

- 998 Hackney Carriage Drivers
- 535 Hackney Carriage Vehicles
- 4901 Private Hire Drivers
- 3945 Private Hire Vehicles
- 71 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 2014 and 1<sup>st</sup> January to 30<sup>th</sup> June 2015 are set out in the table below.

|           | Applications | Refusals | Suspensions | Revocations |
|-----------|--------------|----------|-------------|-------------|
| Jul - Dec | 342          | 4        | 53          | 8           |
| Jan – Jun | 336          | 2        | 53          | 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 six month period. For example, the number of licences revoked in the last six

months will include a proportion which were suspended in the previous six months.

### 3.3 Refusal and Revocation Decisions taken 1<sup>st</sup> January – 30<sup>th</sup> June 2015

3.3.1 Between 1<sup>st</sup> January – 30<sup>th</sup> June 2015, 2 licences were refused and 11 licences were revoked. The reasons for refusal and revocation are set out in the table below.

| Categories of Allegations | Refusals  |           | Revocations |           |
|---------------------------|-----------|-----------|-------------|-----------|
|                           | Jul - Dec | Jan - Jun | Jul - Dec   | Jan - Jun |
| Dishonesty                | 1         | 1         | 1           |           |
| Drugs                     | 3         |           | 1           | 2         |
| Violence                  |           |           |             | 1         |
| Sexual                    | 1         | 1         | 1           | 2         |
| Driving disqualification  | 1         |           |             |           |
| Plying for hire           |           |           | 5           | 3         |
| Inappropriate conduct     |           |           | 1           | 2         |
| Medical                   |           |           |             | 1         |
| <b>TOTAL</b>              | <b>6</b>  | <b>2</b>  | <b>9</b>    | <b>11</b> |

3.3.2 In relation to suspensions, 44 drivers have been suspended between 1<sup>st</sup> January – 30<sup>th</sup> June 2015. The reasons for suspensions are set out in the table below.

| Reason for suspension (allegations) | Jul – Dec | Jan - Jun |
|-------------------------------------|-----------|-----------|
| Dishonesty                          | 2         | 0         |
| Drug offence                        | 1         | 5         |
| Violent offence                     | 1         | 1         |
| Sexual offence                      | 5         | 7         |
| Safeguarding concerns               | 0         | 6         |
| Motoring offence                    | 6         | 0         |
| Driving disqualification            | 4         | 2         |
| Plying for Hire                     | 7         | 1         |
| Inappropriate behaviour             | 1         | 2         |
| No right to work in UK              | 2         | 3         |
| Medical reason                      | 12        | 17        |
| DVLA licence expired                | 2         | 0         |
| <b>Total</b>                        | <b>43</b> | <b>44</b> |

3.3.3 Members will note that the largest category of suspensions relate to a medical reason i.e. licence holders are unable to meet the Group II standard. 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 allegations of a sexual nature 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 1<sup>st</sup> January – 30<sup>th</sup> June 2015

3.4.1 To date, 225 public complaints have been received in 2015. The complaint categories are set out in the table below.

| <b>Complaint Category</b>      |                                | <b>Jul - Dec</b> | <b>Jan - Jun</b> |
|--------------------------------|--------------------------------|------------------|------------------|
| Driver behaviour               | Rudeness/Verbal Abuse          | 4                | 15               |
|                                | Driver Conduct                 | 22               | 28               |
|                                | Property                       | 1                | 2                |
|                                | Disability                     | 12               | 12               |
|                                | Over charging                  | 13               | 17               |
|                                | Standard of driving            | 90               | 68               |
|                                | Inappropriate Sexual behaviour | 5                | 7                |
|                                | Lateness                       | 2                | 1                |
|                                | Smoking                        | 5                | 1                |
|                                | Race Discrimination            | 1                | 0                |
|                                | Refuse to carry                | 7                | 3                |
|                                | Sex Discrimination             | 0                | 1                |
| Environmental                  | Parking nuisance               | 37               | 25               |
|                                | Noise nuisance                 | 7                | 1                |
| No Insurance                   |                                | 1                | 1                |
| Plying for hire                |                                | 20               | 7                |
| Breach of licensing conditions |                                | 12               | 15               |
| Criminal complaint             |                                | 5                | 2                |
| Defective vehicle              |                                | 7                | 2                |
| Operator                       |                                | 16               | 16               |
| Unlicensed vehicle             |                                | 2                | 0                |
| Unlicensed driver              |                                | 0                | 1                |
| <b>Total</b>                   |                                | <b>270</b>       | <b>225</b>       |

3.4.2 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.

3.4.3 Following presentation of the July – December 2014 report, (February 2015), Members asked for more clarity around the term 'Inappropriate Behaviour' in the complaints category tables. Members wanted to be able to more readily identify issues that might have Safeguarding concerns. Accordingly, the figures contained in the table at 3.4.1 have been rationalised to enable a comparison between the table of July – Dec 2014 and the first six months of this year. (This

will of course now create an apparent disparity between those two tables for 2014 and 2015 if Members look back to the old report). However, Members can now see the clear distinctions between inappropriate behaviour of a sexual nature and unprofessional conduct or service delivery.

Officers are only reporting the briefest of details around the allegations to ensure there are no conflicts with Police investigations, reporting restrictions or appeals processes and to maintain anonymity of all parties concerned.

3.4.4 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 1<sup>st</sup> January – 30<sup>th</sup> June 2015

3.5.1 To date 8 appeals have been received in 2015. The reason for the appeal and the outcome are set out below;

| <b>July – December 2014<br/>Type of Appeal</b> | <b>Volume</b> | <b>Court</b>     | <b>Result</b> |
|--|---------------|------------------|---------------|
| Against refusal to grant                       | 3             | LMC              | Dismissed x 1 |
|  |               | LMC              | Withdrawn x 2 |
| Against revocation                             | 1             | LMC              | Withdrawn x 1 |
| Against suspension                             | 2             | LMC              | Withdrawn x 2 |
| <b>Total</b>                                   | <b>6</b>      | <b>Dismissed</b> | <b>1</b>      |
|  |               | <b>Withdrawn</b> | <b>5</b>      |

| <b>January – June 2015<br/>Type of Appeal</b> | <b>Volume</b> | <b>Court</b> | <b>Result</b> |
|---|---------------|--------------|---------------|
| Against refusal to grant                      | 1             | LMC          | Dismissed x 1 |
| Against revocation                            | 0             |              |               |
| Against suspension                            | 7             | LMC          | Dismissed x 4 |
|   |               | LMC          | Withdrawn x 2 |
|   |               | LMC          | Upheld x 1    |

|              |          |                  |          |
|--------------|----------|------------------|----------|
| <b>Total</b> | <b>8</b> | <b>Dismissed</b> | <b>5</b> |
|              |          | <b>Withdrawn</b> | <b>2</b> |
|              |          | <b>Upheld</b>    | <b>1</b> |

**4 Corporate Considerations**

**4.1 Consultation and Engagement**

4.1.4 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 Those 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 of: Head of Licensing and Registration**

**Report to: Licensing Committee**

**Date: 4 August 2015**

**Subject: Information Report :- The emergence of the 'App' booking facility for the Taxi & Private Hire Services**

|   |                              |  |
|---|------------------------------|--|
| Are specific electoral wards affected?  | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Are there implications for equality and diversity or 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?<br>If 'yes', access to information procedure rule number:<br>Appendix number: | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |

### Summary of main issues

1. The legislation relating to how taxi services are provided within a licensing regime dates back to 1847. The provision of Private Hire bookings was introduced in 1976.
2. The most apparent issue relative to these licensed passenger transport services is the change in available technology and how that has created opportunities for the general public to obtain the service through the use of technology.
3. This briefing report is intended to give an overview of the legislation and how it applies to the most recent technology taken up by the trades; the 'App'.

### Recommendations

4. That Members note the report.

## **1 Purpose of this report**

- 1.1 To brief Members on the available technology and how it fits in with legislation around Taxi & Private Hire licensing.

## **2 Background information**

- 2.1 The starting point is the legislation because it is that which defines what is a lawful practice or otherwise.
- 2.2 Members will be aware that Taxis can be 'hailed' on the streets or can provide their services at designated taxi ranks. The covering legislation is the Town Police Clauses Act of 1847.
- 2.3 In 1976 the Local Government (Miscellaneous Provisions) Act, (Part II) was introduced to deal with the emergence of the private hire trade and bring it within regulatory control for both safety purposes and also to define how the service could be taken up by a customer; thereby drawing a clear distinction between the trades by pre-booking only through a licensed Private Hire operator.

## **3 Main issues**

- 3.1 This particular report focusses on how private hire bookings are made and the relevant part of the legislation is:-

Section 56 (1) Operator of Private Hire vehicles.

There is no stipulation in the Act on how the booking has to be communicated to the Operator. At the time the Act was created that could be, by telephone, personal visit to the booking office or even letter. That progressed to email and text messaging and then onto web based booking arrangements, all of which, in principle, did not conflict with the legislation. The most recent technology advance has been the 'App' which is accessible via an icon on a smartphone or tablet.

- 3.2 This of course makes a booking facility much more 'portable' to the customer and constantly accessible. This report is not about the benefits or concerns of such applications, that is an operational matter for separate discussion, but the legality of the 'App'.
- 3.3 Officers take the view that there is nothing in the Act to prevent the technological advance being part of a licensable activity under the controlling legislation, providing there is compliance across the board with all the relevant parts of the legislation. Locally there are a number of Private Hire Operators who use 'Apps' to receive bookings and that position is magnified nationally. Taxis are users of 'Apps', but it is a matter of personal choice whether or not they choose to use them.
- 3.4 The Council can apply conditions to Private Hire Operator licences and the following standard condition is in place in relation to telephone bookings: -

17. TELEPHONE VOICE RECORDING OF BOOKINGS

- i. Private Hire Operators (not sole Operators) shall utilise an approved voice recording system for incoming advance bookings which corresponds with the required detail in the booking records. The recordings must be kept securely, as directed by Authorised Officers,

and in a manner that enables a speedy recovery of transactions. The technology must be approved in writing by the Council.

ii. Private Hire Operators are not permitted to accept telephone bookings forwarded by their PHDs.

3.5 This condition has been in place for many years and was not an intention to restrict the introduction of new technology that can satisfactorily meet the pre-booking requirements. The council clearly recognises that an app gives benefits to the customer and can be used to meet the pre-booking requirements. As such an exception to this condition has been made for those PH Operators who make use of apps. This is considered to be a proportionate and reasonable variation to the conditions.

## **4 Corporate considerations**

### **4.1 Consultation and engagement**

4.1.1 No consultation has been undertaken on this information report.

### **4.2 Equality and diversity, cohesion and integration**

4.2.1 There are no issues affecting this report.

### **4.3 Council policies and the best council plan**

4.3.1 There are no issues affecting this report.

### **4.4 Resources and value for money**

4.4.1 Not applicable.

### **4.5 Legal implications, access to information and call-in**

4.5.1 There are no legal implications.

### **4.6 Risk management**

4.6.1 Consideration is given on an individual basis at the time of application for a Private Hire Operator licence if applicable.

## **5 Conclusions**

5.1 That the Use of 'Apps', in the format presented to the Council up to this point appears to meet primary legislation.

## **6 Recommendations**

6.1 That Members note the report.

## **7 Background documents<sup>1</sup>**

7.1 None.

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<sup>1</sup> 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: Nicola Raper  
Tel: 74095

## Report of the Head of Licensing and Registration

### Report to Licensing Committee

**Date:** 4<sup>th</sup> August 2015

**Subject:** Entertainment Licensing Section – Update Report  
January – June 2015

|   |   |  |
|---|---|--|
| Are specific electoral Wards affected?<br>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?<br>If relevant, Access to Information Procedure Rule number: 10.4(1), (2), (3) and (7),<br>Appendix number: A | <input checked="" type="checkbox"/> Yes | <input 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 2015. 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**

### Licensing Act 2003: Application statistics

- 3.1 During this reporting period the licensing authority received the number of licence applications and variations set out in the tables below. For comparison purposes the tables also include the numbers received for the same reporting period last year. The table at 3.2 excludes applications made in any of the Cumulative Impact Policy (CIP) areas which can be found at paragraphs 3.3 and 3.4 below.



## 3.2

| <b>Premises Licence applications and variations (excluding CIP areas):</b>            | <b>Jan – June 2015</b> | <b>Jan – June 2014</b> |
|---|------------------------|------------------------|
| Total number of applications  | 48                     | 67                     |
| Outcome:  |                        |                        |
| Applications with no representations  | 9                      | 33                     |
| Applications with control measures agreed/representation withdrawn prior to a hearing | 15                     | 18                     |
| Applications withdrawn  | 6                      | 2                      |
| Applications granted at hearing   | 5                      | 4                      |
| Applications refused  | 0                      | 0                      |
| Applications pending determination  | 13                     | 10                     |
| Appeals   |                        | 1                      |

## 3.3 The following table sets out the applications and variations received in Area 1, City Centre CIP.

| <b>Applications for Area 1 - City Centre CIP</b>                           | <b>City Red Zone</b> | <b>City Amber Zone</b> | <b>City Green Zone</b> |
|--|----------------------|------------------------|------------------------|
| Total number of applications   | 10                   | 17                     | 3                      |
| Applications with no representations                                       |                      | 2                      | 2                      |
| Applications with control measures agreed/rep withdrawn prior to a hearing | 4                    | 8                      |                        |
| Applications withdrawn   |                      | 2                      |                        |
| Pending determination  | 4                    | 5                      | 1                      |
| Granted at hearing   | 2                    |                        |                        |
| Refused at hearing   |                      |                        |                        |

3.4 The following table sets out the applications and variations received in the Areas 2, 3 and 4 subject to Cumulative Impact Policies

|  | Area 2<br>Headingley &<br>Hyde Park |      | Area 3<br>Woodhouse |      | Area 4<br>Chapel Allerton |      | Area 5<br>Horsforth |      |
|--|-------------------------------------|------|---------------------|------|---------------------------|------|---------------------|------|
|  | 2015                                | 2014 | 2015                | 2014 | 2015                      | 2014 | 2015                | 2014 |
| Total number of applications   | 3                                   | 2    | 2                   | 1    | 2                         | 3    | 1                   | 0    |
| Applications with no representations                                       | 1                                   | 1    |                     |      | 2                         |      |                     |      |
| Applications with control measures agreed/rep withdrawn prior to a hearing | 2                                   | 1    | 1                   | 1    |                           | 2    |                     |      |
| Applications withdrawn   |                                     |      | 1                   |      |                           |      |                     |      |
| Granted at hearing   |                                     |      |                     |      |                           |      |                     |      |
| Refused at hearing   |                                     |      |                     |      |                           |      |                     |      |
| Pending determination  |                                     |      |                     |      |                           | 1    | 1                   |      |
| Appeals  |                                     |      |                     |      |                           |      |                     |      |

Temporary Event Notices

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

| <b>Normal Temporary Event Notices:</b> | <b>Jan - June 2015</b> | <b>Jan - June 2014</b> |
|--|------------------------|------------------------|
| Total Number Received:                 | 620                    | 700                    |
| Accepted:                              | 576                    | 651                    |
| In process:                            | 34                     | 36                     |
| Objections/ Withdrawn:                 | 0                      | 13                     |
| Hearings                               | 0                      | 0                      |
| Counter Notice                         | 10                     | 0                      |

| <b>Late Temporary Event Notices:</b>     | <b>Jan - June 2015</b> | <b>Jan - June 2014</b> |
|--|------------------------|------------------------|
| Total Number Received:                   | 207                    | 196                    |
| Accepted:                                | 198                    | 172                    |
| In process:                              | 9                      | 8                      |
| Invalid/Objection/Counter Notice Served: | 0                      | 16                     |

### Licensing Act: Reviews

3.6 There have been two applications for premises licence reviews under the Licensing Act 2003. Both were brought by the West Yorkshire Police and supported by representations from the licensing authority.

- i) Armley, Ls12.  
A review brought on the grounds of crime & disorder and public nuisance. Licence revoked by the licensing sub committee on the 16<sup>th</sup> March 2015.
- ii) Pudsey, Ls28.  
A review brought on the grounds all four licensing objectives. Decision by the licensing sub committee on the 23<sup>rd</sup> June was for the licence to continue with additional conditions as suggested by the police.

### Licensing Act: Appeals

3.7 There have been no appeals during this reporting period.

### Statement of Licensing Policy

3.8 The current statement of licensing policy was reviewed in 2013 and approved by full council in January 2014. The next full review will take place in 2017.

3.9 There are currently five cumulative impact policies (CIP's) as contained in the statement of licensing policy. These CIP areas are: 1) City Centre (with red, amber and green zones), 2) Headingley/Hyde Park, 3) Woodhouse, 4) Horsforth and 5) Chapel Allerton.

3.10 The statement of licensing policy was designed so that the city centre CIP would be reviewed on an annual basis in recognition of the changing profile of the city centre.

3.11 The annual review of the city CIP took place late 2014 and in response to police intelligence reports a further red zone was created in the area of Albion Street/Woodhouse Lane. The new CIP was approved before the licensing committee in December 2014, to take effect from 1 January 2015.

### Gambling Act 2005: Application statistics

3.12 During this reporting period there have been no new applications.

- 3.13 One licence for an amusement arcade located at Crossgates, Ls15 has been surrendered.

#### Gambling Act 2005: Statement of Licensing Policy

- 3.14 The Gambling Act 2005 Statement of Licensing Policy has been subject to its five yearly review and is presently progressing through the budget and policy framework. The new policy will be presented to full council in November 2015, in preparation for it to become effective from January 2016.
- 3.15 Members heard at their last meeting that from April 2016, gambling operators will need to undertake locally based risk assessments. This is a new requirement under the operator's licence issued by the Gambling Commission. Furthermore new applications for a gaming premises should be accompanied by such risk assessment setting out how the operator intends to address local area concerns.
- 3.16 To assist operators we are devising local area profiles, and a suite of model licence conditions for new applicants. This work is being carried out in association with other authorities such as Westminster and Manchester, with a view to developing a national standard.

#### Large Casino

- 3.17 In May 2013, following a competitive process the council granted the large casino licence to Global Gaming Ventures (GGV) for the site at Eastgate, now known as Victoria Gate. In granting the licence, the council secured an up-front financial payment in addition to commitments for annual payments to be made from the first anniversary of the casino opening.
- 3.18 A schedule 9 agreement between the council and GGV sets out the 38 benefits that will accrue from the operation of the licence by GGV. These benefits include funding projects that both mitigate potential harmful social effects of the large casino and more general social inclusion priorities across the city. This separate ring fenced activity is now under the direction of Citizens and Communities and managed by the financial inclusion team to allocate towards specific projects to address the council's anti-poverty agenda.
- 3.19 Development works are underway set to be complete autumn 2016. A progress report including a presentation from GGV will be brought to the licensing committee in November.

#### Updates of the Liaison & Enforcement Team

- 3.20 In accordance with the Hampton Principles and the Regulators' Code, compliance inspections and enforcement action must be risk based and proportionate.
- 3.21 The liaison & enforcement team has recently reduced from six to five officers. In addition to a range enforcement activities these officers are also designated officers

on behalf of the authority for making representations and reviews under licensing and gambling legislation, and have an active role in the city's outdoor events.

- 3.22 The team hosts six weekly partnership meetings and work with a range of partner agencies including the West Yorkshire Police, British Transport Police, Fire & Rescue Authority, Trading Standards, HM Revenue & Customs, Home Office Immigration Enforcement, Security Industry Authority, Environmental Protection Team (Noise), Environmental Action Team, Planning, City Centre Management, Health & Safety, Anti-social Behaviour Team, Public Health, Children's Services etc.
- 3.23 Examples of work carried out by the Liaison & Enforcement Team and details of formal actions taken during this reporting period, can be found at Appendix A to this report.
- 3.24 Appendix A contains potentially exempt information under Access to Information Procedure Rule 10.4(1), (2), (3) and (7), as this includes information relating to an individual, likely to reveal the identity of an individual, includes information relating to the financial or business affairs of any particular person, and information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime and in all the circumstances the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

Members are requested to exclude the press and public when discussing Appendix A of this report

#### Outdoor Events:

- 3.25 This year has seen an increase in the number outdoor events. Throughout the months of May – September 2015 there are 28 licensed outdoor events, when compared to 20 during the same period last year.
- 3.26 The following are of particular note:
- Tetley Brewery site is now regularly used as an entertainment space and hosts music/dance events,
  - Summer season of events on Millennium Square involving 10 separate music events.
  - Slam Dunk event usually held within the University this year took place throughout the Civic Quarter, utilising Millennium Square and the outdoor areas on Cookridge Street, Portland Crescent and Rosebowl car park, Leeds Beckett's Students Union, and incorporated licensed venues in this locality, with a total capacity of 12,000 persons.
  - Annual Leeds Festival will take at Bramham Park over August Bank holiday weekend.
  - Yorkshire County Cricket Club will host 'Madness' on the 18<sup>th</sup> September
  - 'Mint' usually held at Lotherton Hall will this year take place at Wetherby Racecourse on the 19<sup>th</sup> and 20<sup>th</sup> September.
- 3.27 The section engages with organisers and agencies throughout the planning, duration and following each event.

## **4 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 Papers<sup>1</sup>**

None

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<sup>1</sup> 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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Report author: Stephen Holder  
0113 2474095

## Report of the Head of Licensing and Registration

### Report to the Licensing Committee

**Date: 4 August 2015**

**Subject: Leeds Festival 2015 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 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 2015 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 applicant's 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 2015 event will take place from Friday 28<sup>th</sup> until Sunday 30<sup>th</sup> August 2015, although the campsites will be available for early arrivals on Wednesday 26<sup>th</sup> August from when low key entertainment within the campsites will be provided.

3.2 The draft Event Management Plan for the 2015 event was received by the Licensing Authority and Responsible Authorities in February 2015. As in previous years a summary of key changes for the 2015 event were circulated to Members of the Licensing Committee and Ward Members.

3.3 At the Licensing Committee meeting on the 8<sup>th</sup> April 2015, Members were provided with the summary of changes proposed for 2015. In addition Members were informed that certain matters had been hi-lighted post the 2014 event, requiring future attention. These matters included:

- communication problems between the on- site noise team and the Environmental Health noise monitoring team,
- issues of speeding taxis through Thorner,
- the provision of a traffic speed warning device (speed camera with visual display board) in Thorner, and
- communication with residents prior to the start of the event.

A verbal report will be provided at today's Licensing Committee to address these matters.

3.4 A further copy of the summary of changes is provided with this report for Members information at Appendix B.

- 3.5 It should be noted that all event documentation plus verbal updates to be provided at the meeting 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 information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime and in all the circumstances the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

Members are asked to consider exclusion of the press and public from the hearing.

- 3.6 The maximum capacity for the event site is 89,999 in total, although the Event Management Plan for 2015 is set for a lesser capacity. The Event Management Plan will be amended subject to consultation and agreement with responsible authorities if ticket sales are to exceed the expected numbers.
- 3.7 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.
- 3.8 The first multi-agency meeting was held on the 29<sup>th</sup> April 2015 and these meetings have continued on a bi monthly basis.
- 3.9 The next multi-agency meeting will be held on the 28<sup>th</sup> July and a verbal report on the outcome of that meeting will be provided at today's Licensing Committee.
- 3.10 The final multi-agency meeting will take place on the 18<sup>th</sup> August 2015. It is anticipated that the multi-agency partners and responsible authorities will provide their approval to the Event Management Plan at this meeting.
- 3.11 Multi-agency meetings are then scheduled to take place at regular intervals upon the commencement and throughout the duration of the event.

## **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 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 2015 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**

5.1.1 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

5.1.2 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.

5.1.3 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.

5.1.4 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 2015 event and that information is being supplied within the agreed time scales.

## **7.0 Recommendations**

7.1.1 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 5.1.1 of this report and the recommendations as detailed at 5.1.3.

## **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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## Details of premises licence

### For: Leeds Festival

This document provides details of the premises licence issued to the stated premises and is not a licence itself.

|  |   |
|--|---|
| <b>Licence number:</b>   | PREM/02193/007  |
| <b>Premises the licence relates to:</b>  | Leeds Festival, Bramham Park, Thorner Road, Wothersome, Wetherby, Leeds, LS23 6ND |
| <b>Date licence first effective:</b>   | 28th April 2006   |
| <b>Date current version effective from:</b>  |   |
| <b>Licensable activities authorised by the licence:</b>                                      |   |
| Sale by retail of alcohol<br>Every Day   | 00:01 - 00:00   |
| Provision of late night refreshment<br>Wednesday to Sunday                                   | 23:00 - 05:00   |
| Performance of a play<br>Thursday<br>Friday to Sunday  | 19:00 - 03:00<br>12:00 - 03:00  |
| Exhibition of a film<br>Thursday<br>Friday to Sunday   | 19:00 - 03:00<br>12:00 - 06:00  |
| Performance of live music<br>Thursday<br>Friday to Sunday                                    | 19:00 - 03:00<br>12:00 - 06:00  |
| Performance of recorded music<br>Thursday<br>Friday to Sunday                                | 19:00 - 03:00<br>12:00 - 06:00  |
| Performance of dance<br>Thursday<br>Friday to Sunday   | 19:00 - 03:00<br>12:00 - 03:00  |
| Entertainment similar to live music, recorded music or dance<br>Thursday<br>Friday to Sunday | 19:00 - 03:00<br>12:00 - 06:00  |
| <b>Opening hours of the premises:</b>  |   |
| Everyday   | 00:01 - 00:00   |

### Premises licence holder(s):

Details of licence numbered : PREM/02193/007

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

**Designated premises supervisor:**

Louise Rebecca Howarth

**Access to the premises by children**

Access to the premises by children is restricted

## 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 must 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 -

- a. games or other 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 other public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
- 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 in a manner which carries a significant risk of undermining a licensing objective;
- d. 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

glamorize anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

e. dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

6. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

7. The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

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 either -

a. a holographic mark, or

b. an ultraviolet feature.

8. The responsible person must 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: ½ pint;

ii. gin, rum, vodka or whisky: 25 ml or 35 ml; and

iii. still wine in a glass: 125 ml;

b. these measures are displayed in a menu; price list or other printed material which is available to customers on the premises; and

c. where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

9. 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.

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;

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.

Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

- (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

## **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 26<sup>th</sup> August to 03:00hrs on Monday 31<sup>st</sup> August 2015

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 24<sup>th</sup> August to 23:00hrs on Tuesday 1<sup>st</sup> September 2015.

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

**Conditions consistent with the operating schedule relating to the licensing objectives**

**General – All four licensing objectives**

10. The Premises Licence Holder shall comply with the terms and requirements of the Event Management Plan each year.
11. 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.
12. 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**

13. 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

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LICENSING COMMITTEE WORK PROGRAMME 2015/16 - LAST UPDATED 17/7/15 (JG)

| ITEM                               | DESCRIPTION | NOTES | TYPE OF ITEM |
|------------------------------------|-------------|-------|--------------|
| <b>Items Currently Unscheduled</b> |             |       |              |
|                                    |             |       |              |
|                                    |             |       |              |

| ITEM | DESCRIPTION  | Officer | TYPE OF ITEM |
|------|--|---------|--------------|
|      |  |         |              |
|      | <b>Meeting date: 10<sup>th</sup> JUNE 2014. HELD PH operator Conditions Review, HC Proprietors Suitability Assessment, 3Year Driver Licensing, Convictions Criteria and De Regulations</b>   |         |              |
|      | <b>Meeting date: 8<sup>th</sup> JULY 2014. HELD: BID UPDATE (Late Night Economy), Strong Alcohol Schemes, Otley Cumulative Impact Policy</b>   |         |              |
|      | <b>Meeting date: 5<sup>th</sup> AUGUST 2014. HELD: Entertainment Licensing Section Activity update, TPHL Section Activity Update, TPHL Equality Monitoring, Leeds Festival 2014</b>  |         |              |
|      | <b>Meeting date: 9<sup>th</sup> SEPTEMBER 2014. HELD: WYP Presentation, Hackney Carriage Proprietors – Appropriate Suitability Assessment, Digital Advertising Screens In Licensed Vehicles</b>  |         |              |
|      | <b>Meeting date: 7<sup>th</sup> OCTOBER 2014 HELD: Inner East and Inner West Local Licensing guidance, Shisha Smoking and Smoke Free Legislation Update Report, Outcomes of the Licensing Committee Working Group (WG) and Information and Consultation Report – Additional Licensing Safeguarding Proposals</b>   |         |              |
|      | <b>Meeting date: 11<sup>th</sup> NOVEMBER 2014 CANCELLED</b>   |         |              |
|      | <b>Meeting date: 9<sup>TH</sup> DECEMBER 2014: Review of City Centre Cumulative Impact Policy, Entertainment Licensing Fees and Charges, Fixed Odds Betting Terminals, Fee Wi Fi in Private Hire Vehicles, Additional Taxi and Private Hire Licensing Safeguarding Measures – Annual DBS Checks * the online DBS update Service, Additional Licensing Safeguarding Proposals – Improving Criminal Intelligence Lengths with the WYP, Unmet Demand Survey – Hackney Carriages</b> |         |              |
|      | <b>Meeting date: 6<sup>TH</sup> JANUARY 2015 CANCELLED</b>   |         |              |
|      | <b>Meeting date: 10<sup>TH</sup> FEBRUARY 2015:Entertainment Licensing Section – Update Report July to December 2014, Working with Health, Hackney Carriage Proprietors (HCP) Appropriate Suitability Assessment – Update, Taxi and Private Hire Licensing Equality Monitoring, Activity Update – Taxi and Private Hire Licensing – 1<sup>st</sup> July to 31<sup>st</sup> December 2014, Safeguarding</b>   |         |              |

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

LICENSING COMMITTEE WORK PROGRAMME 2015/16 - LAST UPDATED 17/7/15 (JG)

| ITEM   | DESCRIPTION   | Officer   | TYPE OF ITEM |
|--|---|-----------|--------------|
| <b>Measures – Fit and Proper Assessment for HCD, HCVP, PHD, PHVP, PHO Licences, Escort and Permit Drivers</b>  |   |           |              |
| <b>Meeting date: 10<sup>th</sup> March 2015: Taxi and Private Hire Licensing Web Page – Revealing pages following Enforcement Activity, Digital Advertising Screens, Presentation on Legal highs in Leeds, Policing and the Night Time Economy</b> |   |           |              |
| <b>Meeting date: 8<sup>th</sup> April 2015: Shisha Update, Gambling Act 205 Statement of Licensing Policy, First Draft Event Management – Leeds Festival 2015.</b>   |   |           |              |
| <b>Meeting date: FRIDAY 22ND MAY 2015 – ADDITIONAL MEETING - Governance arrangements, Digital Advertising Screens in Licensed Vehicles.</b>  |   |           |              |
| <b>Meeting date: 9<sup>th</sup> JUNE 2015 CANCELLED</b>  |   |           |              |
| <b>Response to Gambling Commission Consultation on the Guidance to Licensing Authorities</b>   | Response to the Gambling Commission Consultation on the Guidance to Licensing Authorities – Members views obtained by email and response sent | S Holder  | SC           |
| <b>Meeting date: 7<sup>th</sup> JULY 2015 - HELD - GAO5 Policy Review, Hemmings C Westminster Case Review</b>  |   |           |              |
| <b>Meeting date: 4<sup>th</sup> AUGUST 2015</b>  |   |           |              |
| <b>Leeds Festival 2015</b>   | To receive an update on the Leeds Festival 2015   | S Holder  | B            |
| <b>Entertainment Licensing Section Activity update</b>   | To receive an update on the activities taking place in the Entertainment Licensing Section  | N Raper   | PM           |
|  |   | D Broster | PM           |

**LICENSING COMMITTEE WORK PROGRAMME 2015/16 - LAST UPDATED 17/7/15 (JG)**

| <b>ITEM</b>  | <b>DESCRIPTION</b>   | <b>Officer</b>     | <b>TYPE OF ITEM</b> |
|--|--|--------------------|---------------------|
| <b>TPHL Section Activity Update</b>  | To receive an update on the activities taking place in the Taxi, Private Hire Licensing Section  |                    |                     |
| Private Hire Operators that use smart phone apps" and how they comply with the booking requirements. | To receive a report on the use of smart phone apps by Private Hire Operators   | D Broster          | DP                  |
| <b>Meeting date: 8<sup>th</sup> September 2015</b>   |  |                    |                     |
| <b>Safeguarding Measures – Fit and Proper Assessment for Taxi drivers and operators</b>              | To receive report setting out proposals for the introduction of a new policy dealing with Safeguarding Measures – Fit and Proper Assessment for taxi drivers and operators | D Broster          | DP                  |
| <b>Licensing Reform – Taxi and Private Hire</b>  | To receive an update on Licensing Reform – Taxi and Private Hire   | D Broster          | SC                  |
| <b>Wheel Chair Accessible Vehicles</b>   | To receive an update on Wheel Chair Accessible Vehicles  | D Broster          | B                   |
| <b>Policing and the Night time Economy</b>   | To receive and update from WYP on the issues of Policing and the Night Time Economy  | WYP Representative | B                   |
| <b>Meeting date: 6<sup>th</sup> October 2015</b>   |  |                    |                     |
|  |  |                    |                     |
|  |  |                    |                     |

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

LICENSING COMMITTEE WORK PROGRAMME 2015/16 - LAST UPDATED 17/7/15 (JG)

| ITEM   | DESCRIPTION   | Officer  | TYPE OF ITEM |
|--|---|----------|--------------|
| <b>Meeting date: 17<sup>th</sup> November 2015</b>                             |   |          |              |
| <b>Large Casino Presentation</b>   | To receive a presentation from Global Gaming Ventures which provides an update on the Victoria Gate Casino scheme   | N Raper  | B            |
| <b>Meeting date: 15<sup>th</sup> December 2015</b>                             |   |          |              |
| <b>Meeting date: 9<sup>th</sup> February 2016</b>                              |   |          |              |
| <b>Hemming Vs Westminster Judgement – Implications for Council Departments</b> | To receive a report back on the implications for Council Departments following the Hemming Vs Westminster Judgement | M O'Shea | B            |
| <b>Meeting date: 8<sup>th</sup> March 2016</b>                                 |   |          |              |
| <b>Meeting date: 12<sup>th</sup> April 2016</b>                                |   |          |              |

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

**LICENSING COMMITTEE WORK PROGRAMME 2015/16 - LAST UPDATED 17/7/15 (JG)**

| ITEM  | DESCRIPTION | Officer | TYPE OF ITEM |
|---|-------------|---------|--------------|
| <b>Meeting date: 10<sup>th</sup> May 2016</b> |             |         |              |
|   |             |         |              |
|   |             |         |              |
|   |             |         |              |

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

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