



LICENSING COMMITTEE

MEETING TO BE HELD IN CIVIC HALL, LEEDS, LS1 1UR ON
TUESDAY, 2ND AUGUST, 2016 AT 10.00 AM

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 (Chair)	Killingbeck and Seacroft;
C Townsley	Horsforth;
G Wilkinson	Wetherby;
B Flynn	Adel and Wharfedale;
S Field	Garforth and Swillington;
J Heselwood	Bramley and Stanningley;
M Coulson	Pudsey;

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>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 previous meeting held on 5th July 2016.</p> <p>(Copy attached)</p>	1 - 6
7			<p>MATTERS ARISING FROM THE MINUTES</p> <p>To consider any matters arising from the minutes (If any)</p>	
8			<p>DEFRA UK AIR QUALITY IMPROVEMENT PLAN</p> <p>To consider a report by the Director of Environments and Housing which highlights the impact upon the Taxi and Private Hire trade within Leeds, the Governments requirement to introduce a Clean Air Zone will bring.</p> <p>The report attempts to illustrate the steps that need to be taken to ensure that Taxi & Private Hire Operators and Licensees will need to take in order to be compliant with a Clean Air Zone and the impact upon Taxi & Private Hire licensing in Leeds.</p> <p>(Report attached)</p>	7 - 16

Item No	Ward/Equal Opportunities	Item Not Open		Page No
9			<p>OLEV CLEAN TAXI FUND APPLICATION BY WYCA</p> <p>To consider a report by the Director of Environments and Housing which advises of the potential benefits that may be delivered by a successful WYCA bid for OLEV funding that will support the regional Taxi and private hire trade transitioning to ULEVs. The report also explains that there would also be opportunities for the trade to establish fuel savings from a switch to electric vehicles as well as contribute to improved air quality.</p> <p>The report attempts to illustrate the steps that will need to be taken to complete the submission of a bid for funding to OLEV and considers the impact upon Taxi & Private Hire licensing in Leeds from any changes to current contract management or procurement activity carried out by Leeds City Council that impacts on the trade.</p> <p>(Report attached)</p>	17 - 24
10			<p>HOUSE OF LORDS SELECT COMMITTEE ON THE LICENSING ACT 2003</p> <p>To consider a report by the Head of Elections, Licensing and Registration which sets out this Committee's proposed response following a House of Lords Select Committee's call for evidence on the Licensing Act 2003.</p> <p>The draft response was prepared in conjunction with Members of the Licensing Committee and officers as Leeds City Council's response to the Call for Evidence.</p> <p>(Report attached)</p>	25 - 36
11			<p>LICENSING COMMITTEE WORK PROGRAMME 2016/17</p> <p>To note the contents of the Licensing Committee Work Programme 2016/17.</p> <p>(Report attached)</p>	37 - 40

Item No	Ward/Equal Opportunities	Item Not Open		Page No
12			<p>DATE AND TIME OF NEXT MEETING</p> <p>To note that the next meeting will take place on Tuesday 6th September 2016 at 10.00am in the Civic Hall, Leeds.</p>	
13	City and Hunslet	10.4(3)	<p>ARENA HOTEL, PORTLAND CRESCENT, LEEDS</p> <p>To receive a report from the Director of City Development which provides an update on the Arena Hotel Development at Portland Crescent, Leeds 1</p> <p>(Report attached)</p>	41 - 50
14	Harewood; Wetherby	10.4(3, 7)	<p>LEEDS FESTIVAL 2016 - EVENT MANAGEMENT PLAN</p> <p>To receive a report by the Head of Elections, Licensing and Registration which provides progress on the multi-agency meetings and the Event Management Plan for the 2016 annual festival.</p> <p>The report recommends that the approval of the final Event Management Plan be delegated to the Head of Elections, Licensing & Registration.</p> <p>(Report attached)</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>	51 - 66

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Licensing Committee

Tuesday, 5th July, 2016

PRESENT: Councillor B Selby in the Chair

Councillors N Buckley, R Downes, J Dunn,
M Harland, G Hussain, G Hyde, A Khan,
C Townsley, G Wilkinson, B Flynn, S Field
and M Coulson

CHAIR'S OPENING REMARKS

The Chair welcomed everyone to the July meeting of the Licensing Committee, in particular Councillor Sarah Field who was attending her first meeting as a Member of the Licensing Committee and Councillor Mick Coulson who was welcomed back onto the Committee.

16 Appeals Against Refusal of Inspection of Documents

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

17 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.

18 Late Items

The Committee accepted the inclusion of a late item in respect of "Select Committee on the Licensing Act 2013" (Minute No.25 referred). Officers reported that the information in question was not available at the time of agenda publication and it was considered to be in the best interests of all parties concerned that the matter be considered without delay

19 Declaration of Disclosable Pecuniary Interests

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

20 Apologies for Absence

Apologies for absence were received from Councillors: B Gettings and J Heselwood.

21 Minutes of the Previous Meeting

RESOLVED – That the minutes of the previous meeting held on 20th May 2016 be accepted as a true and correct record.

22 Matters Arising from the Minutes

- (i) Hotel Development, Portland Crescent (Minute No. 79 referred) – In providing an update the Chair said he was aware that a report was going to City Plans Panel on the 7th July 2016 which would provide the latest available information on the project. The report would also be presented to Licensing Committee on 2nd August 2016.
- (ii) Licensing Committee – Annual Governance Arrangements (Minute No. 10 referred) – It was confirmed that Councillor M Coulson had replaced Councillor E Tunnicliffe on Licensing Sub Committee C

23 Hackney Carriage Vehicle Conditions - Corporate Advertising, Sign and Markings

The Head of Elections, Licensing and Registration submitted a report which set out proposals to amend the Policy in respect of Hackney Carriage Vehicles – Corporate Advertising, Signs and Markings.

Appended to the report was the following appendix:

- Example of the type of livery when personalised to other Taxi Associations - (Appendix 1 referred)

The Section Head, Taxi and Private Hire Licensing presented the report and responded to Members' questions and queries.

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

- Hackney Carriage Vehicle (HCV) wheelchair accessible vehicles (WAV's)
- Hackney Carriage Vehicles (HCV) signs and markings – (Taxi Association advertising)
- Hackney Carriage Vehicle (HCV) signs and markings (LCC licence plate improvements)

It was the general view of Members that the proposals be supported

RESOLVED –

- (i) That in respect of HCV Corporate livery, to approve a further consultation period of 6 weeks a report being brought back to this Committee in September 2016 for further consideration.
- (ii) That in respect of HCV Signs and markings (Taxi Association advertising) to approve in principle the addition to the existing policy, and that Officer's prepare a report for Executive approval.

- (iii) That in respect of HCV Signs and markings (LCC licence plate improvement) to approve a further consultation period of 6 weeks, a report being brought back to this Committee in September 2016 for further consideration.

24 Psychoactive Substances Act 2016 - Changes to Primary Legislation and its impact upon Taxi & Private Hire Licensing Policy

The Head of Elections, Licensing and Registration submitted a report which highlighted changes to primary legislation in respect of the Psychoactive Substances Act 2016 and its impact upon the Taxi & Private Hire Licensing Policy

Appended to the report was the following appendix:

- Proposed changes to the convictions criteria - (Appendix 1 referred)

The Section Head, Taxi and Private Hire Licensing presented the report and responded to Members' questions and queries.

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

- Clarification around the meaning of "psychoactive substance"
- Clarification of the meaning of "prohibited activity"

Members welcomed the report and were supportive of the proposals.

RESOLVED – To support the proposals of officers as set out in the submitted report and recommend for Executive approval and inclusion in the convictions criteria policy

25 Select Committee on the Licensing Act 2003.

The Head of Elections, Licensing and Registration submitted a report which set out details of a House of Lords Select Committee established to conduct scrutiny of the Licensing Act 2003, in particular the effectiveness of the Act.

The Select Committee had published a "call for evidence" which was seeking views and opinions from interested parties. The deadline for the submission of written evidence was 2nd September 2016.

Officers suggested that as the third largest licensing authority in the Country it was important that Leeds City Council provided a response.

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

In the discussion that ensued, the Chair suggested the establishing of a Working Group with a view to providing a response for a call of evidence.

Members were supportive of the proposal.

RESOLVED –

- (i) That a Working Group be established with a view to providing a response for a call of evidence, the group to consist of Councillors: Downes, Field, Flynn, Harland, Hussain and Selby
- (ii) That a report setting out the proposed response be brought back to the next meeting for Members consideration.

26 Future Training Arrangements

RESOLVED – That future training arrangements be confirmed as follows:

- (i) Annual Compulsory Training Event for all Members of Licensing Committee – Tuesday 1st November 2016 at 9.15am
- (ii) Safeguarding Training – (To gain an understanding of the safeguarding training provided to taxi/private hire drivers and operators) – Tuesday 6th September 2016 at 9.15am
- (iii) Leeds and the Night time Economy – Join Police Officers on a night time patrol of the City Centre
 - Saturday 20th August 2016 – Councillors: B Selby & M Harland
 - Saturday 10th September 2016 – Councillors: N Buckley & R Downes
 - Saturday 24th September 2016 – Councillors: S Field & G Hussain

Reference was made to previous night time patrols when suggestions for improvement had been made, Members queried if any follow up action had been carried out.

In responding officers referred to the work ongoing towards Purple Flag which did incorporate initiatives previously raised by Members.

In the discussion that followed Members asked if an update report on Purple Flag could be provided to a future meeting for information. At the same time Members asked if it would be possible to receive an update on the Leeds BID

Officers confirmed that inquiries would be made with the appropriate officers with a view to the requested reports being brought to a future meeting of this Committee.

27 Licensing Committee Work Programme 2016/17

Members considered the contents of the Licensing Committee Work Programme for 2016/17.

It was noted that in view of the decisions made earlier today, the following items had been added to the Committees Work Programme:

- Wheelchair accessible vehicles – corporate advertising – Response to consultation
- Signs and markings (LCC licence plate improvements) – Response to consultation
- House of Lords Select Committee “call for evidence” – proposed response from Working Group.
- Update on the Purple Flag Initiative
- Update on the Leeds BID

RESOLVED – That with the inclusion of the above, to approve the contents of the Licensing Committee Work Programme for 2016/17

28 Date and Time of Next Meeting

RESOLVED – To note that the next meeting will take place on Tuesday 2nd August 2016 at 10.00am in the Civic Hall, Leeds.

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Report of Director of Environments and Housing

Report to Licensing Committee

Date: 11th July 2016

Subject: DEFRA UK Air Quality Improvement Plan

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

- The UK Government published a plan to improve the UK's air quality in December 2015, with the aim of reducing health impacts, and crucially fulfilling legal obligations to meet EU Directives on emissions. The UK Plan set out by DEFRA has determined an approach for meeting these goals by implementing a new statutory programme of Clean Air Zones. It is estimated by Public Health England that over 30,000 deaths annually can be linked or attributed to poor air quality.
- Under this plan by 2020 the most polluting diesel vehicles - older polluting buses, coaches, taxis, private hire vehicles and lorries - will be discouraged from entering the centres of cities identified as having poor air quality. Newer vehicles that meet the latest emission standards, and private cars, will be unaffected.
- In order to bring the UK into legal compliance and to reduce concentrations of nitrogen dioxide below 40 µg/m³ Defra have obliged five UK cities to introduce Clean Air Zones. The five cities obliged to introduce these Clean Air Zones are, Birmingham, Derby, Leeds, Nottingham and Southampton. The aim of these zones is to discourage older, higher emission vehicles from operating in city centres whilst encouraging replacement of these vehicles with newer, cleaner vehicles.
- Taxi and Private Hire vehicles will be impacted by Clean Air Zones in all named cities, with the emissions from these vehicles determined as being disproportionately high due to the significant mileage travelled by vehicles in this industry.

1 Recommendations

- 1.1 It is recommended that the Licensing committee;
- 1.2 Note the contents of this paper that outlines the government's plans to improve air quality nationally and in Leeds.
- 1.3 Support the work of the council in its engagement activity with the Taxi & Private Hire Trade in communicating the impact of this decision

2 Purpose of this report

- 2.1 This report aims to highlight the impact upon the Taxi and Private Hire trade within Leeds that the governments requirement to introduce a Clean Air Zone will bring.
- 2.2 The report further aims to illustrate the steps that need to be taken to ensure that Taxi & private Hire operators and licensees will need to take in order to be compliant with a Clean Air Zone.
- 2.3 The report considers the impact upon Taxi & Private Hire licensing in Leeds.

3. Background information

3.1 Department for Environment, Food and Rural Affairs (DEFRA) Air Quality Plans

- 3.1.1 In Birmingham, Leeds, Southampton, Nottingham and Derby, Clean Air Zones will cover old diesel buses, coaches, taxis, private hire and lorries. Vehicles that do not comply with engine standards will be required to pay a daily fee, or levy to enter the zone. Newer vehicles that meet the latest emissions standards will **not** need to pay and, under this plan, **no private car** will have to pay.
- 3.1.2 DEFRA and local authorities will determine charges for non-compliant vehicles entering the Clean Air Zone at levels designed to reduce pollution, but not to raise revenue (beyond recovering the costs of the scheme). Additionally Birmingham and Leeds must also implement other measures including park and ride schemes, signage, changes in road layouts and provision of infrastructure for alternative fuels.
- 3.1.3 DEFRA plans are based on the UK achieving EU standards for NO_x emissions, the driver for ensuring that the UK meets these standards is the threat of infraction fines being handed down by the EU for failure to meet these targets by 2020. The fines could be in the tens of millions, with the UK government indicating that these could be delegated to failing local authorities utilising the Localism Act.
- 3.1.4 The referendum result clearly raises questions in relation to this. Whilst there are now some 'unknowns' in relation to the requirement to meet EU Directives on Air Quality there remains several reasons to support DEFRA's current stance that nothing has changed due to the 'Brexit' decision. The EU Air Quality targets were

passed into UK law, as such the targets will stand regardless of our officially remaining or leaving the EU. The UK's relationship may also mean that we could still face infraction fines even if we initiate Article 50. If we remain in the EEA we would still be bound by directives and as such fines could still be levied. On this basis the view of DEFRA is that the legislation to introduce a CAZ will not be reconsidered.

3.2 Clean Air Zone Categories

3.2.1 DEFRA has determined that Clean Air Zones are grouped into classes covering different vehicle types and are set out in the table below.

Clean Air Zone class	Vehicles included
A	Buses, coaches and taxis (Including Private Hire)
B	Buses, coaches, taxis and heavy goods vehicles (HGVs)
C	Buses, coaches, taxis, HGVs and light goods vehicles (LGVs)
D	Buses, coaches, taxis, HGVs, LGVs and cars

3.3 Clean Air Zone Requirement by City

3.3.1 DEFRA has identified which Clean Air Zone class should be applied in each of the five mandated cities.

CITY	MEASURE REQUIRED BY 2020
Birmingham	Class C and additional local action
Leeds	Class C and additional local action
Nottingham	Class B
Derby	Class B
Southampton	Class B

3.4 Vehicles in Clean Air Zones

3.4.1 To ensure that only the cleanest vehicles are encouraged to enter the Clean Air Zones, vehicle standards will be based around Euro standards, either directly or through using vehicle manufacture dates as a proxy (similar to the approach currently taken in London). The minimum emission standards proposed for the most common conventional vehicles are set out in the table below. Vehicles which do not meet these standards will be charged to enter the Clean Air Zone in line with the class of Zone in place.

Vehicle Type	NOx Emissions limit
Bus/coaches	Euro VI

HGV	Euro VI
Van (1305-3500kg)	Euro 6 (diesel) Euro 4 (petrol)
Car/light commercial (up to 1305kg)	Euro 6 (diesel) Euro 4 (petrol)

- 3.4.2 A joint DEFRA and Department for Transport unit is leading and co-ordinating implementation planning for the Clean Air Zones across the UK. This core team is drawing wider policy, procurement, commercial and legal support from across government departments to support this planning, with the unit responsible for delivering plans and determining and assessing local compliance. The unit is designed to support Local Authorities in their own planning for delivery of Clean Air Zones through providing financial, legislative and traffic and air quality emission modelling expertise.
- 3.4.3 Whilst the focus of improving air quality is focused on transport, with this sector identified as a major contributor to emissions, DEFRA is also tasked with implementing national actions. These include; reducing building emissions, reducing industrial emissions, freight emissions, incentivise ULEVs and alternative fuel, improve road networks, encouragement of public and green transport planning, influencing infrastructure and land use planning to consider emissions as well as supporting local actions.
- 3.4.4 Clean Air Zones have been identified as the governments preferred method to deliver focused action in the most challenging areas with the aim of encouraging the cleanest vehicles operating in these areas.

4 Main issues

- 4.1 The specifications of the Clean Air Zone essentially mean that taxi and private hire vehicles who wish to operate within and enter the CAZ must either ensure that their vehicles are compliant with the engine standards in the above table, or pay a daily charge for non-compliance.
- 4.2 This essentially means that any **diesel** vehicle manufactured prior to September 2015 is likely to be non-compliant (i.e. not Euro 6 standard). Therefore diesel engine taxi and private hire vehicles older than this would need to be replaced, used only outside the zone, or be liable to pay a daily non-compliance charge.
- 4.4 **Petrol** vehicles registered prior to January 2006 are similarly likely to be non-compliant (i.e. not Euro 4 standard). As such petrol engine vehicles older than this would need to be replaced, used only outside the zone or be liable to pay a daily non-compliance charge.
- 4.5 Euro 6 (diesel), Euro 4 (petrol) and ultra-low emission vehicles (e.g. electric vehicles) would be categorised as compliant and as such not liable to a daily charge and would be free to enter the Clean Air Zone.
- 4.6 Analysis of vehicles operating at locations across the city is being conducted. This is based on collection of data from ANPR cameras; this will be compared with licensing data for taxi and private hire fleets and will provide details of the

age, engine and vehicle profile of the fleets. This analysis will provide details of the current proportion of vehicles that would be compliant with the Clean Air Zone and projections for compliance at 2020.

- 4.7 This exercise is not limited to taxi and private hire, data on all vehicle categories is being collected in order to determine emission impacts and therefore inform recommendations for the size and location of the Clean Air Zone. It should be noted that the data is anonymised based on vehicle, engine and emission information rather than details of individuals. This data has been captured and is being processed in conjunction with the DVLA and Department for Transport. The results of this analysis are expected to be received autumn 2016.
- 4.8 The charge to be applied is yet to be determined, with DEFRA leading on consultation work to set this figure. Advice to local authorities is that the charge must be set at a level that discourages non-compliant vehicles to enter the Clean Air Zone and that it would be set at a level that would make replacement of non-compliant vehicles the preferred option.
- 4.9 The final location of the Clean Air Zone has not yet been determined, however DEFRA have identified particular areas of concern, including the Inner Ring Road that will inform the location of the zone. DEFRA's consultation paper also made the recommendation that the Clean Air Zone may need to cover the entire area of the city that is within the Outer Ring Road. It is anticipated that the final zone is likely to be based around the need to manage emissions along the inner ring road and at the declared Air Quality Management Areas in the city. (See appendix for map).
- 4.10 Scoping work on the geographical location of the Clean Air Zone that will ensure that Leeds becomes compliant with EU Air Quality Directives has commenced. Modelling of air quality, transport and weather have all been initiated to determine the measures that will be needed to deliver Air Quality improvements in Leeds.
- 4.11 Failure to achieve Air Quality standards means that the UK would be liable to pay EU infringement fines, which may potentially be in the millions of pounds per day as long as standards continue to be breached. These fines may be handed down from the UK government to local authorities through the Localism Act.
- 4.12 The Clean Air Zone will be enforced in line with DEFRA recommendations through a network of ANPR cameras. DEFRA have stated that they have funding to support the scoping and implementation costs of the installation and setup of the zone. Once implemented the zone needs to be administered and maintained utilising the daily fees raised by non-compliant vehicles entering the zone. DEFRA are consulting nationally on what these daily charges should be, so at this stage a figure for daily charging has not been determined. DEFRA advise that the scheme should not raise revenue for local authorities, but that the charge will be set at a level that provides an incentive to transfer to compliant vehicles and is sufficient to raise the required revenue to maintain the scheme and potentially support additional low emission projects.
- 4.13 The cost of installing and operating ANPR systems depends to a considerable extent on the existing infrastructure available to support the systems. Start-up

costs include the cost of cameras, site preparation, signage, mounting structures and associated civil engineering, security provision, back office accommodation and equipment, and back office training of enforcement and administration staff. Operating costs include maintenance of the cameras and back office staff, accommodation and supervision costs.

- 4.14 It has been estimated that installation costs of £10,000 per camera plus operating costs associated with four full time staff equivalents at approximately £160,000 per year. The net present value (base 2015) of installing and operating 22 cameras in Leeds over the period 2016-2021 is estimated to be £1,065,000. However this figure is indicative at this stage only, rather than a final cost as the precise size of the Clean Air Zone and the number of cameras required is to be determined.
- 4.15 Engagements with existing services and resources that may be utilised to support the scheme have commenced. Parking services, who already carry out traffic enforcement activity and already deliver the Ultra-Low Emission Parking Permit are aware of the need for a Clean Air Zone and the potential enforcement activity that may be required to deliver this.
- 4.16 A report will be presented to Executive Board in February 2017 that makes recommendations on the size of the Clean Air Zone, the charge to be applied for non-compliance, enforcement processes and implementation plans. Wider consultation on these recommendations will follow and implementation planning for the delivery of the Clean Air Zone before the end of 2019 will be initiated.

5 Corporate considerations

5.1 Consultation and engagement

- 5.1.1 The Taxi & Private Hire Licensing Service has issued guidance to the trade in terms of the Clean Air Zone being required by government. Forums with the trade have been utilised to raise awareness and literature has been issued to provide early advice in terms of the decision to implement a Clean Air Zone in Leeds. Consultation will need to be ongoing as further development of the Clean Air Zone is progressed.

5.2 Equality and diversity / cohesion and integration

- 5.2.1 There is no direct impact upon equality, diversity and integration implicit in this report which is being submitted for information. The DEFRA / DfT joint unit is considering any impacts on equality, diversity and inclusion at a national level. Any recommendations made in respect of local actions required, for example the implementation of a Clean Air Zone would go through screening processes to determine any impacts.

5.3 Council policies and best council plan

- 5.3.1 The requirement to introduce a Clean Air Zone links with work already undertaken by the Council, in particular the Cutting Carbon and Improving Air Quality breakthrough project.

5.4 Resources and value for money

- 5.4.1 Work that the local authority is undertaking to deliver scoping and feasibility studies that will inform and prepare for the implementation of the Clean Air Zone are being funded by DEFRA. Leeds must bid for this funding from the Defra Air Quality unit and demonstrate value for money.

5.5 Legal Implications, access to information and call In

- 5.5.1 None

5.6 Risk management

- 5.6.1 The key risk for Leeds is failure to achieve compliance with Air Quality standards as defined in EU directives, which have also been incorporated into National legislation. This failure would mean that significant infraction fines could be passed to the local authority by the government utilising the Localism Act.

6 Conclusions

- 6.1 It is recommended that the Licensing Committee notes the significance of the UK Air Quality Plans that are being incorporated into UK legislation and in particular the impact upon the Taxi and Private Hire trade in Leeds.
- 6.2 Ongoing consultation and engagement with the taxi and private hire sector will be required. DEFRA will be publishing a Draft National Framework on their Clean Air Zone plans; they will be inviting consultation on this from key stakeholders. Engagement with the trade to ensure that they are aware of this publication will be required. Additionally recommendations for a Clean Air Zone and additional actions in Leeds will be made to Executive Board in February 2017, once approved these will need to be shared with the trade.
- 6.3 Information should be provided to the trade in relation to opportunities to replace non-compliant vehicles with newer, cleaner vehicles. Any funding that can be secured to support this, for example through the OLEV Clean Taxi Fund should be shared with the trade.
- 6.4 No changes to licensing are required to support the Clean Air Zone. Taxis and private Hire vehicles may still be licensed in line with current procedures and standards; however drivers need to be aware that a licence does not guarantee compliance with the Clean Air Zone. Licensed vehicles may still operate freely outside the Clean Air Zone even if non-compliant.

7 Recommendations

- 7.1 It is recommended that the Licensing committee;
 - 7.1.1 Note the contents of this paper that outlines the government's plans to improve air quality nationally.
 - 7.1.2 Support the work of the council in its engagement activity with the Taxi & Private Hire Trade in communicating the impact of this decision.

Appendix 1: Potential Clean Air Zone location

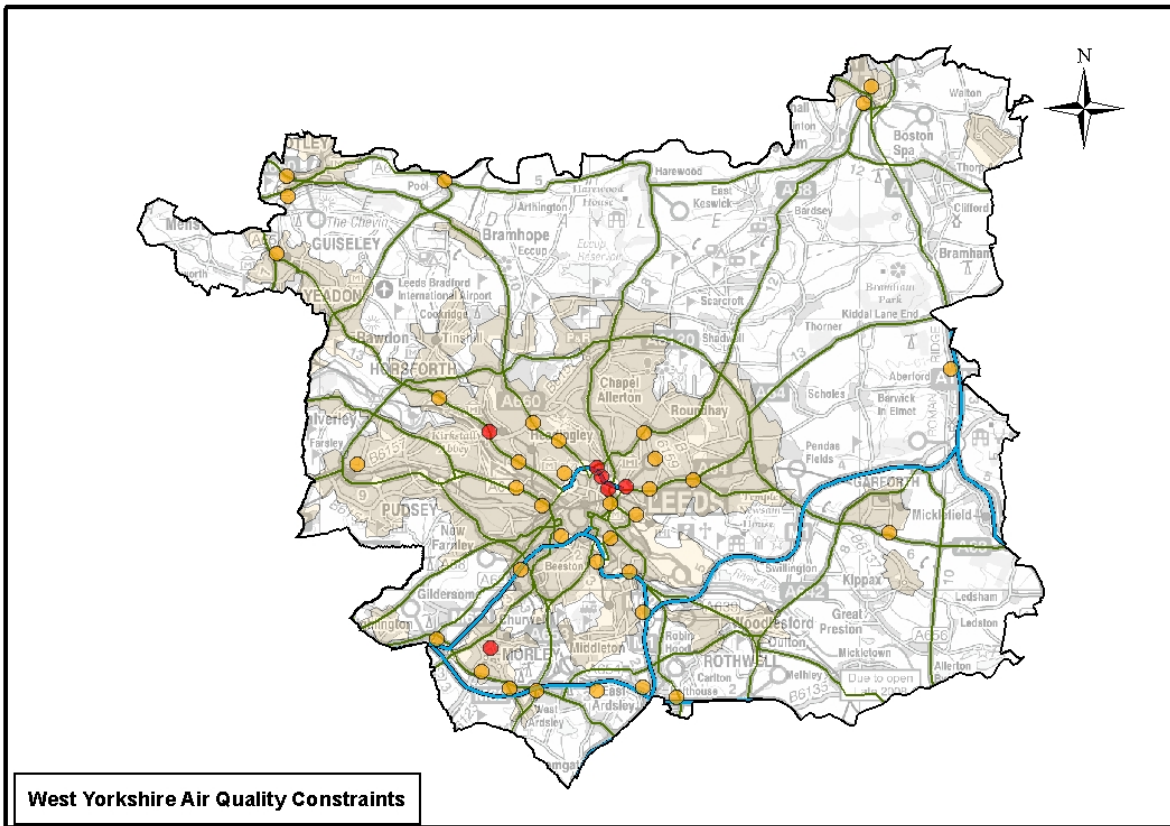


Figure 1: The map above indicate the current Air Quality Management Areas (Red) and areas of potential concern (yellow). These are therefore the locations that may determine the geographical parameters of the Clean Air Zone.

Figure 2 & 3: The maps below represent the central, city centre area of the above map highlighting the road links at greatest risk of failing to meet Air Quality standards.



Summary of key locations:

- I. The road links numbered 1, 2 and 3, highlighted in red, represent the A58 and A58(M) and form part of the Inner Ring Road.
 - a. Link 1, known as the Ingram Distributor links the A643 and A62 to the Armley Gyratory junction with the A647
 - b. Link 2, runs between the Armley Gyratory and the A65 (Wellington Street/Kirkstall Road) junctions.
 - c. Link 3, runs between the A65 (Wellington Street/Kirkstall Road) and the Park Lane/Westgate junctions.
- II. Road links numbered 4, highlighted in yellow, represent Eastgate, St Peter's Street and Duke Street between the A64(M) (Inner Ring Road flyover) and Marsh Lane. This forms part of the City Centre Loop running directly past the City's main Bus Station.
- III. Road link 5, highlighted in pale green, represents the section of the A653 between Junction 3 of the M621 and Water Lane.
- IV. Road link 6, also pale green, represents the Westbound carriageway of the M621 from Junction 3 to 2A.

There is some concern that whilst the above links are identified as failing the EU Directive, they do not all coincide with the AQMAs declared under the UK Air Quality Regulations which are based on anticipated public exposure at residential properties and as such are determined based on different standards.

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Report of Director of Environments and Housing

Report to Licensing Committee

Date: 11th July 2016

Subject: OLEV Clean Taxi Fund application by WYCA

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

- The UK Government has published a plan to improve the UK's air quality in December 2015, this plan as set out by DEFRA has determined that Leeds must implement a Clean Air Zone. This zone means that 'dirty' older vehicles will be discouraged from entering the city centre and areas with air quality concerns. DEFRA has advised that the Clean Air Zones are being introduced in line with standards that have been incorporated into UK law; as such the referendum decision does not affect these plans.
- The UK Government through the Office of Low Emission vehicles (OLEV) are seeking to support a transition to ultra-low emission vehicles. One element of this is to provide funding to support various transport sectors transition to ultra-low emission vehicles. A £20m fund has been made available for local authorities and regions to bid for funding to support taxi and private hire operators and drivers to replace diesel vehicles with electric vehicles.
- Taxi and Private Hire vehicles will be impacted by Clean Air Zones in Leeds as well as all other cities named by DEFRA, with the emissions from these vehicles determined by DEFRA as being disproportionately high due to the significant mileage travelled by vehicles in this industry.
- West Yorkshire Combined Authorities are co-ordinating a regional submission in order to seek to secure funding to support the transition of taxi and private hire fleets to ultra-low emission vehicles. If successful; funding will be available to

support operators and drivers through delivery of an electric vehicle charging infrastructure and also with the provision of potential grant funding to support purchases of ULEV Hackney vehicles.

1 Recommendations

- 1.1 It is recommended that the following are noted;
- 1.2 LCCs existing licensing policies (age of first licensing and renewals) will remain unaffected as we are already at the level that EST identified as required for the medium uptake scenario.
- 1.3 Procurement of services; it is suggested by EST that future procurement of services such as taxi contracts for social care should include more weighting based on the emission standard of the taxi fleet and percentage of ULEVs within the fleet. This recommendation is being pursued by colleagues in procurement and in negotiation with Passenger Transport. The next tender for taxi and private hire use by passenger transport and for the staff taxi contract will include additional points for bidders who can meet targets for Euro 6 diesel and ULEV representation on their fleets. The exact nature of these targets and whether they will be mandatory or aspirational targets is to be determined.
- 1.4 The Medium Uptake bid based on Energy Savings Trust recommendations will require a commitment (across West Yorkshire) to provide a 25% match funding to a bid for approximately £5,500,000 in grant funding between 2017 and 2020. This funding will mainly be to support increasing infrastructure to support the uptake of electric vehicles across the Private Hire and Taxi trade. The 25% may come wholly or partially from contributions from the Taxi and Private Hire companies but may require underwriting by LTP funding

2 Purpose of this report

- 2.1 This report aims to advise the potential benefits that may be delivered by a successful WYCA bid for OLEV funding that will support the regional Taxi and private hire trade transitioning to ULEVs. There are also opportunities for the trade to establish fuel savings from a switch to electric vehicles as well as contribute to improved air quality.
- 2.2 The report further aims to illustrate the steps that will be taken to complete the submission of a bid for funding to OLEV.
- 2.3 The report considers the impact upon Taxi & Private Hire licensing in Leeds from any changes to current contract management or procurement activity carried out by Leeds City Council that impacts on the trade.

3 Background information

3.1 WYCA project progress

- 3.1.1 WYCA was initially successful in bidding for a feasibility study to be completed by the Energy Savings Trust. This study was provided free of charge and identified the potential for West Yorkshire fleets to be able to transition to ultra-low emission vehicles – largely electric vehicles.
- 3.1.2 The Energy Saving's Trust feasibility reported on the potential to support and accelerate the uptake of ULEV taxis in West Yorkshire and concluded that there were three potential 'ULEV uptake' scenarios depending on the level of ambition, supporting policies and committed match funding within the region. EST identified low, medium and high uptake scenarios, each being progressively ambitious, requiring higher and stricter licensing standards and greater match funding.
- 3.1.3 The findings were reported to the LTP board, with that board determining that the medium uptake scenario is perhaps the most achievable, though still ambitious. Currently three of the five WY licensing authorities have existing taxi licensing standards compatible with EST's 'medium uptake' scenario – Bradford, Kirklees and Leeds. The two who do not meet this standard have agreed to amend their licensing to achieve this standard.
- 3.1.4 The EST 'low' uptake scenario was deemed as lacking ambition, and therefore was unlikely to meet OLEV's requirements as an innovative, ambitious, but achievable bid submission. Take up of ULEV's would be low and our licensing regulations are already more rigorous than those EST suggested for this scenario.
- 3.1.5 The 'high' uptake scenario was determined as not feasible to deliver, it required much stricter licensing for taxi and private hire vehicles across the region leading to only ULEV's being licensed within a short time span. It also required a significant financial contribution from the trade. The risks of progressing with a plan to deliver this 'high uptake' scenario would be that the trade would be unable to deliver the funding and speed of fleet change, therefore putting the customer supply at risk.
- 3.1.4 The EST report identified the potential number of EV charge points that would need to be installed across the region to support a progressively larger number of EV taxi and private hire vehicles in line with the medium uptake. It is important that vehicles are able to recharge their batteries quickly and efficiently in order to ensure that operations are not negatively affected by a transition to ULEVs from traditional diesel engines.
- 3.1.5 ULEV's are clearly beneficial for the environment; however of significant importance to the trade is the potential for fuel efficiency savings. The cost per mile of an EV over a diesel engine is significantly less, as such drivers and operators may be able to realise significant fuel savings over the lifespan of a vehicle.

- 3.1.6 There are also clear ramifications for the trade from the proposed Clean Air Zone (CAZ) for Leeds and as such there should be further appetite for transition to 'cleaner vehicles' in order to achieve compliance with the CAZ. ULEV's will be compliant with the Clean Air Zone regardless of age.
- 3.1.7 Final guidance from OLEV for the funding bid has not yet been released; this is expected in late July, early August with final submission for bids likely to be in September. It is desirable to get an agreed position within each local authority, including Leeds and identify the relevant stakeholders who may need to discuss or be aware of commitments Leeds would need to make to back a bid based on the medium uptake scenario.

3.2 WY Feasibility Study

- 3.2.1 Energy Savings Trust (EST) presented their West Yorkshire ULEV Taxi Scheme Feasibility Study to WYCA and District partners on 21 April 2016. The workshop had representatives from 4 WY districts including Leeds. The recommendations below summarise EST's understanding of the level of opportunity and commitment across West Yorkshire.

3.3 Key Findings from EST Recommendations

- 3.3.1 EST set out their recommendations for a WYCA Taxi Scheme bid, including steps to achieve the 'medium uptake scenario' grant application, mainly through taxi licensing and procurement changes.
- A medium uptake scenario is deemed the most achievable; 3 of 5 West Yorkshire licensing authorities have existing taxi licensing standards compatible with EST's 'medium uptake' scenario – Bradford, Kirklees and Leeds.
 - There is potential for significant rapid charge point grant funding from this bid. Due to the scale of taxi and private hire operations in West Yorkshire – 1,200 taxis and 11,000 private hire vehicles.
 - There is low likelihood of ULEV taxi 'top up' grants (circa. £3k) available via this fund to support purchase of new DDA compliant EV taxis due to the significant new vehicle purchase cost - circa £50k.
 - The WYCA taxi scheme bid should focus on **charge point** capital funding to support ULEV taxi and private hire operations including charge points at public sites, destinations, adjacent to ranks or rest locations and taxi and private hire bases or depots.
 - The eligibility of saloon car hackney carriages in WY districts (44% of WY taxis) presents a major opportunity for second hand EV saloon car model purchases by the trade with EV saloon vehicles available (c. £10k) and DDA compliant EV conversion models (e.g. Nissan eNV200 conversion - £28k).
 - West Yorkshire would see significant air quality benefits from such a take up of ULEVs. The Energy Savings Trust estimated that a 30% improvement in NOx emissions generated by the trade would be delivered through the 'medium' scenario uptake if ULEV uptake in the trade was successful. This would be a significant contribution to Leeds meeting DEFRA's air quality standards and

would improve the quality of air and by extension the health effects from air pollution for those who live and work in Leeds.

- West Yorkshire districts are already discussing regional licensing standardisation and have bi-monthly licensing officer meetings which would support any bid to OLEV.
- The EST recommended continuing dialogue with operators to deliver initial taxi/private hire investment. This report to the Licensing Committee and officer attendance at trade forums is evidence of that engagement.

3.3.2 The table below highlights a high level position statement for the 5 regional authorities.

District	First License Vehicle Age Limit	Renewal Vehicle Age Limit	Adherence with EST 'Medium Uptake' Scenario	Operator interest to date / Notes
Bradford	<10 Years	<12 Years	✓	➤ Metro Taxis (Bradford)
Calderdale	No limit	No limit	✗	➤ Crossley Cars (Calderdale)
Kirklees	< 6 Years	<12 Years	✓	➤ Mount Taxis – vehicle purchase interest ➤ Kirklees Council to provide up to 12 additional hackney licenses for ULEVs
Leeds	< 5 Years	<12 Years	✓	➤ Leeds Station (Network Rail) – Host rapid charger & 25% match ➤ Veezu (Amber Cars and A1 Taxis) - Rapid chargers and vehicles
Wakefield	< 5 Years	No limit	✗	➤ Wakefield Westgate (Virgin East Coast) – Host rapid charger & 25% match.

3.4 Private Hire Procurement Changes

3.4.1 EST recommends all local authority/public health tenders state 10% of fleet is ULEV or increase weighting for tenderers with ULEV fleets. The draft WYLES states a number of changes to procurement tender processes, with tender specifications increasing weighting for alternative fuel/low emission fleets.

3.5 ULEV Taxi Grant and Fleet Impact by 2020

3.5.1 This table shows the grant to be potentially realised from a medium bid by all the partners.

	<u>ULEV Taxi Top Up Grants</u> No. taxi grants £ total grant % taxi fleet ULEV by 2020	<u>Hackney Carriage Taxi</u> No. Charge Points £ total grant £ total match	<u>Private Hire</u> No. Charge Points £ total grant No. vehicles / % private hire fleet ULEV by 2020
Medium Scenario	260 £393,000 22.3%	40 £1.05m £262.5k	152 £3.99m 900 10%

4 Corporate considerations

4.1 Consultation and engagement

4.1.1 The Energy Savings Trust liaised with the trade, conducting surveys, interviews and working with major operators to determine the level of appetite for ULEV's and background information on the existing fleet. WYCA and Taxi & Private Hire Licensing services have engaged with the trade through routine engagement and operator groups and forums.

4.2 Equality and diversity / cohesion and integration

4.2.1 The recommendations do not propose changes to licensing regulations, or actions that will effect changes to communities or citizens; additionally this report is for information purposes. As such there are no direct impacts upon inclusion, equality or diversity and therefore no screening has been required. Full Health and Safety assessments would be conducted as part of any implementation plan should funding be secured prior to installation of any electric vehicle charge points.

4.3 Council policies and best council plan

4.3.1 The requirement to introduce a Clean Air Zone links with work already undertaken by the Council, in particular the Cutting Carbon and Improving Air Quality breakthrough project.

4.4 Resources and value for money

4.4.1 Any procurement of electric vehicle charge points that follows a successful bid for funding will be delivered via WYCA or Local Authority procurement processes. This will ensure that price and quality is robustly assessed and therefore will ensure value for money is delivered.

4.5 Legal Implications, access to information and call In

4.5.1 No legal implications.

4.6 Risk management

4.6.1 Risks are being managed by the WYCA project manager, with local districts reviewing and updating risks as the project to deliver a bid is managed.

4.6.2 The key risk is that no funding is secured and that ULEV take up by the taxi and private hire trade is not sufficient and that no air quality improvements are achieved.

4.6.3 Should Leeds (or other cities) fail to meet targets for air quality standards then significant European Union infraction fines may be handed down to the United Kingdom. The government is likely to utilise the Localism Act to pass those fines down to failing Local Authorities.

5 Conclusions

5.1 It is recommended that the Licensing committee note the direction of travel for the progress of the WYCA submission to OLEV and the potential that this funding may have to support the transition to greater numbers of ULEV vehicles operating across the taxi and private hire trade.

5.2 That the Licensing Committee supports the bid on the basis that potential funding to reduce emissions from the trade will support wider ambitions of the council in contributing to improving air quality and compliance with DEFRA's request for a Clean Air Zone in Leeds.

5.3 There are no immediate or direct amendments required for licensing in Leeds as a result of a 'medium uptake bid' or as a result of the Clean Air Zone.

6 Recommendations

6.1 It is recommended that the following are noted;

6.2 LCCs existing licensing policies (age of first licensing and renewals) will remain unaffected as we are already at the level that EST identified as required for the medium uptake scenario.

6.3 Procurement of services; it is suggested by EST that future procurement of services such as taxi contracts for social care should include more weighting based on the emission standard of the taxi fleet and percentage of ULEVs within the fleet. This recommendation is being pursued by colleagues in procurement and in negotiation with the Passenger Transport service.

6.4 The next tender for taxi and private hire use by Passenger Transport and for the staff taxi contract will include additional points for bidders who can meet targets for Euro 6 diesel and/or ULEV representation on their fleets. The exact nature of these targets and whether they will be mandatory or aspirational targets is to be determined. Consultation on this process and some market testing will be carried

out during the autumn 2016, with the contract to be tendered and awarded for commencement in 2017. It will be necessary to ensure that any specification for such contracts that includes weighting based on emission standards must also ensure that the requirements are not so restrictive that there is loss of competition, or that no suppliers are able to meet these requirements.

- 6.4 The Medium Uptake bid based on Energy Savings Trust recommendations will require a commitment (across West Yorkshire) to provide a 25% match funding to a bid for approximately £5,500,000 in grant funding between 2017 and 2020. This funding will mainly be to support increasing infrastructure to support the uptake of electric vehicles across the Private Hire and Taxi trade. The 25% may come wholly or partially from contributions from the Taxi and Private Hire companies but may require underwriting by LTP funding.



Report author: Susan Holden
Tel: 0113 378 5331

Report of the Head of Elections, Licensing and Registration

Report to **Licensing Committee**

Date: **2nd August 2016**

Subject: **Select Committee on the Licensing Act 2003**

Are specific electoral Wards affected?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, name(s) of Ward(s):		
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 type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, Access to Information Procedure Rule number:		
Appendix number:		

Summary of main issues

1. A House of Lords Committee set up to conduct scrutiny of the Licensing Act 2003 has published its call for evidence and invites all interested parties to submit written evidence by 2 September 2016.

2. As the third largest licensing authority in the country it is important that Leeds city Council responds to the call for evidence.

3. Licensing Committee formed a working group to provide a response to the Call for Evidence and this report presents the draft response.

Recommendations

4. That Licensing Committee considers the response to the call for evidence questions and provides comments and views on the matters raised and approves the response as the Leeds City Council response.

1 Purpose of this report

- 1.1 This report requests that Licensing Committee considers the response to the call for evidence published by the Select Committee and asks for comments and views in relation to the matters raised which can be incorporated into the response before it is sent to the Select Committee at the beginning of September.

2 Background information

- 2.1 The Licensing Act 2003 set out to provide greater freedom to the hospitality and leisure industry, as well as giving consumers more choice. At the same time the legislation was intended to grant authorities the appropriate powers to deal with misuse of these freedoms. The House of Lords Licensing Act 2003 Committee is now investigating the effectiveness of the Act and would like to hear from all those affected by it. It will publish its report early in 2017.

3.0 Main issues

- 3.1 The Select Committee on the Licensing Act 2003 was set up on 25 May 2016 with the task of conducting post-legislative scrutiny of that Act. The Committee will be looking at the provisions of the Act, in its original form and with its subsequent amendments, at its implementation, and at related developments. The Committee has to report by 31 March 2017.
- 3.2 The Committee has published a public call for written evidence to be submitted to them. The deadline is 2 September 2016. They are seeking opinions that are supported by factual and statistical evidence where appropriate.
- 3.3 The Licensing Act 2003 was intended to provide a means of balancing the broad range of interests engaged by licensing decisions – those of the entertainment and alcohol industries, small and large businesses, local residents and communities, policing, public health, and the protection of children from harm. Decision making under the Act was expected to balance these interests for the public benefit, rather than identify a ‘winning’ or ‘losing’ side. The Government said:

“Our approach is to provide greater freedom and flexibility for the hospitality and leisure industry. This will allow it to offer consumers greater freedom of choice. But these broader freedoms are carefully and necessarily balanced by tougher powers for the police, the courts and the licensing authority to deal in an uncompromising way with anyone trying to exploit these greater freedoms against the interest of the public in general.”
- 3.4 The Committee would welcome general views on whether the Act has achieved these objects.
- 3.5 The Working Group has provided a response to the Call for Evidence questions which is attached at **Appendix A**.

4.0 Corporate Considerations

4.1 Consultation and Engagement

4.1.1 This call for evidence does not require a formal consultation as anyone, i.e. business or ward members, could reply in their own right. This report requests input into the formal response by the licensing authority.

4.2 Equality and Diversity / Cohesion and Integration

4.2.1 There are no implications for equality diversity, cohesion or integration in relation to the call for evidence.

4.3 Council Priorities and Best Council Plan

4.3.1 The licensing regime contributes to the following Best Council Plan 2015-20 outcomes:

- Improve the quality of life for our residents, particularly for those who are vulnerable or in poverty;
- Make it easier for people to do business with us.

4.3.2 The licensing regime is linked to the Best Council Plan objectives:

- Supporting communities and tackling poverty, and
- Becoming a more efficient and enterprising council

4.4 Resources and Value for Money

4.4.1 There are no cost implications in relation to the call for evidence.

4.5 Legal Implications, Access to Information and Call In

4.5.1 There are no legal implications in relation to the call for evidence and as this is not a decision making report access to information and call in is not relevant.

4.6 Risk Management

4.6.1 There is low to no risk to providing information in the call for evidence.

5 Conclusions

5.1 A House of Lords Committee set up to conduct scrutiny of the Licensing Act 2003 has published its call for evidence and invites all interested parties to submit written evidence by 2 September 2016. As the third largest licensing authority in the country it is important that Leeds city Council responds to the call for evidence. Licensing Committee formed a working group to provide a response to the Call for Evidence and this report presents the findings.

6 Recommendations

- 6.1 That Licensing Committee considers the response to the call for evidence questions and provides comments and views on the matters raised and approves the response as the Leeds City Council response.

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.

This is the response to the Call for Evidence from Leeds City Council, licensing authority for the Leeds district. It was prepared in conjunction with Members of the Licensing Committee and officers and ratified by Licensing Committee as the response of Leeds City Council to this Call for Evidence.

Licensing objectives

1. Are the existing four licensing objectives the right ones for licensing authorities to promote?

Yes, the existing four licensing objectives are the right ones.

There have been occasions where the area in which the premises is situated is experiencing issues which are related to the licensing objectives, but there is no premises-specific evidence available that would allow the Licensing Subcommittee to refuse or condition the licence, despite that being the best course of action. The Council has looked to the Section 182 guidance at paragraphs 8.33 to 8.41 which provides guidance to applicants on the need to consider risk to locality when completing their operating schedule, but we do not believe that this is widely used and there is a wide perception that only evidence that directly relates to the premises can be considered regardless of the locality.

We believe there should be further clarity given to the evidence that can be considered and if it needs to relate directly to the bricks and mortar premises, or if the wider locality and community can be taken into consideration.

Should the protection of health and wellbeing be an additional objective?

Yes, especially in relation to localities. There are areas in Leeds in which residents can expect a lowered life expectancy of up to ten years. We know that the causative factors relating to a lower life expectancy are alcohol, obesity and smoking. Although we are working with our Public Health colleagues and other agencies in these areas to promote health and wellbeing, we are also granting new off licences and late night takeaways in these areas as there is no direct link between the proposed activities and the four existing licensing objectives.

If we were able to take health and wellbeing into consideration, as well as receiving further clarity on whether we can consider locality issues, we would be able to consider these applications with a view to refusal or applying conditions that would assist in the promotion of health and wellbeing in these areas.

There is some concern that as the scope of 'health and wellbeing' is so broad that some councils may receive representations to all applications on the basis that even a modest amount of alcohol consumption could lead to a reduction in health outcomes and wellbeing, however this could be adequately addressed in the S182 guidance.

2. Should the policies of licensing authorities do more to facilitate the enjoyment by the public of all licensable activities?

We believe that voluntary schemes such as Purple Flag, as well as the commercial needs of the business community address the facilitation of the enjoyment of licensable activities without this becoming a specific requirement of the licensing policy.

Should access to and enjoyment of licensable activities by the public, including community activities, be an additional licensing objective?

No, the licensing policy is not the best way of addressing this issue.

Should there be any other additional objectives?

We receive numerous public representations about needs, desire and parking, but we consider these to be adequately addressed by the wider planning controls.

The balance between rights and responsibilities

3. Has the Live Music Act 2012 done enough to relax the provisions of the Licensing Act 2003 where they imposed unnecessarily strict requirements?

Yes. In our view many premises added live music to their licences when they converted from the Magistrates Courts to the Licensing Act regime. It has not been our belief that the licensing regime imposed unnecessarily strict requirements on premises in relation to live music.

Are the introductions of late night levies and Early Morning Restriction Orders effective, and if not, what alternatives are there?

We investigated a late night levy in detail. Despite the potential for raising revenue that could be used to improve the night time environment, the Council felt that the impact on smaller businesses and businesses that were situated in quiet areas would have been too severe to make the proposition feasible. The easiest way to make a late night levy more useful would be to allow the Council to designate the area to which it applies.

The other reason for the hesitancy to impose a late night levy was the arrangement for the disposal of the funds. The lack of oversight led to concerns about where the levy would be spent by Police. We received verbal confirmation that the levy raised in Leeds would be used in Leeds to provide additional policing, but no commitment was provided in a written agreement.

Although we have not specifically looked into an EMRO the procedure for implementing it is complicated and onerous.

Does the Licensing Act now achieve the right balance between the rights of those who wish to sell alcohol and provide entertainment and the rights of those who wish to object?

Yes, the Licensing Act allows the licensing authority to sit between licensees and members of the public/agencies and consider all sides when making decisions.

For members of the public, the quasi-judicial nature of licensing subcommittee hearings can be daunting and we are aware of occasions where people have not made a representation due to the fear of reprisals. However now that the ability to make representations is unrelated to vicinity people can ask their local councillor, residents association or other people to represent them at hearings, and their representations are given just as much weight when presented in writing as they are when they are presented in person.

4. Do all the responsible authorities (such as Planning, and Health & Safety), who all have other regulatory powers, engage effectively in the licensing regime, and if not, what could be done?

We have an excellent working relationship with all the responsible authorities with regular engagement through the Licensing Enforcement Group. For some responsible authorities, such as the Leeds Children's Safeguarding Board the licensing process does not lend itself to intervention at the application stage but there are facilities there to review licences if the premises have been linked to child-related issues.

Sometimes during licensing subcommittee hearings, there is a perception that the responsible authority could have provided more information or liaised with other authorities to provide a more rounded view. However where this has been noted, it has been addressed with the responsible authority concerned and these comments have been taken on board.

The ability to reach agreements can lead to just one responsible authority attending a hearing as others have withdrawn their representations. This is often commented on by the applicant's solicitors and perceived as the absent responsible authority's approval of the application. For example, if Environmental Health is not present the solicitor will often make a comment about their absence indicating there are no public nuisance issues. In most cases Environmental Health have been involved at a very early stage of the process and secured adequate measures to address their concerns.

Do other stakeholders, including local communities, engage effectively in the licensing regime, and if not, what could be done?

There is a need for a liaison service to provide support to local communities in relation to licensing applications. For many their representation is the first and last they will make and it can be a steep learning curve. As they are often at a hearing against trained and experienced solicitors, it can be perceived to be an unfair process on members of the public.

We don't believe the licensing authority is the best authority to provide this service as it is difficult, especially in smaller authorities, to be impartial while assisting both applicants, members of the public and acting as a responsible authority.

In relation to temporary event notices, there are two uses for temporary event notices:

- Non-commercial organisations such as school PTAs use them to sell alcohol at occasional events.
- Commercial premises use them to extend the terms of their licence or to remove restrictions as the notices can replace the premises licence and its restrictive measures.

The first type of temporary event notice creates very few problems and in our view is what the TEN system was designed for. The second type of temporary event notice creates concern amongst ward members who are often dealing with complaints around noise nuisance from licensed and unlicensed premises, but are frustrated by the inability to make a representation themselves. Adding elected members to the list of people that can make a representation would be a way of ensuring that communities have their say in temporary events.

If the premises is licensed, an amendment to the Licensing Act enables the licensing authority to transfer conditions from the premises licence to the TEN, however this comes at a cost as it requires a hearing – costing in excess of £1000. A TEN costs the organisation £21. Increasing the cost of a TEN would unfairly penalise the voluntary and non-commercial organisations that use the TEN system appropriately. It would be useful to have two systems to reflect the additional work that goes into administering TENs for commercial purposes.

Licensing and local strategy

5. Licensing is only one part of the strategy that local government has to shape its communities. The Government states that the Act “is being used effectively in conjunction with other interventions as part of a coherent national and local strategy.” Do you agree?

Yes, Leeds City Council takes shaping and supporting communities very seriously and has formed community committees which have this specific responsibility. Both Planning and Licensing applications are discussed through this process and any amendment to licensing policy is presented to community committees as part of the consultation process.

6. Should licensing policy and planning policy be integrated more closely to shape local areas and address the proliferation of licensed premises? How could it be done?

The tension between Planning and Licensing has been long established. Although in Leeds we have an excellent working relationship between the licensing and planning authorities, there is some merit in tying the two regimes more closely together. Licensing sub-committees would like the ability to adjourn licensing decisions until the planning decision is made to ensure the two permissions are closely aligned.

We would like to go further and in the sex establishment licensing regime, we require the licence applicant to already have their planning permission in place before proceeding with their licence application so that there is consistency between the planning consent and the licence. This is not encouraged under the S182 guidance which specifies that the two regimes should be dealt with separately due to their different objectives, and the avoidance of allowing residents a ‘second bite of the cherry’.

For example the Duck and Drake is a city centre pub, well known for live music. It is very popular and is one of the few premises with a beer garden in the city centre. This is absolutely vital in the summer as the building is small and hot. The pub has a late licence and has enjoyed popularity for many years. A developer has built flats right next to the pub. The pub received noise complaints from residents living next door who complained about the use of the beer garden into the early hours of the morning. Not only has the pub had to close its beer garden by 9pm, but now has to close all windows and doors to avoid a noise nuisance which makes it unbearably hot in the summer.

Requiring ‘agent of change’ proposals would have placed the onus on the developer to take the proximity of the pub into consideration, and sound proofing and air conditioning could have been a requirement. Alternatively the developer could have been made to sound proof and air condition the pub.

Crime, disorder and public safety

7. Are the subsequent amendments made by policing legislation achieving their objects? Do they give the police the powers they need to prevent crime and disorder and promote the licensing objectives generally? Are police adequately trained to use their powers effectively and appropriately?

(Sent to PS David Shaw, West Yorkshire Police for comment)

8. Should sales of alcohol airside at international airports continue to be exempt from the application of the Act? Should sales on other forms of transport continue to be exempt?

Our view is that the sale of alcohol airside is a matter for the airport’s security services. It is self-policed at the moment and there is no impact on the licensing objectives.

Licensing procedure

9. The Act was intended to simplify licensing procedure; instead it has become increasingly complex. What could be done to simplify the procedure?

The cost of a newspaper advert has become prohibitively expensive. In Leeds it can cost around £1,000 for an advert in the local newspaper. In order to assist the local businesses, we have found the national daily newspapers to be more affordable and are advising people to obtain quotes from a number of newspapers before placing their order. Removing the requirement to place a newspaper advert would reduce the financial burden on the business, reduce the potential for error and simplify the application process.

Our view would be that you could safely move the entire requirement for the duplication and distribution of applications to the licensing authority. We already fulfil this requirement for electronic applications and all incoming post is now digitised in order to reduce costs and storage, so it would be simple to do. The small cost of the distribution should be included in the application fee.

The main issue is the constantly changing requirements as successive Governments tweak the Licensing Act to fix small problems. We would welcome a five yearly review of the Licensing Act and all amendments to be undertaken at the same time, so that the local authority policy statement can be adjusted accordingly.

10. What could be done to improve the appeal procedure, including listing and costs?

Leeds Licensing Authority is satisfied with the current appeal listing procedures and costs

Should appeal decisions be reported to promote consistency?

Appeal decisions should be reported to promote consistency across the country.

Is there a case for a further appeal to the Crown Court?

No, there is no need.

Is there a role for formal mediation in the appeal process?

No, the current procedures are adequate.

Sale of alcohol for consumption at home (the off-trade)

11. Given the increase in off-trade sales, including online sales, is there a case for reform of the licensing regime applying to the off-trade?

Clarity over whether locality data/information can be considered during licensing decisions would help control off licence applications, but there is no need for a separate system. The Licensing Act 2003 is flexible enough.

How effectively does the regime control supermarkets and large retailers, under-age sales, and delivery services?

Supermarkets, large retailers and under age sales can be controlled adequately under the current regime. Leeds has a number of delivery services and we have applied adequate measures that control under age sales and selling to drunks.

Should the law be amended to allow licensing authorities more specific control over off-trade sales of “super-strength” alcohol?

In Leeds the issue relating to super strength alcohol is in the package sizes. Many independent off licences, convenience stores and corner shops sell ‘white cider’ which is a high ABV alcohol product sold in 1, 2 and 3 litre bottles at a very low cost. This particular product is mainly purchased by dependant drinkers and by selling it in large bottles leads to people drinking more than their addiction needs them to. Anecdotal evidence from people in treatment services informs us that once they remove the top of the bottle, they will drink it all, despite their best intentions. A three litre bottle of white cider contains 22 units of alcohol and costs around £3.50.

Similarly there is a misconception that restricting the ability to sell single cans will stop dependant drinkers from buying alcohol. This is simply not true, but allowing the sale of single cans means that a dependant drinker can self-dose the alcohol they need to consume to keep them from becoming ill, without putting temptation in front of them to drink more than they need to. More research/information from treatment services is needed to ensure that any restriction on alcohol is designed in such a way to assist rather than hinder people’s ability to overcome their addiction.

It is important that any control of super-strength alcohol is designed in such a way that the undesirable alcohol types, such as high strength lager and white cider is included but craft beer and artisan cider is not. We suggest concentrating on the pack size rather than the ABV.

Pricing

12. Should alcohol pricing and taxation be used as a form of control, and if so, how? Should the Government introduce minimum unit pricing in England? Does the evidence that MUP would be effective need to be “conclusive” before MUP could be introduced, or can the effect of MUP be gauged only after its introduction?

We support the introduction of a minimum unit price for alcohol, although we understand there are legal considerations stopping this at the moment.

Fees and costs associated with the Licensing Act 2003

13. Do licence fees need to be set at national level?

No and all licensing authorities should have the ability to set their own fees, on a cost recovery basis. This should include the costs of other departments such as environmental health and the planning service.

Should London, and the other major cities to which the Government proposes to devolve greater powers, have the power to set their own licence fees?

It is not just the major cities that have a deficit in their licensing budgets. The LGA has recently commissioned a fee survey with CIPFA which shows the extent of the deficit.

International comparisons

14. Is there a correlation between the strictness of the regulatory regime in other countries and the level of alcohol abuse? Are there aspects of the licensing laws of other countries, and other UK jurisdictions, that might usefully be considered for England and Wales?

We are not in a position to comment on the licensing laws of other countries.

Contact details

Entertainment Licensing
Leeds City Council
Civic Hall
Leeds LS1 1UR

Phone: 0113 378 5029
Fax: 0113 336 7124
Website: www.leeds.gov.uk/licensing
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LICENSING COMMITTEE WORK PROGRAMME 2016/17 - LAST UPDATED 22/07/16 (JG)

ITEM	DESCRIPTION	NOTES	TYPE OF ITEM
Items Currently Unscheduled			

ITEM	DESCRIPTION	Officer	TYPE OF ITEM
	Meeting date: 9th February 2016 HELD - Activity Update – Taxi and Private Hire Licensing – 1st July to 31st December 2015, Review of Driver Licensing Requirement for Group ii Medicals, Hackney Carriage Forum Constitution, Entertainment Licensing Section – Update Report July to December 2015, Mint Festival 2015 D- Brief		
	Meeting date: 8th March 2016 – Held - The Night Time Economy - Leeds City Bids, Update Report on Legal Highs'		
	Meeting date: 12th April 2016 - Postponed		
	Meeting date: 10th May 2016 - Postponed		
	Meeting date: 20th May 2016 HELD - Unmet Demand Survey, Leeds Festival 2016 – Update, Amendment to the Council's Licensing Act 2003 Statement of Licensing Policy 2014-18, Governance Arrangements, Licensing Procedure Rules		
	Meeting date: 5th July 2016 - HELD - Advertising on Wheel Chair Accessible Vehicles, Convictions Criteria - Psychoactive substances, Select Committee on the Licensing Act 2003, Future Training Arrangements		
	Meeting date: 2nd August 2016		
Clean Air Zone	To receive a report which sets provides an update around the clean air zone	Andrew Hickford	B

LICENSING COMMITTEE WORK PROGRAMME 2016/17 - LAST UPDATED 22/07/16 (JG)

ITEM	DESCRIPTION	Officer	TYPE OF ITEM
ULEV bid	To receive a report which sets provides an update on the ULEV bid	Andrew Hickford	B
Leeds Festival 2016 - Update	To receive a report by the Head of Elections, Licensing and Registration which provides an update on the arrangements for the Leeds Festival 2016	S Holder	B
Hotel Development, Portland Crescent	To receive a report from the Director of City Development which provides an update on the Hotel Development at Portland Crescent, Leeds 1	David Varley	B
Select Committee on the Licensing Act 2003	To receive a report by the Head of Elections, Licensing and Registration which sets out a proposed response following the Select Committee on the Licensing Act 2003, call for evidence	S Holden	SC
Meeting date: 6th September 2016			
Hackney Carriage Vehicles - Wheelchair accessible vehicles – Corporate livery	To receive a report by the Head of Elections, Licensing and Registration which sets out the response following consultation on the corporate livery of wheelchair accessible vehicles	D Broster	SC
Hackney Carriage Vehicles – Signs and Markings (LCC licence plate improvements)	To receive a report by the Head of Elections, Licensing and Registration which sets out the response following consultation on LCC licence plate improvements	D Broster	SC

LICENSING COMMITTEE WORK PROGRAMME 2016/17 - LAST UPDATED 22/07/16 (JG)

ITEM	DESCRIPTION	Officer	TYPE OF ITEM
Update on the Purple Flag Initiative	To receive a report from the Director of City Development which provides an update on the Purple Flag Initiative	J Ebo	B
Update on the Leeds Bid	To receive a report from the Director of City Development which provides an update on the Leeds BID	J Ebo	B
Policing and the Night time Economy	To receive a Presentation from Sergeant Dave Shaw, West Yorkshire Police on the issues of "Policing and the Night time Economy"	D Shaw	B
Estate Vehicles as Hackney Carriage Vehicles	To receive a report by the Head of Elections, Licensing and Registration which considers the issues of estate vehicles as Hackney Carriage Vehicles.	D Broster	B
Meeting date: 5th October 2016			

LICENSING COMMITTEE WORK PROGRAMME 2016/17 - LAST UPDATED 22/07/16 (JG)

ITEM	DESCRIPTION	Officer	TYPE OF ITEM
Meeting date: 1st November 2016			
City Centre CIP Review	To receive a report by the Head of Elections, Licensing and Registration which seeks to review the City Centre CIP	S Holden	RP

Report of Director of City Development

Report to Licensing Committee

Date: 2 August 2016

Subject: Arena Hotel, Portland Crescent, Leeds

Are specific electoral wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of ward(s): City and Hunslet		
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)		
Appendix number: 1		

Summary of main issues

1. Work stopped on the development of the Arena Hotel site at Portland Crescent in March 2015 when the building contractor and its parent company went into administration.
2. The company which owns the site has subsequently gone into administration and Council officers have been in discussions with both the funder of the project and the administrators of the company as well as with prospective purchasers of the site to try and progress matters so that work starts again as soon as possible.
3. On 18 May, the Chair of City Plans Panel wrote to the Director of City Development expressing the panel's concerns regarding the site and asking the Director to submit a report informing the panel of the current position.
4. The attached report was presented to City Plans Panel on 7 July 2016.
5. The Chair of Licensing Committee has subsequently requested that a copy of the City Plans Panel report be submitted to Licensing Committee for their information.
6. Matters have progressed somewhat since the report was prepared and officers will provide Licensing Committee with a verbal update at the meeting as to the current situation.

Recommendations

7. Licensing Committee is asked to note the contents of the report to City Plans Panel and the current situation as reported at the meeting.

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Report of Director of City Development

Report to City Plans Panel

Date: 7 July 2016

Subject: Arena Hotel, Portland Crescent, Leeds

Are specific electoral wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of ward(s): City and Hunslet		
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)		
Appendix number: 1		

Summary of main issues

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2. The company which owns the site has subsequently gone into administration and Council officers have been in discussions with both the funder of the project and the administrators of the company as well as with prospective purchasers of the site to try and progress matters so that work starts again as soon as possible.
3. On 18 May, the Chair of City Plans Panel wrote to the Director of City Development expressing the panel's concerns regarding the site and asking the Director to submit a report informing the panel of the current position.

Recommendations

4. City Plans Panel are asked to note the update provided.

1.0 Background

1.1 The Leeds Arena Hotel Site is owned by Oxford GB Two Limited (OGB2) OGB2 appointed its sister company GB Building Solutions Limited (GBBS) to build a 206 bedroom hotel which it was intended would have operated under a Hilton franchise. OGB2 is owned by Oxford GB Ltd which itself is owned by GB Group Holdings Ltd (GBGH). GBGH is also the ultimate parent of GBBS.

1.2 In 2013 the LEP was approached by GBGH to provide financial support to address a funding gap. This application was considered by the LEP against its funding criteria. Approval was given to support the Project with a loan of £4.8m from the Growing Places Fund (GPF). A second charge was executed in favour of LCC which was the accountable body for the LEP at the time. This was fully subordinated to a first charge from the Co-operative Bank. The full funding package is set out in the confidential appendix to this report.

1.3 As of 1st April 2015, West Yorkshire Combined Authority (WYCA) became the accountable Body for the LEP and the Growing Places Fund. In relation to the loan, which was granted in LCC's name as the accountable body for the LEP, LCC's role is therefore now limited to acting as the agent for the LEP/WYCA. LCC does of course continue to be the local and planning authority responsible for the site.

1.4 The GPF Loan is the subject of an agreement between the Council and OGB2 dated 1 November 2013. The Council's interests are fully subordinated to the Co-operative Bank which has a first charge on the site.

2.0 Administration of GB Group companies

2.1 Work on the development stopped in March 2015, when both GBGH and GBBS went into administration. Since then the project has been effectively been controlled by the Co-op. OGB2 went into administration on 4 March 2016.

3.0 Current situation

3.1 The LEP and LCC are working together to safeguard their various interests in relation to this project. To support this, external solicitors (DAC Beachcroft) and accountants (PWC) have been appointed to provide specialist advice to both parties.

3.2 The Council/LEP's priorities are to:

- 1) Ensure that the building is completed; and
- 2) Protect and recoup its investment

The Council is also seeking to protect other interests both as local authority and as an adjoining land owner.

3.3 Since March 2015, a number of discussions have taken place with the Co-op and it is clear that the current value of the site will not provide sufficient funds to repay both the Co-op's debt and the Council/LEP debt. The Co-op has also been exploring various options as to how to progress matters and has now concluded that the best way forward is for it to sell its debt to a third party. Details of the discussions with the bank and their

current negotiations with a prospective purchaser are set out in the confidential appendix to this report.

4.0 Management of the site

4.1 There have been a number of concerns regarding the management of the site since March 2015 which have been raised with both OGB2 and the Co-op and on the whole these have been dealt with.

4.2 Looking forward, the prospective purchaser has met with planning officers and has indicated that they would be looking to complete the development in accordance with the current planning permission. Further information is awaited as to how the planning conditions which remain to be discharged are to be dealt with, always assuming of course that prospective purchaser does actually buy the Co-op's debt.

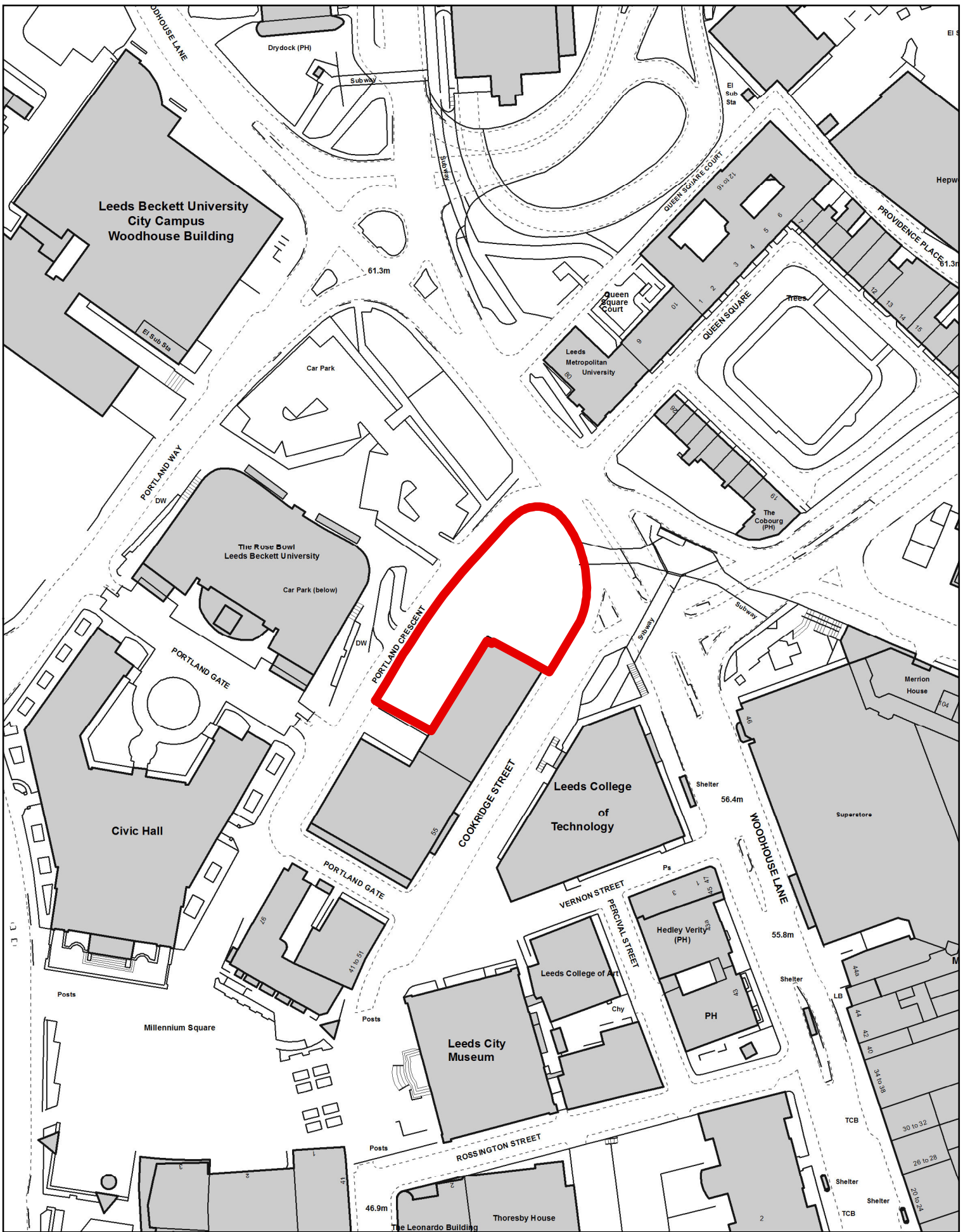
4.3 Otherwise, officers are continuing to monitor the state and condition of the site with a view to taking action if necessary. Whilst LCC does have a number of powers that it could use to try and address any further issues that may arise in connection with the site, at the time of writing it is not felt that the use of such powers would be proportionate. In addition, it is felt that taking action at this time could disrupt the negotiations between the Co-op and the prospective purchaser.

4.4 Whilst it is frustrating that work has not yet recommenced and that it has taken so long for the parties concerned to agree a way forward, the situation is complex. If the prospective purchaser proceeds to buy the bank's debt, it is hoped that work will recommence in August and that the construction of the hotel will be completed by November 2017. 4.5 Officers continue to monitor the situation and a further report updating members as to progress will be prepared in due course. In the event that matters progress between this report being written and the date of the Plans Panel meeting, a verbal update will be given to members at the meeting.

5.0 Access to information

5.1 The appendix to this report should be treated as exempt pursuant to Access to Information Rule 10.4 (3) on the basis that it contains information relating to the financial or business affairs of various parties, including the Council. In the current circumstances it is considered that the public interest in maintaining the content of the appendix as exempt outweighs the public interest in disclosing the information.

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CITY PLANS PANEL



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Report author: Stephen Holder
Tel: 0113 2474095

Report of the Head of Elections, Licensing and Registration

Report to the Licensing Committee

Date: 2 August 2016

Subject: Leeds Festival 2016 - Event Management Plan

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.

Recommendations

2. The Licensing Committee is asked to consider this report and
 - 2.1 agree to delegate approval of the Event Management Plan to the Head of Elections, Licensing and Registration, including any minor amendments necessary to the Plan before the Festival takes place.
 - 2.2 agree that 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 it will be brought back before the Licensing Committee prior to the Festival taking place.

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 2016 annual festival, and recommends that the approval of the final Event Management Plan be delegated to the Head of Elections, Licensing & Registration.

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 premises licence permits the activities as detailed in **Appendix A**.

3.0 Main Issues

- 3.1 The 2016 event will take place from Friday 26th until Sunday 28th August 2016, although the campsites will be opened for early arrivals on Wednesday 24th August from when low key entertainment within the campsites will be provided.
- 3.2 The draft Event Management Plan for the 2016 Event was received by the Licensing Authority and Responsible Authorities in February 2016. As in previous years a summary of key changes following the 2015 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 contain 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 of the case the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

- 3.4 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.
- 3.5 The maximum capacity for the event site is 89,999 in total, although the Event Management Plan for 2016 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 70,000.
- 3.6 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.
- 3.7 The first multi-agency meeting was held on the 19th April 2016 and these meetings have continued on a bi monthly basis. The last meeting will be held on the 11th August 2016. 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 coordinated through the Strategic Safety Advisory Group.

4.6.2 Any matters arising during the planning of the 2016 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 Elections, 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 Elections, 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 2016 event and that information is being supplied within the agreed time scales.

7.0 Recommendations

- 7.1 The Licensing Committee is asked to consider this report and
- 7.1.1 Agree to delegate approval of the Event Management Plan to the Head of Elections, Licensing and Registration, including any minor amendments necessary to the Plan before the Festival takes place.
 - 7.1.2 Agree that 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 it will be brought back before the Licensing Committee prior to the Festival taking place.

Background Papers¹

Home Office Guidance issued under s182 Licensing Act 2003
Leeds City Council Licensing Act 2003 Statement of Licensing Policy 2014 to 2018

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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Details of premises licence

For: Leeds Festival



Leeds
CITY COUNCIL

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

Licence number: PREM/02193/009

Premises the licence relates to: Leeds Festival, Bramham Park, Thorney Road, Wothersome, Wetherby, Leeds, LS23 6ND

Date licence first effective: 28th April 2006

Date current version effective from: July 8, 2016

Licensable activities authorised by the licence:

Sale by retail of alcohol	
Every Day	00:01 - 00:00
Provision of late night refreshment	
Wednesday to Sunday	23:00 - 05:00
Performance of a play	
Thursday	19:00 - 03:00
Friday to Sunday	12:00 - 03:00
Exhibition of a film	
Thursday	19:00 - 03:00
Friday to Sunday	12:00 - 06:00
Performance of live music	
Thursday	19:00 - 03:00
Friday to Sunday	12:00 - 06:00
Performance of recorded music	
Thursday	19:00 - 03:00
Friday to Sunday	12:00 - 06:00
Performance of dance	
Thursday	19:00 - 03:00
Friday to Sunday	12:00 - 03:00
Entertainment similar to live music, recorded music or dance	
Thursday	19:00 - 03:00
Friday to Sunday	12:00 - 06:00

Opening hours of the premises:

Everyday

00:01 - 00:00

Premises licence holder(s):

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

Designated premises supervisor:

[REDACTED]

Access to the premises by children

Access to the premises by children is unrestricted

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 26th August to 03:00 hrs on Monday 31st 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 24th August to 23:00hrs on Tuesday 1st 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

Document is Restricted

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