

## **Licensing Committee**

**Tuesday, 8th July, 2014**

**PRESENT:** Councillor Hyde in the Chair

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

### **18 Chair's Opening Remarks**

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

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

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

### **20 Exempt Information - Possible Exclusion of the Press and Public**

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

### **21 Late Items**

There were no late items

### **22 Declaration of Disclosable Pecuniary Interests**

There were no declarations of disclosable pecuniary interests

### **23 Apologies for Absence**

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

### **24 Minutes of the Previous Meeting**

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

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

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

## **25 Matters Arising from the Minutes**

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

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

## **26 Leeds City Centre Business Improvement District Update**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## **RESOLVED –**

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

## **27 Cumulative Impact Policy for Otley**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## **28 Strong Alcohol Schemes**

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

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

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

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

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

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

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

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

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

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

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

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

**RESOLVED –**

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

**Licensing Committee Work Programme 2014**

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

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

**30 Date and Time of Next Meeting**

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