

Report of the Head of Licensing and Registration

Report to Licensing Committee

Date: 4th August 2015

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

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: 10.4(1), (2), (3) and (7), Appendix number: A	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

Summary of main issues

1. This report provides Members with an update of matters appertaining to the entertainment licensing section between January and June 2015. The section deals with a variety of licences and registrations. This report provides an overview of the applications received, including reviews and appeals, liaison and enforcement actions, and project development.

Recommendations

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

1 Purpose of this report

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

2 Background information

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

3 Main issues

Licensing Act 2003: Application statistics

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

3.2

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

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

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

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

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

Temporary Event Notices

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

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

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

Licensing Act: Reviews

- 3.6 There have been two applications for premises licence reviews under the Licensing Act 2003. Both were brought by the West Yorkshire Police and supported by representations from the licensing authority.
- i) Armley, Ls12.
A review brought on the grounds of crime & disorder and public nuisance. Licence revoked by the licensing sub committee on the 16th March 2015.
 - ii) Pudsey, Ls28.
A review brought on the grounds all four licensing objectives. Decision by the licensing sub committee on the 23rd June was for the licence to continue with additional conditions as suggested by the police.

Licensing Act: Appeals

- 3.7 There have been no appeals during this reporting period.

Statement of Licensing Policy

- 3.8 The current statement of licensing policy was reviewed in 2013 and approved by full council in January 2014. The next full review will take place in 2017.
- 3.9 There are currently five cumulative impact policies (CIP's) as contained in the statement of licensing policy. These CIP areas are: 1) City Centre (with red, amber and green zones), 2) Headingley/Hyde Park, 3) Woodhouse, 4) Horsforth and 5) Chapel Allerton.
- 3.10 The statement of licensing policy was designed so that the city centre CIP would be reviewed on an annual basis in recognition of the changing profile of the city centre.
- 3.11 The annual review of the city CIP took place late 2014 and in response to police intelligence reports a further red zone was created in the area of Albion Street/Woodhouse Lane. The new CIP was approved before the licensing committee in December 2014, to take effect from 1 January 2015.

Gambling Act 2005: Application statistics

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

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

Gambling Act 2005: Statement of Licensing Policy

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

Large Casino

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

Updates of the Liaison & Enforcement Team

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

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

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

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

Outdoor Events:

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

4 Corporate Considerations

4.1 Consultation and Engagement

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

4.2 Equality and Diversity / Cohesion and Integration

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

4.3 Council Policies and City Priorities

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

4.4 Resources and Value for Money

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

4.5 Legal Implications, Access to Information and Call In

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

4.6 Risk Management

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

5.0 Recommendations

13.1 That members note the contents of the report.

Background Papers¹

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.