

**Report of the Head of Elections, Licensing and Registration**

**Report to Licensing Committee**

**Date:** 9<sup>th</sup> February 2016

**Subject:** Entertainment Licensing Section – Annual Report  
January – December 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 the period January and December 2015. The section deals with a variety of licences and registrations. This report provides an overview of the applications determined, 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 calendar year.

**2 Background information**

- 2.1 Entertainment licensing deals with licences, permits and authorisations under various 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.
  - Police, Factories etc (Miscellaneous Provisions) Act 1916 and House to House Collections Act 1939 - Charity street and house to house collections
  - Hypnotism Act 1952 - Regulation of performances of hypnotism in public venues
  - Marriage Act 1949 - Venues for the conduct of civil marriage ceremonies
  - Scrap Metal Dealers Act 2013 – registration of mobile collectors, scrap yards and motor salvage operators.
- 2.3 The council is required to publish statement of licensing policies/local regulations for the above with the exception of hypnotism, marriage and scrap metal.
- 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 a licensing subcommittee.
- 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 determined the number of licence applications and variations set out in the tables below. For comparison purposes the tables also include the numbers determined during 2014. The following table at 3.2 does not include the number of determinations in any of the CIP areas, which may be found at tables 3.3 and 3.4.



3.4 And the following table breaks down the data for the City Centre CIP further to identify the determinations for each of the red, amber and green zones:

	City Red Zone		City Amber Zone		City Green Zone	
	2014	2015	2014	2015	2014	2015
Total number of determinations	3	16	27	25	13	4
Of which:						
no representations	0	1	1	6	9	2
control measures agreed/rep withdrawn prior to a hearing	0	7	22	16	4	2
withdrawn	2	1	2	3	0	0
granted at hearing	1	5	2	0	0	0
refused at hearing	0	2	0	0	0	0
Appeals	0	0	0	0	0	0

### Temporary Event Notices

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

<b>Normal Temporary Event Notices:</b>	<b>Jan - Dec 2014</b>	<b>Jan - Dec 2015</b>
Total Number Received:	1276	1334
Accepted:	1268	1255
In process:	0	56
Objections/ Withdrawn:	0	0
Hearings	0	0
Counter Notice	8	23

<b>Late Temporary Event Notices:</b>	<b>Jan - Dec 2014</b>	<b>Jan - Dec 2015</b>
Total Number Received:	406	473
Accepted:	406	448
In process:	0	25
Invalid/Objection/Counter Notice Served:	0	0

### Licensing Act: Reviews

- 3.6 There have been three determinations of premises licence reviews under the Licensing Act 2013. 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 subcommittee on the 16<sup>th</sup> March 2015.
  - ii) Pudsey, Ls28.  
A review brought on the grounds all four licensing objectives. Decision by the licensing subcommittee on the 23<sup>rd</sup> June was for the licence to continue with additional conditions as suggested by the police.
  - iii) Selby Road, Ls 9.  
Review brought on the grounds of crime and disorder and protection of children from harm. Decision of the licensing subcommittee on the 18<sup>th</sup> August was to take no action following the removal of the premises licence holder and the DPS prior to the hearing.

### 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 2015 and in December 2015 licensing committee agreed to the new policy for the city centre that includes two red zones around Albion Street/Woodhouse Lane, and The Calls/Lower Briggate. Members also heard that the area of Merrion Street, presently an amber zone, is to be monitored due to the growth of bars in this area. The new city centre CIP became effective from January 2016.
- 3.12 Officers are now in the process of devising a draft CIP for Armley Town Street and will be putting this out to public consultation in February 2016.

### Gambling Act 2005: Application statistics

- 3.13 During this reporting period there have been no determinations for new premises licences.
- 3.14 One licence for an amusement arcade located at Crossgates, Ls15 has been surrendered.

### Gambling Act 2005: Statement of Licensing Policy

- 3.15 In 2015 the Gambling Act 2005 Statement of Licensing Policy was subject to its five yearly review and was approved through the budget and policy framework, ending before Full Council in November 2015. The new policy includes reference to locally based risk assessments which is a new requirement under the operator's licence issued by the Gambling Commission.
- 3.16 All existing operators and new applicants for gaming premises will now be required to provide a risk assessment setting out how they intend to address gambling harms in the locality
- 3.17 To assist operators we are developing a range of measures that they may include in their risk assessments. This work is being carried out in association with other authorities such as Westminster and Manchester, with a view to developing a national standard.
- 3.18 In addition following liaison with Leeds CC partners, Strategy and Resources is in the final stages of developing a system which may produce profile data for any particular area of the Leeds district to identify vulnerable areas, by layering data such as deprivation, income, places of education etc. over the city map, which will aid applicants in developing their risk assessments.

### Large Casino

- 3.19 In May 2013, following a competitive process the council granted the large casino licence to Global Gaming Ventures Ltd (GGV Ltd) 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.
- 3.20 A schedule 9 agreement between the council and GGV Ltd sets out the 38 benefits that will accrue from the operation of the licence. 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.
- 3.21 Development works are underway and at a meeting of the licensing committee in November 2015 Members were provided with a presentation by GGV Ltd, and a

site visit will be held when the premises are nearing completion in September 2016.

- 3.22 As anticipated the large casino licence is presently subject to a transfer application to GGV (Leeds) Ltd, which is a wholly owned subsidiary of GGV Ltd.

The Schedule 9 agreement will also be novated to GGV (Leeds) Ltd.

### Sexual Establishments

- 3.23 The Council has a statement of licensing Policy for the licensing of sex establishments which includes adult shops and lap dancing venues.
- 3.24 There are presently two licensed adult shops in the city centre, with a further two shops at Ls12 and Ls7. All licences are applied for on an annual basis before which they are subject to a compliance visit. The applications for 2015 were not subject to any objections.
- 3.25 In addition to the shops, there are three lap dancing venues in the City Centre. Two of the premises are located on York Place, Leeds Ls1 and had their licences approved until the 30<sup>th</sup> September 2016. The remaining premise at Sovereign Place Leeds Ls2 had its licence approved until the 1<sup>st</sup> March 2016.

### Updates of the Liaison & Enforcement Team

- 3.26 In 2015 the Liaison & Enforcement Team reduced from five to four senior officers headed by a principal officer.
- 3.27 The team operates in accordance with the Hampton Principles and the Regulators' Code to ensure that compliance inspections and enforcement action are risk based and proportionate.
- 3.28 In addition the officers carry out the role of the responsible authority on behalf of the licensing authority, for the purpose of making representations and applying for reviews under both licensing and gambling legislation, and have an active role in the city's licensed outdoor events.
- 3.29 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.
- 3.30 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.
- 3.31 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:

- 3.32 Last year officers dealt with 59 outdoor events, compared to 41 in 2014.
- 3.33 In addition to the multi-agency meetings, the council's Resilience and Emergencies Team have recently formed a Strategic Safety Advisory Group to co-ordinate a calendar of all events, and convene safety advisory meetings for those events that are flagged through a risk scoring matrix. This is to ensure that all agencies have a full picture of events, both licensed and unlicensed taking place around the Leeds district and have an opportunity to feed in to the planning and debrief processes.
- 3.34 Since the last report to the licensing committee, the Leeds Festival has taken place at Bramham Park. A debrief report was brought before Members by Mr Melvin Benn on the 17<sup>th</sup> November 2015, with no matters of concern reported.

The multi-agency meetings for the 2016 event are about to commence.

## **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 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.

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

#### **4.5 Legal Implications, Access to Information and Call In**

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

#### **4.6 Risk Management**

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

#### **5.0 Recommendations**

13.1 That members note the contents of the report.

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

None

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