

## **Licensing Committee**

**Friday, 20th May, 2016**

**PRESENT:** Councillor B Selby in the Chair

Councillors N Buckley, J Dunn, B Gettings,  
M Harland, G Hussain, G Hyde,  
C Townsley, G Wilkinson and B Flynn

### **1 Chair's Opening Remarks**

The Chair welcomed everyone to the first meeting of the Licensing Committee for the 2016/17 Municipal year.

The Chair acknowledged the fine work of his predecessor Councillor Mary Harland

Although not in attendance the Chair reported that Councillors: Sarah Field, Eleanor Tunnicliffe and Julie Heselwood had recently been appointed as Members of the Licensing Committee

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

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

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

That, in accordance with Regulation 4 of The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, the public be excluded from the meeting during Consideration of the following parts of the agenda designated as exempt 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 public were present there would be disclosure to them of exempt information so designated as follows:-

Appendix A and B to Agenda Item 15, Notification of First Draft Event Management Plan for Leeds Festival 2016 was designated as exempt under Access to Information Procedure Rules 10.4 (3) because it contained information relating to the financial or business affairs of any particular person.

### **4 Late Items**

There were no late items of business submitted

### **5 Declaration of Disclosable Pecuniary Interests**

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

## **6 Apologies for Absence**

Apologies for absence were received from Councillors: R Downes, J Heselwood, S Field, A Khan and E Tunnicliffe.

## **7 Minutes of the Previous Meeting**

**RESOLVED** – That the minutes of the previous meeting, held on 8<sup>th</sup> March 2016 be accepted as a true and correct record.

## **8 Matters Arising from the Minutes**

Substitute Arrangements (Minute No.94 referred) – With reference to the previous meeting and the decision to request the City Solicitor to investigate the issue of substitute arrangements for meetings of the Licensing Committee.

The Section Head, Legal Services reported that inquiries had been made and it was the view of the City Solicitor that substitute arrangements for the Licensing Committee are not currently permitted by law. It was reported that the situation would be kept under review and if there was any change then this would be reported back to the committee.

The Chair thanked officers for providing clarification on the issue.

Portland Crescent Hotel Development (Minute No.79 referred) – It was agreed at the last meeting that a Briefing Note providing an update on the Portland Crescent hotel development be circulated to all Members of the Licensing Committee.

Officers confirmed that the Briefing Note had been circulated

The Chair reported that the issue had also been discussed at the last City Plans Panel meeting where it was agreed that a report providing the latest position on efforts to resolve the situation would be brought back to the next meeting.

It was also agreed that the City Plans Panel would write to the Director of City Development highlighting the concerns raised about the development

**RESOLVED** – To support the City Plans Panel in seeking progress on the development

## **9 Licensing Committee - Annual Governance Arrangements**

The City Solicitor submitted a report seeking to establish the governance arrangements for the Licensing Committee for the 2016/17 Municipal Year, namely:

- To note the terms of reference of the Licensing Committee as agreed at the annual Council meeting on 19<sup>th</sup> May 2016.
- To appoint the five Licensing Sub-Committees for the 2016/17 Municipal year.

- To approve the Membership of each Sub Committee as set out in Appendix 2 of the submitted report
- To approve terms of reference for the Licensing Sub-Committees as set out in Appendix 3 of the submitted report.
- To approve the delegation of licensing functions to the Assistant Chief Executive (Citizens and Communities) as set out in Appendix 4 of the submitted report.

Appended to the report were copies of the following documents:

- Licensing Committee Terms of Reference (Appendix 1 refers)
- Membership of each Licensing Sub Committee (Appendix 2 refers)
- Licensing Sub Committee Terms of Reference (Appendix 3 refers)
- The delegation Licensing functions to the Assistant Chief Executive (Citizens and Communities) (Appendix 4 refers)

The Section Head, Legal Services, presented the report and responded to Members questions and queries

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

- Membership of each Licensing Sub Committee
- Amendments to the Licensing Sub Committees Terms of Reference

## **RESOLVED –**

- (i) To note the terms of reference of the Licensing Committee as approved by full Council on 19<sup>th</sup> May 2016 as shown at Appendix 1
- (ii) That the five Licensing Sub-Committees hearings required under the 2003 and 2005 Acts be established with the following Memberships:
  - A Councillors: Field, Downes and Gettings
  - B Councillors: Dunn, Buckley and G Hussain
  - C Councillors: Hyde, Townsley and Tunnicliffe
  - D Councillors: Heselwood, Flynn and Selby
  - E Councillors: Khan, Wilkinson and Harland
- (iii) That approval be given to the terms of reference for the Licensing Sub-Committees as set out in Appendix 3 of the report
- (iv) That approval be given to the delegation of Licensing functions to the Assistant Chief Executive (Citizens and Communities) as shown in Appendix 4 of the report.

## **10 Licensing Procedure Rules, the Code of Practice for Determining Licensing Matters and Prescribed Licensing Training**

The City Solicitor submitted a report which set out draft procedure rules relating to hearings and other meetings of the Licensing Committee and sub-committees and sought the approval of Members to the adoption of these procedure rules.

The report also requested consideration of the Code of Practice for the Determination of Licensing Matters previously approved by Standards Committee and to seek Members approval and to follow the Code.

Member's attention was also directed to the arrangements for the prescribed Member Training on licensing under the provisions of Article 8A of the constitution and the Code of Practice.

With reference to section 7 of the Code of Practice and the use of site visits, the Chair sought the views of Members on the use of site visits when determining applications.

It was the general view of Members that site visits be undertaken when it was considered appropriate

#### **RESOLVED –**

- (i) That the Licensing Procedure Rules as set out as Appendix 1 of the report be approved
- (ii) That approval be given to the contents of the Code of Practice of or the Determination of Licensing Matters as set out in Appendix 2 of the report and that the Committee agree to follow the Code
- (iii) To note the arrangements for the prescribed training programme.
- (iv) That site visits be undertaken when it was considered appropriate
- (v) That a copy of "the Code of Practice for the determination of Licensing Matters" be circulated to all Members of Council for information

#### **11 Amendment to the Council's Licensing Act 2003 Statement of Licensing Policy 2014-18**

The Head of Elections, Licensing and Registration submitted a report which set out the responses to the two consultations relating to the introduction of a CIP for Armley and an amendment of the CIP for the City Centre.

Appended to the report was an extract from section 7, with amendments which relate to the CIP for Armley and the changes to the City Centre CIP.

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

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

#### Armley CIP

- 158 responses received
- Suggestions made by residents for a greater police presence
- Cheap alcohol was a contributory factor for anti-social behaviour
- CIP broadly supported

#### City Centre CIP

- Consultation – All businesses in the City and Hunslet Ward, Licensing Solicitors, PubWatch, BACIL and the police were contacted
- No responses received

#### **RESOLVED –**

- (i) To endorse the submitted report as the Council's response to the consultation
- (ii) That the amended Licensing Policy be referred to full Council for adoption
- (iii) That the submitted style of appendix, with the policy changes highlighted by way of track changes, be appended to all reports for amendments to the Licensing Policy

#### **12 Unmet Demand Survey: Provision of Hackney Carriage Proprietor Licences**

The Head of Elections, Licensing and Registration submitted a report which set out the proposed tender specification document considered appropriate to progress the procurement of an independent consultant.

Appended to the report was the following appendix:

- Tender Document – Part 2 Specification (Services) - (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:

- The need to ensure proper consultation with the trade
- The cost of the survey
- Interim report required to manage the process

Responding to a question about ensuring proper consultation with the trade would take place, the Section Head, Taxi and Private Hire Licensing confirmed that the trade must engage as part of the consultation process. It was also emphasised the importance of consulting with the disabilities groups.

Responding to a question as to who funded the cost of the survey, the Section Head, Taxi and Private Hire Licensing confirmed the cost would be met through services reserve funds

**RESOLVED –**

- (i) To approve the proposed tender specification document, enabling Officers to progress to identifying a consultant in line with the Council's Procurement Policy
- (ii) That a further report on progress be brought back at the appropriate time

**13 Licensing Committee Work Programme 2016/17**

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

Officers reported that the Event Management for Leeds Festival 2016 should be included on the work programme for August 2016.

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

**14 Date and Time of Next Meeting**

**RESOLVED** – To note that the next meeting will take place on Tuesday 5<sup>th</sup> July 2016 at 10.00am in the Civic Hall, Leeds.

**15 Notification of First Draft Event Management Plan for Leeds Festival 2016**

The Head of Elections, Licensing and Registration submitted a report which provided a summary of changes to the 2016 Leeds Festival.

Appended to the report was a summary of changes as referred to in Appendix A & B (Confidential)

The Principal Licensing Officer presented the report.

Members were informed that the main change to the operation of the festival were the capacity of the site which increased to its maximum of 89,999 in 2014. Whilst the increase of 20,000 since 2010 had not been tested, consultation with the responsible

authorities suggested that there would be no objection to this capacity provided that the site facilities and supporting infrastructures were adequate to support this.

**RESOLVED –**

- (i) That the summary of changes to the 2016 Festival be noted.
- (ii) That a further report be submitted to Licensing Committee in August 2016 which would inform Members of the final arrangements and agency comments.