

Report of the Assistant Chief Executive (Citizens and Communities)

Report to Scrutiny Board (Citizens and Communities)

Date: 10th October 2016

Subject: Entertainment licensing contribution to the Night Time Economy

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. The Leeds City Centre Evening and Night Time Economy Strategy 2010 was developed to balance the needs of people enjoying the evening and night time economy, with those of local residents, and others arriving, visiting and working in Leeds, and to encourage a wider range of activities in the city centre. The vision is to provide: 'a welcoming, safe and attractive city centre with a diverse evening and night time economy, accessible to all, whilst protecting the quality of life for residents'.
2. This encompasses an area of work which is complex. It draws in a number of organisations and partners, each of which operate differently and are accountable to different bodies. No single organisation has overall responsibility and therefore effective and committed partnership working is crucial.
3. Government legislation enables authorities to combat alcohol-related crime and disorder through the use of enforcement powers in the Licensing Act 2003 and the Violent Crime Reduction Act 2006.
4. This report provides Scrutiny Board with an overview of the Entertainment Licensing Section, the licensing legislation and the strategic, proactive and reactive work carried out by the section in association with partner agencies.

Recommendations

5. That Scrutiny Board note the contents of the report.

1 Purpose of this report

- 1.1 This report sets out the contribution entertainment licensing and partner agencies make to the night time economy in Leeds.

2 Background information

- 2.1 The alcohol industry has an annual turnover of £66 billion, which is 10% of national GDP and up to one third of the revenue raised by town and city centres. Although the highest volume of alcohol is now sold through off-licences, and particularly supermarkets, from a social perspective it is pubs, clubs and restaurants that add the most to the evening economy and any tourist offer.
- 2.2 In 2015 there were half a billion visits to pubs, reflecting the importance of pubs to our society. The wider on-trade accounts for 6% of all employment in the UK and generates one in six of new jobs for 18-24 year olds.
- 2.3 At a local level, the average pub employs 25 people and generates £250,000 inward investment for the community. Pubs have recognised benefits in community cohesion and social wellbeing, with local pubs running events for charity, offering a way to deliver public services, and often becoming the heart of the community.
- 2.4 Supporting well-run premises, that do not contribute to local crime and disorder or public nuisance, is therefore beneficial to the local economy and to the community. Creating a mix of food-led premises, vertical drinking establishments and a late-night offer, in the proportions appropriate to the locality, can enhance a tourist offer and draw in visitors from surrounding areas. However, an offer that emphasises vertical-led drinking over other alternatives can prove problematic, with high levels of anti-social behaviour and violence.
- 2.5 There has been a steady stream of press releases claiming that licensing and red tape are responsible for a decline in licensed premises, particularly nightclubs which have declined at a sharp rate. In practice, there are a number of issues taking place, including a change in consumer patterns.
- 2.6 However, nationally the pub industry is going through a period of change. In the past 10 years, 21,000 drink-led venues have closed, but over 8,600 food-led venues have opened over the same time. Over 50% of night clubs have also closed over this period – many citing conflicts with relaxed planning regulations that permit residential conversions next to the premises. These changes may be good news for some localities, but can also pose challenges for others.
- 2.7 The above information taken from a report of the LGA Safer & Stronger Communities Board 'Managing the Evening and Night-time Economy', by Ian Leete, Adviser (Regulation), LGA.

3 Main issues

Legislation

3.1 The Evening and Night Time Economy Strategy for Leeds 2010 defines the night time economy as the provision of entertainment, food, and drink usually in a social setting, predominantly but not exclusively between 6pm and 6am. That report considered entertainment, food and drink to be identified as:

- Theatres, cinemas and other cultural events e.g. Leeds Light Night
- Restaurants, cafe-eateries and takeaways
- Bars, pubs, cafes and off licences
- Dance clubs and music venues
- Fairs, circuses and other public events
- Evening retail

3.2 Most of these premises are licensed under the Licensing Act 2003 which is legislation administered and enforced by the Entertainment Licensing section and seeks to control the sale of alcohol, provision of entertainment and late night hot food and drink.

Licensing Act 2003

3.3 The Licensing Act (the Act) has four licensing objectives which underpin all decision making under that Act:

- The prevention of crime & disorder
- The prevention of public nuisance
- Public Safety
- The protection of children from harm

3.4 The Act places a responsibility on licensing authorities to establish a Statement of Licensing Policy which must set out how the authority intends to promote these objectives. The Statement of Licensing Policy must be reviewed every three years,

3.5 The Statement of Licensing Policy may provide for cumulative impact policies (CIP's) where it is identified that any of the licensing objectives are being undermined due to the concentration of licensed premises.

3.6 Leeds has six such cumulative impact policies: City Centre, Woodhouse/Hyde Park corridor, Headingley, Horsforth, Chapel Allerton and more recently Armley.

3.7 The city centre CIP goes further to identify red, amber and green zones. The red zone focuses on the areas of Call Lane/Lower Briggate and Albion Street, where it is considered that these areas cannot support any more licensed premises.

- 3.8 The Act prescribes responsible authorities that must be consulted and may submit representation against a licence application, such authorities include the police, environmental health, planning, and the licensing authority. For the purpose of Leeds, entertainment licensing is the licensing authority.

Entertainment Licensing

- 3.9 Entertainment licensing is based within Citizens and Communities under the Elections, Licensing and Registration Service. The section comprises of a section head, 5 principal officers, 4 enforcement officers and 9 licensing officers under the following structure:
- Section Head
 - Principal Liaison and Enforcement Officer with responsibility for 4 Enforcement Officers
 - Three Principal Licensing Officers with responsibility for 9 Licensing Officers.
 - One Principal Licensing Officer also having responsibility for systems and processes.
- 3.10 The Leeds metropolitan district extends over 217 square miles and has a population of just over 750,000. It includes the City Centre and the urban areas that surround it, the more rural outer suburbs and several towns, all with their very different identities. Two-thirds of the district is greenbelt (open land with restrictive building), and there is beautiful countryside within easy reach of the city.
- 3.11 In the wider Leeds district 2,702 individual premises are licensed under the Act. These include public houses, registered members clubs, late night bars, nightclubs, late night takeaways and restaurants. Also caught under this legislation are village halls, community centres and school halls.
- 3.12 The section takes three approaches to its functions – strategic, proactive and reactive.

Strategy and Policy

- 3.13 The strategic approach includes involvement in national and regional policy making, liaison with the trade, including external trade organisations such as PubWatch, Business Against Crime in Leeds (BACIL), Public Health England, and the Local Government Association.
- 3.14 In the last 12 months entertainment licensing has contributed to the following strategic and proactive projects and groups:
- New Psychoactive Substances (NPS) Operational Group – Sitting under the strategic Drugs and Alcohol Management Board, this group considers topical issues concerned with the use, advertisement, sale and supply of substances commonly referred to as 'legal highs'. This is now controlled under the Psychoactive Substances Act 2016 which came into effect in May this year and has made the manufacturing, supplying, possessing with intent to supply, possession in prisons or importing/exporting, including buying

online, of these substances illegal. Entertainment licensing promotes the new PS Act and the work of the group amongst the licence trade and in particular with event organisers through their event management plans.

- Pubwatch forums (16 forums across Leeds), including administering of the Pubwatch website which provides a useful tool for licensees to access and share information in promoting safe and enjoyable environments in the daytime, evening and night time economies.
- Business Against Crime in Leeds (BACIL) Board of Management - BACIL supports daytime and night time retailers in fighting retail crime across the city centre through closer partnership working with retailers, agencies and other stakeholders. Entertainment licensing is an active partner on the board in supporting its aims and objectives.
- Leeds Licensing Enforcement Group (LEG) – Chaired by entertainment licensing, a six weekly meeting between all bodies designated as responsible authorities under the Licensing and Gambling Acts as well as other groups such as LASBT, West Yorkshire Police, British Transport Police, Trading Standards, LCC Community Safety/Safer Leeds, Planning, Environmental Health Services, Public Health, and Children’s Services/Leeds Safeguarding Children Board, where a common and consistent approach is agreed in respect of specific ‘problem premises’ in all areas of the city.
- City Centre Tasking Group – This operational group sits under the Divisional Community Safety Partnership and looks at addressing issues of concern affecting the city centre e.g. environmental issues, street begging/anti-social behaviour. The group is made up of partners from a wide variety of agencies.
- City Centre Community Safety Partnership – This group is made up of a wide range of agencies and stakeholders. The aim of the group is to reduce crime and disorder in the city centre, and to help people feel safe in their communities, concentrating on anti-social behaviour, safeguarding, localities working, partnership arrangements and Intelligence sharing.
- Triathlon Leeds 2016 Internal Project Group – The group was set up ahead of this year’s successful Triathlon Leeds 2016 and consisted of many agencies from across Leeds and other stakeholders/organisers. The group worked together in planning and delivering the Leeds stage of a successful global event.
- Strategic Safety Advisory Group (SSAG) – It is the policy of the Leeds City Council to uphold reasonable standards of public safety at events, and to encourage the wellbeing of the public, officials, event organisers and performers. The local authority maintains a Strategic Safety Advisory Group (SSAG) to provide oversight of existing Safety Advisory Groups (SAGs) to seek assurance as to their efficacy. It is not within the remit of this group to advise organisers on licensing and other technical issues relating to their public event. This function will continue to be implemented at an event planning level, through Safety Advisory Groups. The SSAG exists to ensure

that the relevant SAGs are meeting and considering the relevant guidance, legislation and advice provided.

- Health as a Licensing Objective (HALO): Leeds was selected as a pilot area which involved entertainment licensing and LCC Public Health attending a health workshop in London to look into the feasibility of health as a licensing objective.
- Entertainment licensing sits as a representative for Yorkshire and Humber at the Local Government Association Licensing Policy Forum which looks at national issues and upcoming changes to legislation.
- Leeds Purple Flag Task Force - Purple Flag is an accreditation process similar to the Green Flag award for parks and the Blue Flag for beaches. It leads to Purple Flag status for town & city centres that meet or surpass the standards of excellence in managing the evening and night-time economy. Leeds is currently progressing an application for Purple Flag accreditation.
- Business Improvement District (BID): As opposed to the council adopting a late night levy that would apply to all licensed premises meeting a given criteria irrespective of their location, in 2014 the private sector, supported by the council, formed the BID4Leeds company to develop proposals for a BID for Leeds City Centre. This would generate around £2.3million investment annually from business contributions into a singular pot of investment.

One of the areas that city centre stakeholders and businesses wanted the BID to support and help manage was the night time economy in the city centre. As well as helping to promote its advantages, there was consensus that it should also help to create a safer and more welcoming environment for the night time economy and for promoting Leeds, “Acting as a one stop shop for businesses to ensure a clean and safe city centre. Working with the various existing initiatives such as Radio Link, Pub Watch, Taxi Marshalls and Street Angels that are run through partners including Leeds City Council, the Police and BACIL (Business Against Crime in Leeds) to ensure a well-managed city both day and night.”

Proactive Work

3.15 In the capacity as a responsible authority, entertainment licensing assesses all licence applications and may make representations, in particular to uphold the council’s statement where the premises are in a CIP area. In the last 12 months entertainment licensing has made representations to the following applications which have then proceeded to a hearing before the licensing subcommittee:

- Brooklyn Bar, Call Lane (City Centre CIP red zone) - refused
- Mavericks, LS18h (Horsforth CIP) - refused
- The Guitar Café, Call Lane (City Centre CIP red zone) – granted with conditions
- The Hedonist, Lower Briggate (City Centre CIP red zone) – refused but now subject to an appeal
- Dixy Chicken (late night refreshment), LS18 (Horsforth CIP) - refused

- Rolands Bar, Call Lane (City centre CIP red zone) – granted with conditions
- Space, Duncan Street (City Centre CIP red zone) – to be determined

- 3.16 The enforcement team undertake regular joint licensing operations with partner agencies, an example of which is Operation Capitol with the West Yorkshire Police. This operation is typically held on Friday/Saturday/Sunday evenings in to the early hours of the morning and will involve compliance visits to identified premises within the city centre policing district. Similar operations are held with divisional neighbourhood policing teams around the Leeds district.
- 3.17 Joint operations also take place with Trading Standards to identify and address under-age sales and counterfeit goods, illegal drinking dens, and unlicensed late night takeaways.
- 3.18 Members of the licensing committee have joined licensing and police officers on visits of the City Centre. The Members are able to witness for themselves the vibrancy of the City into the early hours of the morning, and the excellent work carried out by partner agencies, licence holders and volunteers in supporting the night-time economy.

Reactive Work

- 3.19 The licensing act contains measures to ensure that the council and responsible authorities are able to deal with premises that wilfully and persistently undermine the licensing objectives. The council and responsible authorities are committed to encouraging a thriving day time and evening licensed economy but will not tolerate those premises whose activities infringe upon the quality of life for local residents, businesses and visitors.
- 3.20 The enforcement team operate under an enforcement protocol which was developed and agreed with the bodies that are designated as responsible authorities under the legislation. As such complaints about licensed premises are dealt with under this protocol which ensures a reasonable and proportionate response.
- 3.21 In the last 12 months the enforcement team have received 158 complaints concerning licensed and unlicensed premises. Typical complaints include public nuisance arising from music, patrons using external areas, nuisance caused by lighting or vehicles, premises exceeding hours or operating without licence, and we deal with a number of complaints from aggrieved customers to licensed premises.
- 3.22 Complaints are generally resolved through liaison with the relevant licence holder and where appropriate engagement with the relevant agencies, but where complaints are substantiated and a solution is not feasible then formal enforcement action may be necessary.
- 3.23 The low level of prosecutions and reviews demonstrate that liaison and support is a successful tool, and over the past 12 months entertainment licensing has only brought one prosecution against a late night takeaway in the LS8 area.

Prosecutions

- 3.24 In accordance with the enforcement protocol, the council adopts a multi-agency approach to the prosecution of offences under the Licensing Act.
- 3.25 Consideration will be given to the appropriate powers that should be used to address a problem where other agencies such as the police, fire authority, environmental protection and trading standards also have their own, more effective powers.
- 3.26 The council has adopted the principles of the Hampton Report in its enforcement concordat. Formal enforcement will be a last resort and proportionate to the degree of risk. To this end the key principles of consistency, transparency and proportionality will be maintained.
- 3.27 The council has a zero tolerance to anti-social behaviour and environmental crime.

Reviews of Licences

- 3.28 The Act provides for an application to review a licence which can be brought by a responsible authority or any other person where a premises is undermining one or more of the licensing objectives. Once again, liaison is often the key to resolving problems before they reach the need for a review.
- 3.29 Over the past 12 months there have been 5 reviews brought before the licensing subcommittee:
- 2 x off licences in LS8 (both same licence holder). Review brought by the licensing authority under crime & disorder licensing objective (non-maintenance of CCTV). Licence holder eventually rectified issues and was provided with warning by the licensing subcommittee.
 - Public House, LS19. Review brought by the police under all 4 licensing objectives. Licence suspended for 8 weeks, removal of the designated premises supervisor, additional conditions and reduction of hours. Decision appealed to the magistrates but agreements reached before the court hearing.
 - Off licence, LS12. Review following a closure order sought by the police and the anti-social behaviour team. Licence revoked and no subsequent appeal.
 - Public House, LS28. Review brought by the police under all four licensing objectives. Licence revoked with appeal pending.

Events

- 3.30 Premises licences are required for the majority of outdoor events held throughout the Leeds district, ranging from large scale events such as Leeds Festival to smaller community events, some of which are held under temporary event notices.
- 3.31 All events are fed through the Safety Advisory Group (SAG) process although SAGs do not have legal powers or responsibilities and are not empowered to approve or prohibit events from taking place. They provide independent advice to event organisers, who retain the legal responsibility for ensuring a safe event. However representatives of those organisations forming the SAG may have powers to require event organisers to comply with their legal obligations.

Entertainment Licensing will contribute to the SAG process and in addition provide officer presence at identified events, and will feed back in to the debrief process.

4 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.1 This report is for information only, and as such there is no need to consult upon its contents.

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:

Priorities:

- Supporting economic growth and access to economic opportunities
- Keeping people safe from harm
- Supporting communities, raising aspirations
- Hosting world class events in Leeds City Council supporting a resilient, inclusive, cultural and creative sector

Outcome:

- Be safe and feel safe

Breakthrough Project:

- World class events and a vibrant city centre that all can benefit from
- Strong communities benefiting from a strong city

4.4 Resources and Value for Money

- 4.4.1 There are no cost implications in relation to this report.

4.5 Legal Implications, Access to Information and Call In

4.5.1 There are no legal implications in relation to this report and access to information and call in is not relevant.

4.6 Risk Management

4.6.1 There are no risks associated with this report.

5 Conclusions

5.1 Since the introduction of Leeds as a 24 City, which was followed by a change to licensing legislation bringing the responsibility of alcohol licensing to the council, Leeds has built on its reputation of being a vibrant city with a variety of leisure offerings including bars, clubs, restaurants, live music venues, theatre and cinema.

5.2 Effective partnership working involving the licence trade and voluntary organisations is imperative to supporting the night time economy and making Leeds a safe and enjoyable place to visit, live and work.

6 Recommendations

6.1 That Scrutiny Board note the contents of the report.

7 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.