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Licensing Committee

Tuesday, 5th August, 2008

PRESENT: Councillor D Wilson in the Chair

Councillors S Armitage, M Dobson,
G Hyde, V Morgan, A Castle, R D Feldman,
D Hollingsworth, L Rhodes-Clayton and
G Wilkinson

13 Exempt Information - Possible Exclusion of the Press and Public

RESOLVED – That the public be excluded from the meeting during consideration of the following parts of the agenda designated exempt on the grounds that it is likely, in the 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:

- (a) Appendix 1 of the report referred to in minute 24 under the terms of Access to Information Procedure Rule 10.4(3); and on the grounds that this information is not publicly available from the premises indicated within the report and furthermore not all of the premises have yet been briefed on the contents of the report. It is considered that it is not in the public interest to disclose this information at this point in time as the release of such information may jeopardise the likelihood of close working relationships between relevant officers and the premises in the future. Consequently the public interest in maintaining the exemption outweighs the public interest in disclosing this information at this point in time.

14 Late Items

The Chair accepted one Late Item of business onto the agenda for consideration relating to discussions on the provision of the EHS Out of Hours noise service at a Licensing Sub Committee meeting held on 24 July 2008. The report contained information gleaned since that meeting which was not available at the time of agenda despatch, and due to the concerns expressed by the Members of the Sub Committee, it was felt in the best interests of the whole Committee to present the report to Members without delay (item 22 refers)

15 Declarations of Interest

The following Members declared personal/prejudicial interests for the purposes of Section 81 (3) of the Local Government Act 2000 and paragraphs 8 to 13 of the Members Code of Conduct

Councillor A Castle – Agenda Item 10 the Leeds Festival – declared a personal interest as a resident of Thorner, which was directly affected by the Festival (minute 21 refers)

16 Apologies for Absence

Apologies for absence were received from Councillors Dowson, Dunn, Grayshon, Selby, Townsley

17 Minutes

RESOLVED – That the minutes of the meeting held 3rd June 2008 be confirmed as a correct record

18 Minutes - Joint Licensing Committee and Licensing & Regulatory Panel

RESOLVED – That, subject to an amendment to the attendance record to delete reference to Councillors Castle, Dobson, Hyde and Selby as they had tendered their apologies; the minutes of the Joint Meeting of the Licensing Committee and the Licensing and Regulatory Panel held 3 June 2008 be approved as a correct record

19 Gambling Act 2005 - Annual Fee Review

The Assistant Chief Executive (Corporate Governance) submitted a report seeking Members approval for the setting of fees under the Gambling Act 2005. The report set out the review of licence fees undertaken; the fees framework and reasoning behind the proposal to maintain the current fee level. It was noted that no responses from the trade had been received during the consultation period and a copy of the letter sent to the trade was included within the report

RESOLVED – That the contents of the report be noted and the proposal to set the licence fees under the Gambling Act 2005 at the maximum amount be agreed

20 Licensing of Lap Dancing (and similar) Establishments

The Assistant Chief Executive (Corporate Governance) submitted a report seeking Members response to a letter received from Mr G Sutcliffe MP concerning the control of lap dancing and similar venues under existing legislation. The report included a proposed response on behalf of the Licensing Authority for Members to consider.

Appended to the report were copies of the current conditions attached to Premise Licences for venues in Leeds which provided this type of entertainment for reference. Also included was a copy of the letter from Mr Sutcliffe.

Members were aware that a White Paper had been presented to the Council meeting on 2 July 2008 regarding the issue where all Members of Council supported efforts to amend the legislation governing these venues, following which the Chief Executive had written to all local Leeds MPs urging the to support the Private Members Bill on the issue when it came to Parliament. A copy of that letter was also included within the report.

Members reiterated their support for lap dancing clubs to be categorised as “Sex Encounter Establishments” as previously expressed by the Committee in June 2008 which would afford the local authority greater powers to control the establishments. Officers reported that the expected proliferation of such

venues in Leeds had peaked at 10 in number since the introduction of the Licensing Act 2003. Furthermore it was noted that very few incidents of crime and disorder were associated with such venues due to the tight management controls in place and the type of clientele they attracted.

RESOLVED – That the contents of the report be noted and the Chair be authorised to sign the letter of response to Mr Sutcliffe MP on behalf of the Committee

21 Leeds Festival Grounds of Bramham Park, Bramham Leeds L23 6ND

The Assistant Chief Executive (Corporate Governance) submitted a report on arrangements for the Leeds Festival 2008, due to be held within the grounds of Bramham Park over the August Bank Holiday weekend and seeking consideration of the associated Event Management Plan.

Appended to the report were copies of the minutes of the multi agency de-brief meeting held 4 October 2007 following last year's Festival, and a copy of the current Premises Licence for the grounds of Bramham Park. Aerial photographs of the whole site were tabled at the meeting for reference. The Committee was also in receipt of actual figures relating to statistics contained within the Multi Agency minutes on recorded incidents of crime; fires; evictions, traffic and highway matter, use of shuttle bus and tent recycling.

Officers reported continued close liaison with Festival Republic, the event promoter; and relevant authorities through the multi agency meetings and with the local residents through meetings with Parish Councils.

Members further discussed

Campsite entertainment – it was noted the Premise Licence had been varied to allow low level DJ musical entertainment only within the campsites until 06:00 hours on the Saturday, Sunday and Monday mornings. No objections had been received to this request and the variation had been granted. The Committee felt this was a sensible approach as they recalled this type of entertainment had been the source of a breach of the hours of operation in 2007.

Site visits – Members referred to the previous discussions in December 2007 where it was suggested that Members undertake a site visit as they had been concerned to show support for those LCC officers on-site at Festival close down. It was noted that 2 site visits could be arranged

- Morning of Friday 22nd August 2008 – to depart Civic Hall at 8.30 am and arrive at Bramham 9.30 am. The promoter had agreed to provide a guided tour of the site. Members would be on site to see the Gates opening and could view the traffic management plan in action on the return journey

- Sunday 24th/Monday 25th August early morning – to be on site during the close down hours of the Festival

Members were requested to confirm their attendance to the Clerk by Friday 8th August in order to secure necessary access passes within the site

Highways impact – Concerns were again expressed about traffic impact, particularly lower down the highway network at the A64 junction. Officers and the event promoters were aware that some patrons had attended every year and were now aware of local routes, use of which could not be prohibited. The Traffic Management Plan had been improved since last year, although some

of the traffic issues during 2007 were not caused directly by festival traffic. It was felt improvements made to the A1/M1 link by the Highways Agency would alleviate problems caused by traffic using the A58

Parish councils – Members requested clarification on the resident planning meetings as no local ward Councillors on the Committee had been invited to attend, as suggested by the minutes of the multi agency meeting held October 2007. Officers explained invitations would be sent by the Parish Council which organised the meetings, not LCC or the event promoter

A58 facilities – Officers clarified that temporary toilets would not be placed along the A58 route this year for queuing visitors as the routes had been altered and much less traffic was anticipated on the A58.

Routes – Officers confirmed the Leeds Festival website displayed maps of the agreed routes to the site. It was also anticipated that as there had been a greater uptake of early bird tickets this year more Festival goers would be travelling to the site on Wednesday thus reducing the volume of traffic expected on Thursday

Members considered the options available to them having regard to the Licensing Act 2003

RESOLVED –

- a) That the Assistant Chief Executive (Corporate Governance) be authorised to approve the event Management Plan prior to the start of the event
- b) That Members interested in attending the suggested site visits contact the clerk prior to the 8th August 2008

22 Late Item - Sub Committee concerns regarding the resourcing of the Health and Environmental Action Noise Service

The Committee considered a late report submitted by the Assistant Chief Executive (Corporate Governance) arising from the concerns expressed by Members of the Licensing Sub Committee on 24th June 2008 regarding the ability of the Health and Environmental Action Service (HEAS) to respond to residents complaints of noise from licensed premises outside normal office hours.

The report outlined the HEAS had been funded by the Neighbourhood Renewal Fund (NRF) since 2001 which had afforded the council a 7 night service with double crews at weekends. As the NRF was being phased out nationally, this had impacted on the HEAS leading to a cut in the number of crews available and subsequently the number of out of hours calls it could attend to. It was noted that NRF monies would cease altogether in 2010 and a full review of the service was ongoing.

Members discussed the concerns of the Sub Committee in detail and agreed the HEAS had provided insufficient monitoring in that particular case and considered the options available to them

RESOLVED – That the Chair of the Licensing Committee be authorised to:

- a) Write to the Chief Environmental Health Officer outlining the important contribution of the Environmental Health Service and particularly the Out of Hours Service to the licensing process and to request that the Chief Officer take that into account when making funding decisions

- b) Refer the matter to Environment and Neighbourhoods Scrutiny Board for a more in-depth examination of the contribution of Environmental Health Services to the licensing process and the available funding for that
- c) Meet with the Chief Environmental Officer to highlight the concerns of the Committee

23 Exclusion of the Public

RESOLVED – That, further to minute 13 above, the public be excluded from the remainder of the meeting

24 Environmental Scan of City Centre Licensed Premises - CLEARANGO Consultancy (10.4 (3))

Further to minute 27 of the meeting held 2 October 2007, the Committee considered a report on the outcome of the Clearango initiative undertaken in Leeds City Centre from November 2007 to March 2008. The Appendix to the report was exempt under Access to Information Rule 10.4 (3) as it contained a copy of the full report back compiled in conjunction between the Safer Leeds Partnership and the Clearango organisation which detailed the observations, statistical analysis and conclusions of the project.

The aim of the initiative had been to reduce violent crime in and around specific premises in Leeds City Centre which had been identified as catering for the 18-24 age group and/or as vertical drinking establishments and/or due to the volume of trade. Premises had been identified using statistics supplied by West Yorkshire Police.

Following the first phase of monitoring, Clearango drew up a voluntary code of practice specific for each premise and liaised with the individual premises to discuss the findings. A second phase of monitoring was undertaken in March 2008 and the impact of the code and/or liaison was outlined in the statistical analysis.

Members noted the conclusion that liaison with the trade had proved a successful measure in reducing the incidents of crime and disorder and/or anti social behaviour and provided an alternative to enforcement action. It was reported that since the conclusion of the initiative, the Home Office had removed Leeds from the list of cities with the highest levels of alcohol induced crime and disorder

Members also noted a key issue arising from the initiative was the disparity of training available to members of staff within licensed premises and the requirement to improve the standards. It was further noted the Department of Health had authorised the British Innkeepers Association to accredit premises through the "Best Bar None" scheme which included training provision, quality assessment and yearly accreditation. The Committee considered whether it would be appropriate at Premise Licence Review hearings to attach a condition to require participation in the Best Bar None Scheme where relevant.

It was reported that the Leeds Pubwatch scheme had been reconfigured and now fell within the remit of Safer Leeds, the first meeting of the Leeds City Centre Pubwatch scheme would discuss training for staff and the Committee considered whether Leeds should establish a bespoke training scheme. Members also considered whether a review the current list of responsible authorities defined under the Licensing Act 2003 was required to include Safer Leeds. This would afford Safer Leeds the power to request a Review of a Premise Licence in its own right.

It was reported that approximately 70,000 persons were employed within various aspects of the night time economy and the Committee discussed whether a strategy should be formulated to support a strong night time economy

RESOLVED – To note the contents of the report and to thank Mr K Lawrance for his presentation and

- a) to authorise the Assistant Chief Executive (Corporate Governance) to write to the Secretary of State, Department for Culture Media and Sport, seeking a re-consultation on the definition of Responsible Authorities under the Licensing Act 2003 with a view to including Safer Leeds
- b) to support the development of a city centre nightlife strategy to provide a framework for the management of the night time economy and to ensure responsible and sustainable growth

25 Date and time of next meeting

RESOLVED – To note the date and time of the next meeting as 7th October 2008 at 10.00 am