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LICENSING COMMITTEE – TUESDAY 14TH SEPTEMBER 2010

LATE ITEMS – MINUTES OF PREVIOUS MEETINGS

- a) To approve the minutes of the Special Licensing Committee held 3rd September 2010
- b) To note the minutes of the SEV Working Group meeting held on 3rd September 2010
- c) To approve the minutes of the last Licensing and Regulatory Panel meeting held 22nd June 2010 as a correct record

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Licensing Committee

Friday, 3rd September, 2010

PRESENT: Councillor S Armitage in the Chair

Councillors R Downes, J Dunn,
Mrs R Feldman, R D Feldman, T Hanley,
G Hyde, V Morgan, B Selby, C Townsley,
D Wilson and G Wilkinson

21 Declarations of Interest

There were no declarations of interest

22 Apologies for Absence

Apologies for absence were received from Councillors Dobson, Grayshon and G Hussain

23 Consultation : Rebalancing the Licensing Act

The Assistant Chief Executive (Corporate Governance) submitted a report providing details of the Home Office Consultation entitled "Rebalancing the Licensing Act" which set out measures intended to change the emphasis of the Licensing Act 2003 (LA2003). The Government had released the document for consultation with responses due by 8th September 2010. The short time frame necessitated this special meeting of the Committee to consider the draft response for the Authority drawn up by officers.

The report included the consultation document containing 29 questions set by the Home Office and the proposed responses drawn up in conjunction with relevant LCC officers. Officers highlighted the following key changes if the measures were introduced:

- A move away from the notion of the Authority working in partnership with business and the introduction of more regulation by local authorities. Key to this was the removal of the "necessity" to evidence licensing decisions, although it was noted LCC could choose to keep "necessity" within its Licensing Policy
- Increased weight to be given to representations made by the police
- More encouragement for community involvement. Members noted LCC undertook this already through the Area Committees and associated partners
- Public Health to be included as a 5th licensing objective. Members discussed the additional resources the Primary Care Trusts would require but it was noted that local PCTs would not have a great role at the new application stage, rather they would have an increased role to play at the time of Reviews
- An overhaul of the appeals process whereby the Magistrates default position will be to remit an appeal back to the Authority for a re-hearing. Members suggested the second sub committee should not contain Members from the first in these cases

- Simplification of the Cumulative Impact Policy process and removal of requirement for evidence to support the decision to adopt a CIP. It was noted again that LCC could still require evidence through its Policy, as evidence was desirable in the event of any appeals.
- Late night levy – local licensing businesses could be required to pay towards street marshals, local police etc. LCC had expressed concern over how the levy would be administered
- A limit on opening hours in particular areas (zoning)
- An overhaul of the TEN process including a change to the notice period and other Responsible Authorities being able to make representations
- Fines to be increased on premises found to make continued sales of alcohol to under age persons
- Voluntary closure period to be increased from 48 hours to 7 days
- Reviews to be automatically instigated for any premise found to make a sale of alcohol to under age persons twice in a three month period
- A ban on below cost sales. Members noted the response of the Enforcement and Liaison Officer expressing concern over the monitoring and enforcement of this proposal and suggesting that a minimum pricing per unit would be more transparent. Members agreed with this stance and commented the cost of the product was not a matter for the Authority to consider

Members considered each of the 29 questions in turn and in most cases concurred with the proposed response. The following responses were highlighted for amendment

Q2 – concern regarding the cost of implementing the proposed changes. It was agreed a comment would be added to the response regarding fees.

Q3 – para 7 remove “of” and replace with “by”

(Councillor Wilson withdrew from the meeting at this point)

Q5 – para 1 remove “entirely” and include the Committees’ desire for the advertisement period to operate in a similar way to planning applications which would assist Parish/Town Councils if they were to be given Responsible Authority status

Q6 – para 3 amend to read “removing the vicinity test would not *significantly* increase licensing hearings..”

Q7} The proposed response by Leeds PCT tabled at the meeting was

Q8} noted and agreed

(Councillors Downes and Selby withdrew from the meeting at this point)

Q24 – The proposed response by Enforcement & Liaison Officer tabled at the meeting was noted and agreed

Q29 - an additional comment to be added regarding the need to clarify what opening hours were intended for a premise, whilst noting this would require a change to the Licensing Act.

RESOLVED –

- a) to note the contents of the report

- b) to authorise the officers to make amendments to the draft response in the terms detailed above
- c) to approve the contents of the draft consultation response, with the amendments and comments detailed above, as the Councils response
- d) to authorise officers to despatch the amended response to the Home Office by the given date of 8th September 2010

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**LICENSING COMMITTEE
SEXUAL ENTERTAINMENT VENUES WORKING GROUP**

3RD SEPTEMBER 2010

PRESENT Councillors Armitage and Wilson

IN ATTENDANCE

S Holden – Principal Project Officer

P Carville – Principal Licensing, Officer Entertainment Licensing

Chief Inspector J McNeill – West Yorkshire Police

Professor T Sanders – University of Leeds

M Heap – Principal Enforcement Officer, Taxi & Private Hire Licensing

R Des Forges - Solicitor

H Gray - Clerk

APOLOGIES Councillors R D Feldman and Grayshon
 Ms N Raper, Section Head Entertainment Licensing
 Chief Inspector V Francis, West Yorkshire Police

6 WELCOMES AND INTRODUCTIONS

Councillor Armitage welcomed all present, particularly the representatives of the expert panel and brief introductions were made

7 MINUTES

AGREED – The minutes of the previous WG meeting on 16th July 2010 were agreed as a correct record

8 SUBMISSIONS FROM THE EXPERT PANEL

Members considered the submission of Professor T Sanders who provided information setting out the background and findings so far from her research on lap dancing in England. Members noted the key findings and issues relating to the Clubs; dancers and their work history; and customers.

Members then heard from Chief Inspector J McNeil who discussed crime and disorder issues and safety matters with the WG. He provided an overview of statistics showing incidents which were associated with the 8 lap dancing clubs in Leeds, but noted the statistics were no worse than other types of clubs in the city centre.

The WG then heard submissions from Mr M Heap, LCC Taxi and Private Hire Licensing Section who discussed concerns regarding the use of chauffer services by clubs to transport customers, for free, to the clubs. It was noted that the use of the vehicles would be monitored by the Section and a further report would be presented to the WG in due course. Members commented that promotional activities associated with the vehicles were of interest to them in the light of the new legislation.

Detailed discussion followed on issues relating to:

- Welfare of dancers and their working conditions, including the arbitrary fines which may be implemented by venues. Members would wish to ensure fines were not disproportionate, were clear and were fair.
- Reporting of crime and concern that incidents were not reported to the police. The WG commented that incidents were unreported either because dancers were not aware or did not trust the process or because of fear.
- The number of dancers per club per night (10 Sun to Wed and 30/40 Thur to Sat) and the number of people involved in the industry in Leeds (3000)

AGREED - The WG identified the following as matters to consider for the new policy document:

- To require clubs to create an induction pack for new dancers. The Pack to contain
 - Copy of LCC conditions included on the LD club licence
 - Information on how to seek insurance
 - Information on how to report incidents to West Yorkshire Police
- To consider the prohibition of private booths
- To require LD clubs to display the list of financial penalties levied against dancers
- To require LD clubs to keep a Register of any financial penalties levied against a dancer, the amount and cause. The Register to be made available to an appropriate and authorised officer on request
- To require participation in the local Pubwatch scheme

9 UPDATE

NOTED - Further to minute 5 of the previous meeting a map showing the location of existing LD Clubs currently licensed under the LA 2003 in Leeds was provided to Members

10 WORK PROGRAMME

Site visit - Members confirmed their intention to make site visits to venues in Leeds and considered the most appropriate time during the process of adopting a policy to undertake this duty. It was noted that a recent "Dispatches" programme had included an investigation into lap dancing in London and it was suggested that Members could view the DVD of the programme in preparation

AGREED – To request officers to draw up proposals for the site visit having regard to the Work Programme and to secure a copy of the Dispatches DVD

11 TIMETABLE/PROJECT PLAN

PREVIOUSLY AGREED:

Overall:

To undertake discussions with the experts at an early stage

To commit to undertaking a site visit

To draft a policy prior to going out to public consultation

Short Term

To request a map showing the location of existing LD Clubs currently licensed under the LA 2003 in Leeds

To place emphasis on regulation of LD Clubs in the first instance

Long Term:

Public consultation period January to March 2011

12 DATE OF NEXT MEETING

AGREED - Friday 15th October 2010 at 10.00 am in the Civic Hall, Leeds

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LICENSING AND REGULATORY PANEL

TUESDAY, 22ND JUNE, 2010

PRESENT: Councillor S Armitage in the Chair

Councillors J Dunn, R D Feldman,
G Hussain, G Hyde, V Morgan, B Selby,
C Townsley, G Wilkinson and D Wilson

1 **Chairs Opening Remarks**

The Chair welcomed all present to this, the first meeting of the new Municipal Year. Councillor Armitage particularly welcomed new Members Councillors R Downes and G Hussain to the Panel and invited officers to introduce themselves.

2 **Late Items**

There were no late items of business

3 **Declarations of Interest**

There were no declarations of interest

4 **Apologies for Absence**

Apologies for absence were received from Councillor Grayshon

5 **Minutes**

RESOLVED - That the minutes of the previous meeting held 23 March 2010 be agreed as a correct record

6 **Terms of Reference and Officer Delegation Scheme for the Licensing and Regulatory Panel**

The Panel received a report from the Assistant Chief Executive (Corporate Governance) setting out the Terms of Reference and Officer Delegation Scheme relevant to the work and remit of the Panel for the 2010/2011 Municipal Year. Both documents had previously been approved by Annual Council on 27 May 2010.

The report also included a copy of the Code of Practice for Determining Licensing Matters for Members' reference.

The Panel commented on the ongoing situation regarding the Section Head of the Taxi & Private Hire Licensing and expressed dissatisfaction over the length of time the Section had been without a senior officer. The Chair noted Members' request for an investigation into the matter and directed officers to report to Members at the appropriate time.

Members went on to discuss the contents of the Code of Practice, and received clarification on the paragraph relating to lobbying. The paragraph relating to officers discretion to determine valid representations under the

Licensing Act 2003 was also discussed at this point although it was noted that this matter fell within the remit of the Licensing Committee. It was noted that all Codes and Protocols were currently being reviewed.

RESOLVED –

- a) That the Terms of Reference and Officer Delegation Scheme for 2010/11 be noted
- b) That the contents of the Code of Practice for Determining Licensing Matters be noted and taken into account when considering future items of business
- c) That, on completion of the current personnel matter relating to the Taxi & Private Licensing Section, officers be requested to report back to Panel Members on the process and the outcome

7 Sexual Entertainment venues - Adoption of Provisions Local Government (Miscellaneous Provisions) Act 1982

The Assistant Chief Executive (Corporate Governance) submitted a report seeking the Panel's preliminary opinion on whether the Council should adopt the provisions of the Policing and Crime Act 2009 which amended the Local Government Act (Miscellaneous Provisions) 1982 (Section 2 schedule 3). This introduced a new classification of Sex Establishment namely "Sexual Entertainment Venues" and a new licensing regime to Lap Dancing; Pole Dancing and "relevant entertainment" venues.

The Panel broadly welcomed the opportunity to adopt the provisions of the 2009 Act which they felt would provide better regulation of the industry than currently afforded local authorities under the Licensing Act 2003. Members briefly discussed their concerns over the inclusion of an exemption clause in the Act which would allow pubs/venues to provide occasional performances and the number of establishments currently operating in Leeds. The Panel also noted that historically, no incidents of crime and disorder/anti social behaviour had been reported to the Licensing Sub Committees which currently dealt with the premises licences under which the venues currently operated

RESOLVED

- a) That the contents of the report be noted
- b) That Panel recommend to Council that the provisions of the Schedule to the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Policing and Crime Act 2009 be adopted
- c) That a further report providing information on the number and location of existing Sexual Entertainment Venues be presented to Members in due course

8 Sexual Entertainment Venues - Adoption of Policy and Standard Conditions Local Government (Miscellaneous Provisions) Act 1982

Further to minute 7 above where Panel resolved to recommend the adoption of the provisions of the Policing and Crime Act 2009 in terms of regulation of Sexual Entertainment Venues to Council, Members considered a further report by the Assistant Chief Executive (Corporate Governance) providing information on the process required in order to adopt a Policy for Leeds and

standard conditions relating to Sexual Entertainment Venues; Sex Shops and Sex Cinemas.

The report outlined those matters the Panel and Council may wish to consider for inclusion within the Policy and Members highlighted the safety of performers and advertisement displays as key issues. The Panel discussed the merits of setting a Policy bearing in mind that each application would be considered having regard to that Policy. It was also noted that once the provisions of the Policing and Crime Act 2009 in terms of the regulation of Sexual Entertainment Venues was adopted and the Policy in place; each existing operator would be required to apply for a new Licence.

The Panel considered the proposal to establish a small cross party Working Group to consider the terms of the Policy and receive advice from relevant parties and agreed to establish such a Group with cross party membership.

RESOLVED

- a) That Panel recommend to Council that a Policy for the regulation of Sexual Entertainment Venues, under the provisions of the Local Government (Miscellaneous Provisions) Act 1982 (as amended by the Policing and Crime Act 2009), be adopted
- b) That a Working Group be established to gather information and seek specialist advice in order to develop the Policy
- c) That the membership of the Working Group be as follows: Councillors Armitage, R D Feldman and Dunn.

*subsequent to the meeting, Councillor Grayshon accepted the invitation to join the Group

9 Work Programme 2010/2011

The Panel received a schedule setting out the proposed Licensing Work Programme during the 2010/11 Municipal Year. Members were aware that meetings of the Panel and the Licensing Committee had been scheduled to run concurrently in preparation for the proposal to merge both bodies being approved at full Council in July 2010

RESOLVED – To note the contents of the Work Programme

10 Date and Time of the Next Meeting

RESOLVED –

- a) To note the date and time of the next Licensing and Regulatory Panel as Tuesday 20th July 2010 at the conclusion of the Licensing Committee scheduled for 10.00 am the same day.
- b) To note the dates for the remainder of the Municipal Year as: 20th July 2010 ; 17th August 2010; 14th September 2010; 19th October 2010; 16th November 2010; 21st December 2010; 18th January 2011; 15th February 2011; 15th March 2011; 12th April 2011 and 17th May 2011. The Panel and the Licensing Committee will meet on the same day, alternating the 10.00 am start time

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