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## LICENSING COMMITTEE

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Meeting to be held remotely via Zoom  
on Tuesday, 6th April, 2021 at 10.00 am

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### MEMBERSHIP

#### Councillors

H Bithell	N Buckley	R Downes	A Hutchison
P Drinkwater	B Flynn		
A Garthwaite	P Latty		
C Knight	L Richards		
J Lennox			
A Marshall-Katung			
A Wenham			
P Wray			
B Garner (Chair)			

Note to observers of the meeting: To remotely observe this meeting, please click on the 'View the Meeting Recording' link which will feature on the meeting's webpage (linked below) ahead of the meeting. The webcast will become available at the commencement of the meeting

<https://democracy.leeds.gov.uk/ieListDocuments.aspx?CId=163&MId=11326&Ver=4>

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**Agenda compiled by:**  
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**LEEDS LS1 1UR**

**John Grieve**  
**37 88662**

# A G E N D A

Item No	Ward/Equal Opportunities	Item Not Open		Page No
1			<p><b>APPEALS AGAINST REFUSAL OF INSPECTION OF DOCUMENTS</b></p> <p>To consider any appeals in accordance with Procedure Rule 15.2 of the Access to Information Procedure Rules (in the event of an Appeal the press and public will be excluded)</p> <p>(*In accordance with Procedure Rule 15.2, written notice of an appeal must be received by the Head of Governance Services at least 24 hours before the meeting)</p>	
2			<p><b>EXEMPT INFORMATION - POSSIBLE EXCLUSION OF THE PRESS AND PUBLIC</b></p> <p>1 To highlight reports or appendices which officers have identified as containing exempt information, and where officers consider that the public interest in maintaining the exemption outweighs the public interest in disclosing the information, for the reasons outlined in the report.</p> <p>2 To consider whether or not to accept the officers recommendation in respect of the above information.</p> <p>3 If so, to formally pass the following resolution:-</p> <p><b>RESOLVED</b> – That the press and public be excluded from the meeting during consideration of those parts of the agenda designated as containing exempt information 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 press and public were present there would be disclosure to them of exempt information</p>	

Item No	Ward/Equal Opportunities	Item Not Open		Page No
3			<p><b>LATE ITEMS</b></p> <p>To identify items which have been admitted to the agenda by the Chair for consideration</p> <p>(The special circumstances shall be specified in the minutes)</p>	
4			<p><b>DECLARATION OF DISCLOSABLE PECUNIARY INTERESTS</b></p> <p>To disclose or draw attention to any disclosable pecuniary interests for the purposes of Section 31 of the Localism Act 2011 and paragraphs 13-16 of the Members' Code of Conduct.</p>	
5			<p><b>APOLOGIES FOR ABSENCE</b></p> <p>To receive apologies for absence (If any)</p>	
6			<p><b>MINUTES OF THE PREVIOUS MEETING</b></p> <p>To consider and approve the minutes of the previous meeting held on 2<sup>nd</sup> March 2021.</p> <p>(Copy attached)</p>	5 - 10
7			<p><b>MATTERS ARISING FROM THE MINUTES</b></p> <p>To consider matters arising from the minutes (If any)</p>	
8	Harewood; Wetherby		<p><b>REGULATION 28 REPORT TO PREVENT FUTURE DEATHS</b></p> <p>To consider a report by the Chief Officer Elections and Regulatory which provides detail of the Regulation 28 Report to Prevent Future Deaths, received following the inquest into a fatality at the 2019 Leeds Festival.</p> <p>(Report attached)</p>	11 - 16

Item No	Ward/Equal Opportunities	Item Not Open		Page No
9			<p><b>DATE AND TIME OF NEXT MEETING</b></p> <p>Date and time of next meeting to be confirmed.</p>	
2				
a)				
b)				

## Licensing Committee

Tuesday, 2nd March, 2021

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

Councillors N Buckley, R Downes, B Flynn,  
A Garthwaite, H Bithell, P Drinkwater,  
C Knight, A Hutchison, J Lennox,  
A Marshall-Katung, A Wenham, P Wray  
and L Richards

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

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

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

**RESOLVED** – That the report entitled “Regulation 28 Report to Prevent Future Deaths” as referred to Minute No. 21 be designated as exempt from publication under the provisions of Access to Information Procedure Rule 10.4(1) Information relating to any individual and 10.4(7) Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime and that, in all the circumstances of the case, the public interest in maintaining the exemptions outweighs the public interest in disclosing the information.

### **13 Late Items**

There were no late items of business identified.

### **14 Declaration of Disclosable Pecuniary Interests**

There were no declarations of disclosable pecuniary interests made at the meeting.

### **15 Apologies for Absence**

Apologies for absence were received from Councillor P Latty.

### **16 Minutes of the Previous Meeting**

Members considered the Minutes of the previous meeting held on 26<sup>th</sup> January 2021.

**RESOLVED** –The Minutes of the previous meeting held on 26<sup>th</sup> January 2021, were accepted as a true and correct record.

### **17 Matter Arising from the Minutes**

There were no issues raised under Matters Arising.

## 18 Licensing Annual Report

The Chief Officer, Elections and Regulatory presented the Licensing Annual Report for 2021.

The Principal Licensing Officer, Entertainment Licensing together with the Taxi and Private Hire Licensing Manager presented the report.

The report covered the 2021 calendar year for both Entertainment and Taxi & Private Hire Licensing. Issues highlighted from the report included the following:

### Entertainment Licensing

- Coronavirus Pandemic
- Business Support
- Office Arrangements
- Licensing Processing
- Gambling Statistics
- Large Casino
- Sex Establishments
- Outdoor Large Events
- Enforcement and Liaison
- Future Projects

### Taxi and Private Hire Licensing

- Coronavirus Pandemic
- Communications
- Vehicle Emissions and Free Licensing Grant
- Enforcement and Compliance
- The year ahead

### Entertainment Licensing issues/ queries

Members noted the dramatic reduction in Temporary Events Notices and that complaint handling was also down from previous years, both of which were a direct result of Coronavirus restrictions. However staff had been redeployed to support other areas including the Shielding Helpline and Environmental Health Services.

Members queried if “place shaping” would feed into Cumulative Impact Reviews.

In responding the Principal Licensing Officer said that consideration would be given to all data.

### Taxi and Private Hire Licensing issues/queries:

Members were informed that the Coronavirus Pandemic had impacted significantly on the Taxi and Private Licensing Service: 75% of taxi and private hire licensing staff were working from home, there had been a significant reduction in the number of taxi

journeys across the city and in excess of 700 taxi and private hire drivers were on furlough.

Members queried what kind of support was being provided to drivers and operators.

The Taxi and Private Hire Licensing Manager said a lot more of the services were now available on-line, some policies were being relaxed (the fitting of temporary driver's screens) with others becoming automated: driver renewals and vehicle MOT certificates. Members were informed that the trade had also adapted well to the on-line service, but some licence holders approximately 10% required more assistance.

Referring to the fitting of the temporary driver's screens, Members queried if removal of the screens would be sought once the social distancing restrictions were lifted.

In responding the Taxi and Private Hire Licensing Manager said the screens would be checked at the next vehicle inspection, if they met the required standards they could be retained, if not they would be removed.

Members noted the proposed introduction of Clean Air Zone (CAZ) in Leeds was now not progressing, in the discussion that followed Members queried if the grant scheme for the purchase of low emission and low pollution vehicles was still going ahead.

The Taxi and Private Hire Licensing Manager confirmed the Council was offering support to taxi and private hire licence holders of low emission vehicles (ULEV) and vehicles which would have been exempt from the Clean Air Zone (CAZ). Details were still been finalised and would be circulated to Licensing Members as soon as they became available.

The Chair thanked officers for their attendance and contributions

## **RESOLVED –**

- (i) That the Annual Report 2019 be noted.
- (ii) That details of the support scheme for Taxi and Private Hire Licence holders of low emission vehicles be circulated to Members as soon as it becomes available

## **19 Review of the Gambling Act 2005 - Call for Evidence - Draft Response**

With reference to the last meeting held on 26<sup>th</sup> January 2021 when Members requested the Chief Officer Elections and Regulatory to prepare a draft response to the Call for Evidence, which would then be circulated to Members to allow an opportunity to comment/ provide feedback on the Call for Evidence.

The Chief Officer Elections and Regulatory submitted a report confirming that in accordance with the Committees instructions, Officers' from Entertainment Licensing, Financial Inclusion and Public Health had produced a draft response which had subsequently been distributed to Licensing Committee Members for

comment. The proposed response was included at Appendix A of the submitted report.

Members welcomed the thoroughness of the information provided in the draft response.

**RESOLVED** – That the draft response be endorsed as the City Council response to the Call for Evidence.

## **20 Gambling Act 2005 Statement of Licensing Policy Review**

The Chief Officer Elections and Regulatory submitted a report which informed Members of the requirement to undertake a three yearly review of the Gambling Act 2005 Statement of Licensing Policy and to consult upon any changes.

Addressing the report the Principal Licensing Officer explained that the current policy was adopted by Council in November 2018 and would expire on 31<sup>st</sup> January 2022.

Members noted that approval of the policy was a matter for full Council, the approval process follows the Budgetary and Policy Framework and is set out in Section 3.2 of the submitted report.

Members were informed that Officers from Entertainment Licensing would work with Public Health and the council's Financial Inclusion Team to review the policy and to reflect findings from local research and surveys undertaken by both directorates. Members noted that the Licensing Committee would also be provided with an opportunity to participate in the Policy Review.

In the discussion that followed Members were of the view that providing feedback by email was the preferred method for participation.

**RESOLVED** – To note that a further report would be brought back to this Committee in May 2021

## **21 Licensing Act 2003 - Regulation 28 Report to Prevent Future Deaths**

The Chief Officer Elections and Regulatory submitted a report which notified Members of the serving of a Regulation 28 Report on Leeds City Council, as the licensing authority for Leeds Festival, following the death of a teenager at the 2019 event.

Members noted that an Inquest was held at Wakefield Coroner's Court, which concluded on the 13<sup>th</sup> January 2021. The Senior Coroner, after hearing the circumstances of the death had set out his concerns in a Regulation 28 Report to Prevent Future Deaths.

Members were informed that a working group has been established to consider the contents of the report. The Working Group included Members of the Licensing Committee with contributions from representatives of Leeds Safety Advisory Group, Safer Leeds, West Yorkshire Police, Health & Safety, Public Health, Yorkshire

Ambulance Service, Childrens & Families, Legal Services and Entertainment Licensing.

It was reported the first meeting of the Working Group took place on the 9<sup>th</sup> February 2021 when it was agreed to ask the Senior Coroner for an extension to the original deadline of the 12<sup>th</sup> March 2021, to allow for further information to be gathered and presented, including from the organisers of the event.

Officers reported that it had subsequently been confirmed that an extension for the response to be provided had been granted until the 23<sup>rd</sup> April 2021.

The second meeting of the working group took place on 22<sup>nd</sup> February 2020, representatives from Festival Republic (the event organiser) were in attendance at this meeting.

At this point the meeting agreed to move into closed session to receive an update on the discussions held at the Working Group on 22<sup>nd</sup> February 2021.

(The meeting returned to open session)

**RESOLVED** – That a further report be brought back to the next meeting of this Committee on Tuesday, 6<sup>th</sup> April 2021.

## **22 Date and Time of Next Meeting**

**RESOLVED** - That the next meeting of the Committee be arranged for Tuesday, 6<sup>th</sup> April 2021 at 10.00am (Remote Meeting – Zoom)

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**Report of the** Chief Officer Elections and Regulatory

**Report to** Licensing Committee

**Date:** 6<sup>th</sup> April 2021

**Subject:** Licensing Act 2003

**Regulation 28 Report to Prevent Future Deaths**

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s): Wetherby and Harewood		
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
Confidential or exempt information may be discussed at the meeting on 6 <sup>th</sup> April 2021	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, Access to Information Procedure Rule number: 10.4(1), 10.4(2), 10.4(7)		
Appendix number:		

**Summary of Main Issues**

A Premises Licence issued under the Licensing Act 2003 is held by Festival Republic for the Bramham Park Estate, Leeds 23. The Premises licence authorises licensable activities during the course of the annual Leeds Festival held over August Bank Holiday weekend.

Following the Inquest into a fatality at the 2019 Festival, Leeds City Council has been served with a Regulation 28 Report to Prevent Future Deaths by the Senior Coroner for the Coroner area of West Yorkshire.

The report requested that the council provide the Senior Coroner with a response by the 12<sup>th</sup> March 2021, since extended to 23<sup>rd</sup> April 2021. A working group of the Licensing Committee has been established and has met to consider the contents of the report. The Licensing committee when it met on 2<sup>nd</sup> March 2021 also considered the report and decided to bring the matter back to the Licensing Committee meeting on 6<sup>th</sup> April 2021.

## **1.0 Best Council Plan Implications** (see the [latest version of the Best Council Plan](#))

The licensing regime contributes to Best City Priorities 2019/20:

- Culture
- Safe, Strong communities
- Inclusive Growth

## **2.0 Resource implications**

2.1 No resource implications for the licensing authority are identified.

## **3.0 Recommendations**

3.1 Members of the Licensing Committee are asked to:

3.2 Consider additional information and recommendations from the working group meetings and additional information provided by the organiser of the festival.

3.3 To agree:

- A response to be provided to the Senior Coroner  
or
- Agree that the Chair of the Licensing Committee respond to the Senior Coroner in relation to the Regulation 28 report, on behalf of the Licensing Committee, by 23<sup>rd</sup> April 2021.

## **4.0 Purpose of this Report**

4.1 This report is to provide Members with detail of the Regulation 28 Report to Prevent Future Deaths, received following the inquest into a fatality at the 2019 Leeds Festival.

4.2 If Members consider it necessary for the public to be excluded from any part of the meeting to allow further detailed discussion, this can be considered under the Access to Information Procedure Rules 10.4(1) information relating to an individual, 10.4(2) information likely to reveal the identity of an individual, 10.4 (7) information relating to any action 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.

## **5.0 Background Information**

5.1 The Premises Licence for the Leeds Festival was considered and approved by the Licensing Committee on the 28 April 2006.

5.2 The Licence granted to Festival Republic Ltd., is held for Bramham Park and allows the Festival to take place each August Bank Holiday weekend.

5.3 The Licence is subject to the following conditions:

- 1) The Premises Licence Holder shall comply with the terms and requirements of the Event Management Plan each year.

- 2) There shall be an Event Management Plan which incorporates the Operating Schedule submitted to the Licensing Authority at least six months prior to the festival each year.
- 3) The Event Management Plan and any revisions to the Event Management Plan must be approved by the Licensing Authority prior to the Festival
- 4) The maximum permitted capacity at the event is 85,000 ticket holders and 4999 guests (89999 persons in total). The proposed capacity for each event will form part of the Event Management Plan notified to the Licensing Authority and the Multi Agency partners under the conditions of this Licence.

5.4 The Committee reserve the right to determine how the final Event Management Plan (EMP) for the Festival should be agreed with the facility for the final EMP to be agreed by the Committee or officers under delegated authority.

## **6.0 Main Issues**

6.1 The last occasion that the Festival took place was over the August Bank Holiday weekend in 2019. The 2020 Festival did not proceed due to the Covid-19 pandemic.

6.2 During the 2019 Festival there was an incident involving a female of 17 years of age, and despite all best efforts by the medical services, it resulted in a fatality.

6.3 An Inquest was held at Wakefield Coroner's Court, which concluded on the 13<sup>th</sup> January 2021. The Senior Coroner, after hearing the circumstances of death has set out his concerns in a Regulation 28 Report to Prevent Future Deaths (the report) which has been served on Leeds City Council, the licensing authority for Leeds Festival, as well as the organisers of the event.

6.4 A working group has been established to consider the contents of the report. The working group membership includes Members of the Licensing Committee with contributions from representatives of Leeds Safety Advisory Group, Safer Leeds, West Yorkshire Police, Health & Safety, Public Health, Yorkshire Ambulance Service, Childrens & Families, Legal Services and Entertainment Licensing.

6.5 The first meeting of the working group took place on the 9<sup>th</sup> February 2021 from which it was agreed to ask the Senior Coroner for an extension to the original deadline of the 12<sup>th</sup> March 2021, to allow for further information to be gathered and presented, including from the organisers of the event.

6.6 It was subsequently confirmed that an extension to the response had been granted until the 23<sup>rd</sup> April 2021.

6.7 A further meeting of the working group took place on the 22<sup>nd</sup> February and a report was brought before Licensing Committee on the 2<sup>nd</sup> March last. That report asked the Licensing Committee to agree:

- that the Chair of the Licensing Committee respond to the Senior Coroner in relation to the Regulation 28 report, on behalf of the Licensing Committee and Leeds City council, by 23<sup>rd</sup> April 2021, or
- that the matter be brought back before the Licensing Committee in April 2021.

6.8 Members agreed to the second option to enable the working group to meet again and for the matter to be brought back to the Licensing Committee on 6<sup>th</sup> April 2021 for further consideration.

## **7.0 Corporate Considerations**

### **7.1 Consultation and Engagement**

7.1.1 The application for the Premises Licence in 2006 was subject to the statutory consultation process as prescribed by the Licensing Act 2003.

7.1.2 Each year the licence holder provides an Event Management Plan through the Safety Advisory Group which is approved by the Licensing Committee before the annual Festival taking place.

### **7.2 Equality and Diversity/Cohesion and Integration**

7.2.1 There are no identified implications for equality and diversity. Any decision taken by the Licensing Committee will be in accordance with the four licensing objectives as prescribed by the Licensing Act 2003 and the Council's Statement of Licensing Policy (Licensing Act 2003).

### **7.3 Council policies and the Best Council Plan**

7.3.1 The licensing regime contributes to Best City Priorities 2019/20:

- Culture
- Safe, Strong communities
- Inclusive Growth

### **7.4 Climate Emergency**

7.4.1 There are no implications for the climate emergency in relation to this report.

### **7.5 Resources, Procurement and Value for Money**

7.5.1 There are no implications to the licensing authority identified at the time of this report.

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

7.6.1 The licensing regime must be carried out in accordance with the Licensing Act 2003. The Regulation 28 report requests that the response sent to the Senior Coroner sets out what action, if any, the local authority intends to take and if no action an explanation for this. The report and response would then be published by the Senior Coroner.

## 7.7 Risk Management

7.7.1 The Event Management Plan is taken through the Safety Advisory Group process. Any legal implications for the premises licence will need to be considered.

## 8.0 **Conclusions**

8.1 A working group involving key services has been established to consider the content of the Regulation 28 Report to Prevent Future Deaths.

## 9.0 **Recommendations**

9.1 Members of the Licensing Committee are asked to:

9.2 Consider additional information and recommendations from the working group meetings and additional information provided by the organiser of the festival.

9.3 To agree:

- A response to be provided to the Senior Coroner  
or
- Agree that the Chair of the Licensing Committee respond to the Senior Coroner in relation to the Regulation 28 report, on behalf of the Licensing Committee and, by 23<sup>rd</sup> April 2021.

## 10.0 **Background Papers**

Premises Licence number PREM/02193/012 (public register copy)<sup>1</sup>.

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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.

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