



LICENSING COMMITTEE

MEETING TO BE HELD REMOTELY VIA ZOOM ON

MONDAY, 19TH APRIL, 2021 AT 10.00 AM

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			
P Wray			
B Garner (Chair)			
Vacancy			

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=11352&Ver=4>

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A G E N D A

Item No	Ward/Equal Opportunities	Item Not Open		Page No
1			<p>APPEALS AGAINST REFUSAL OF INSPECTION OF DOCUMENTS</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>EXEMPT INFORMATION - POSSIBLE EXCLUSION OF THE PRESS AND PUBLIC</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>RESOLVED – 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>LATE ITEMS</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>DECLARATION OF DISCLOSABLE PECUNIARY INTERESTS</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>APOLOGIES FOR ABSENCE</p> <p>To receive apologies for absence (If any)</p>	
6			<p>MINUTES OF THE PREVIOUS MEETING</p> <p>To consider and approve the minutes of the last meeting held on 6th April 2021.</p> <p>(Copy attached)</p>	5 - 8
7			<p>MATTERS ARISING FROM THE MINUTES OF THE PREVIOUS MEETING</p> <p>To consider any matters arising from the minutes.</p>	
8	Harewood; Wetherby		<p>LICENSING ACT 2003 - REGULATION 28 REPORT TO PREVENT FUTURE DEATHS</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>	9 - 14

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

Licensing Committee

Tuesday, 6th April, 2021

PRESENT: Councillor B Garner in the Chair

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

23 Appeals Against Refusal of Inspection of Documents

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

24 Exempt Information - Possible Exclusion of the Press and Public

RESOLVED – That the report entitled “Regulation 28 Report to Prevent Future Deaths” as referred to in Minute No. 30 be designated as exempt from publication under the provisions of the Access to Information Procedure Rules 10.4(1) Information relating to any individual, 10.4(2) Information likely to reveal the identity of an 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.

25 Late Items

Although there were no late items of business, the Chair did accept the inclusion and circulation of supplementary information in respect of Agenda Item No. 8 – “Regulation 28 Report to Prevent Future Deaths”. Representation had been received from interested parties all of which was deemed as confidential (Minute No.30 referred)

26 Declaration of Disclosable Pecuniary Interests

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

27 Apologies for Absence

Apologies for absence were received from Councillors: P Drinkwater, A Hutchison, A Garthwaite and P Latty.

28 Minutes of the Previous Meeting

Members considered the Minutes of the previous meeting held on 2nd March 2021.

RESOLVED –The Minutes of the previous meeting held on 2nd March 2021, were accepted as a true and correct record.

29 Matters Arising from the Minutes

There were no issues raised under Matters Arising.

30 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 13th 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 9th February 2021 when it was agreed to ask the Senior Coroner for an extension to the original deadline of the 12th 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 23rd April 2021.

A second meeting of the working group took place on 22nd February 2021, representatives from Festival Republic (the event organiser) were in attendance at this meeting. A third meeting of the working group was held on 12th March 2021 when Members considered actions arising from previous meetings of the working group.

At this point the meeting agreed to move into closed session to receive an update on the discussions held at the Working Group on 12th March 2021 and to receive further representations from: the victim's family, the event organiser, West Yorkshire Police, LCC Public Health and an external organisation involved in drug and alcohol welfare.

(The meeting returned to open session)

RESOLVED – That a further meeting of this Committee be arranged at the earliest opportunity to further consider the proposed response to the Senior Coroner.

31 Date and Time of Next Meeting

Date and time of next meeting to be notified to Members in due course.

Draft minutes to be approved at the meeting
to be held on Monday, 19th April, 2021

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Report of the Chief Officer Elections and Regulatory
Report to Licensing Committee
Date: 19th 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 19 th 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 12th March 2021, since extended to 23rd 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 2nd March 2021 and 6th April 2021 also considered the report and decided to bring the matter back to the Licensing Committee.

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 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 23rd 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 13th 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 9th February 2021 from which it was agreed to ask the Senior Coroner for an extension to the original deadline of the 12th 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 23rd April 2021.
- 6.7 A further meeting of the working group took place on the 22nd February and a report was brought before Licensing Committee on the 2nd March and 6th April 2021.
- 6.8 At the meeting of the Licensing Committee on the 6th April the Members heard from external parties and agreed that a further meeting of the Licensing Committee be arranged at the earliest opportunity to consider the proposed response to the Senior Coroner.

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 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 23rd April 2021.

10.0 Background Papers

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

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.

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