



LICENSING COMMITTEE

MEETING TO BE HELD IN CIVIC HALL, LEEDS ON
TUESDAY, 20TH JULY, 2010 AT 10.00 AM

MEMBERSHIP

Councillors

S Armitage (Chair) - Cross Gates and Whinmoor;
M Dobson - Garforth and Swillington;
R Downes - Otley and Yeadon;
J Dunn - Ardsley and Robin Hood;
Mrs R Feldman - Alwoodley;
R D Feldman - Alwoodley;
T Grayshon - Morley South;
T Hanley - Bramley and Stanningley;
G Hussain - Roundhay;
G Hyde - Killingbeck and Seacroft;
V Morgan - Killingbeck and Seacroft;
B Selby - Killingbeck and Seacroft;
C Townsley - Horsforth;
D Wilson - Rothwell;
G Wilkinson - Wetherby;

Agenda compiled by:
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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 25 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 25, written notice of an appeal must be received by the Chief Democratic Services Officer 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>DECLARATIONS OF INTEREST</p> <p>To declare any personal/prejudicial interests for the purpose of Section 81(3) of the Local Government Act 2000 and paragraphs 8 to 12 of the Members Code of Conduct</p>	
5			<p>APOLOGIES FOR ABSENCE</p>	
6			<p>MINUTES</p> <p>To approve the minutes of the previous Licensing Committee meeting held on 22nd June 2010</p> <p>(Copy attached)</p>	1 - 4
7	All Wards;		<p>PRESENTATION BY WEST YORKSHIRE POLICE</p> <p>To receive a presentation from representatives of West Yorkshire Police relating to the assessment of licensing applications and the liaison between the Neighbourhood Policing Teams and the centrally based Licensing Team based at Millgarth.</p>	5 - 6

Item No	Ward/Equal Opportunities	Item Not Open		Page No
8	Wetherby;		<p>LEEDS FESTIVAL 2010 - EVENT MANAGEMENT PLAN FOR THE 2010 EVENT</p> <p>To consider the report of the Assistant Chief Executive (Corporate Governance) advising Members of the progress of the multi agency meetings and the Event Management Plan in relation to the Leeds Festival 2010. The Festival is scheduled to be held within the grounds of Bramham Park from 26th to 30th August 2010</p> <p>(Report attached)</p>	7 - 18
9	Kippax and Methley;		<p>APPEAL AGAINST LICENSING COMMITTEE DECISION TO REFUSE A PREMISES LICENCE - BARGAIN BOOZE, 7 CROSS HILLS, KIPPAX</p> <p>To consider the report of the Assistant Chief Executive (Corporate Governance) on the outcome of an appeal to Leeds District Magistrates' Court against a decision of the Licensing Sub Committee to refuse the grant of a Premises Licence in respect of "Bargain Booze", Kippax</p> <p>(Report attached)</p>	19 - 22
10	All Wards;		<p>LICENSING ACT 2003 - THREE YEAR REVIEW OF THE STATEMENT OF LICENSING POLICY</p> <p>To consider the report of the Assistant Chief Executive (Corporate Governance) informing the Committee of the forthcoming consultation on the Council's Statement of Licensing Policy as required under Section 5 of the Licensing Act 2003.</p> <p>(Report attached)</p>	23 - 56

Item No	Ward/Equal Opportunities	Item Not Open		Page No
11			<p>LICENSING ACT 2003 - DEALING WITH REPRESENTATIONS</p> <p>To consider the report of the Assistant Chief Executive (Corporate Governance) advising Members of the process applied by licensing officers in determining relevant representations under the Licensing Act 2003.</p> <p>(Report attached)</p>	57 - 68
12	All Wards;		<p>WORK PROGRAMME</p> <p>To note the proposed Licensing Work Programme for the 2010/2011 Municipal Year</p> <p>(schedule attached)</p>	69 - 72
13			<p>DATE AND TIME OF NEXT MEETING</p> <p>To note the date and time of the next meeting as <u>Tuesday 17th August 2010</u> at the conclusion of the Licensing and Regulatory Panel which commences at 10.00 am that day</p>	

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Agenda Item 6

Licensing Committee

Tuesday, 22nd June, 2010

PRESENT: Councillor S Armitage in the Chair

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

1 Late Items

No formal late items of business were added to the agenda however Members had received the following supplementary documents prior to the meeting:

- Agenda item 7 – An up to date version of Appendix 3 detailing the Terms of Reference of the Licensing Sub Committees
- Agenda Item 7 – An up to date version of Appendix 5 detailing the Officer Delegation Scheme (Council (non executive) functions) in relation to Director of Environment and Neighbourhoods

2 Declarations of Interest

There were no declarations of interest.

3 Apologies for Absence

Apologies for absence were received from Councillors Mrs Feldman and Grayshon

4 Minutes

RESOLVED – That the minutes of the previous meeting held 13th April 2010 be approved as a correct record

5 Licensing Committee - Annual Governance Arrangements

The Assistant Chief Executive (Corporate Governance) submitted a report on the governance arrangements for the Licensing Committee during the 2010/2011 Municipal Year. It was noted the Terms of Reference for the Committee had been agreed by Annual Council on 27 May 2010 The report set out the following matters for the Committee to consider:

- Appointments to the Licensing Sub Committees
- Approval of the Terms of Reference for the Sub Committees
- The Officer Delegation Schemes appropriate to the work of the Committee

Members were in receipt of additional documents which provided the most up to date versions of Appendices 3 and 5 of the report.

Officers highlighted the amendments made to the powers of the Committee and the documents for this Municipal Year which included:

- The power for Committee to designate Alcohol Disorder Zones. This function to be delegated to the Director of Environment and Neighbourhoods as appropriate to the community safety work of the department
- and an additional clause within the Sub Committee Terms of Reference to allow them to address any new legislation/guidance which may be published during the course of the year

Members discussed the following:

Officer Delegations

A comment was made that the power to determine whether objections were “irrelevant” under the Act 2003 should rest with Committee and not be delegated to officers.

In response, officers outlined the strict criteria set out in the Act which was adhered to and assured Members that whenever there was doubt over the validity of a representation the application was listed for a hearing before a Sub Committee. It was reported that the number of hearings would significantly increase if the power to determine relevancy was not delegated to officers.

Officers proposed to bring a report back on the number and type of objections received and subsequent officer determinations

Responsible Authorities

The Committee noted a comment welcoming the recent improvement in liaison between Planning Services and the Licensing Committee.

Members were reminded that Planning Services were regarded as a Responsible Authority (RA). All RA’s were served with notice of all applications received however no RA had the right to speak at a hearing to determine an application they had not submitted a representation on

RESOLVED –

- a) That the Terms of Reference for the Licensing Committee (as contained in Appendix 1) be noted
- b) That five Sub Committees of three Members each be established, and the membership of each Sub Committee as proposed within Appendix 2 and detailed below be agreed:

Sub Committee A	Councillors Armitage, Dobson & Downes
Sub Committee B	Councillors Dunn, R D Feldman & Hyde
Sub Committee C	Councillors Grayshon, Hussain & Morgan
Sub Committee D	Councillors Mrs Feldman, Hanley & Selby
Sub Committee E	Councillors Townsley, Wilkinson and Wilson
- c) That the Terms of Reference for the Licensing Sub Committees as contained within Appendix 3 of the report be approved
- d) That the delegation of licensing functions to the Assistant Chief Executive (Corporate Governance) as detailed in Appendix 4 of the report be approved
- e) That the approval be given to delegate the function of making an Alcohol Disorder Zone to the Director of Environment and Neighbourhoods as shown in Appendix 5

- f) That a report be presented to the next Committee on the number and type of objections received and subsequent officer determinations

6 Licensing Procedure Rules and Code of Practice for Determining Licensing Matters

The Assistant Chief Executive (Corporate Governance) submitted a report setting out the Rules of Procedure and Code of Practice for Determining Licensing Matters relevant to the work of the Licensing Committee and the Licensing Sub Committees during the 2010/11 Municipal Year

RESOLVED –

- a) That the Licensing Procedure Rules as set out in Appendix 1 of the report; and the contents of the associated information sheets (as contained within Appendix 2); be noted
- b) To note the contents of the Code of Practice for Determining Licensing Matters as set out in Appendix 3

7 Work Programme

The Committee received a schedule setting out the proposed Licensing Work Programme during the 2010/11 Municipal Year.

Officers reported that work had commenced on a review of the Authority's Statement of Licensing Policy, as required by the Licensing Act 2003. Part of that process included a thorough review of the Cumulative Impact Policy and copies of the CIP Review document were presented to Members to consider and comment on prior to the end of the consultation period on 30 June 2010

RESOLVED –

- a) To note the contents of the Work Programme
- b) To note receipt of the CIP Review document and to note that Members are requested to pass any comments they may have on the Policy to Entertainment Licensing by 30 June 2010

8 Date and Time of Next Meeting

RESOLVED –

- a) To note the date and time of the next Licensing Committee as Tuesday 20th July 2010 at 10:00 am. This meeting will be followed immediately by a Licensing and Regulatory Panel.
- 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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Originator:	Gill Marshall
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Not for Publication

Report of the

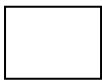
Assistant Chief Executive (Corporate Governance) to Licensing Committee

Date: 20 July 2010

Subject: Presentation by West Yorkshire Police

Electoral Wards Affected:

ALL



Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

Executive Summary

1. This report advises Members of a presentation by West Yorkshire Police focusing on issues relating to the assessment of applications and the liaison between the Licensing Team at Millgarth and Neighbourhood Policing Teams when considering whether or not to make representations and the evidence to be provided to committee in support of those representations.

1.0 Purpose Of This Report

- 1.1 This report is to advise members that they are to receive a presentation from West Yorkshire Police.

2.0 Background Information

- 2.1 The chair of the Licensing Committee Councillor Armitage requested that West Yorkshire Police attend the Licensing Committee to provide information to members on how applications are assessed by the police and in particular on the liaison between the Millgarth Licensing Team and the Neighbourhood Policing Teams in the making of representations and the evidence provided.

3.0 Main Issues

- 3.1 West Yorkshire Police are a responsible authority under the Licensing Act 2003. They are served with copies of all applications for the grant or variation of a premises licence or club premises certificate. They are also able to instigate review proceedings including expedited summary reviews and to object to personal licences and transfers of premises licences, club premises certificates and designated premises supervisors.
- 3.2 All licence applications are received centrally at Millgarth Police Station into the Licensing Team. The police then liaise with the relevant Neighbourhood Policing Team and assess the evidence available on the police computer systems before determining whether to make a representation, the extent of that representation and the evidence to support it.

4.0 Implications For Council Policy And Governance

- 4.1 Licensing sub committees have delegated authority to determine applications where relevant representations have been made. The quality of the representation made and supporting evidence is important for the sub committee in making its determination. An increased understanding of how the police assess applications will aid the quality of decision making.

5.0 Legal And Resource Implications

- 5.1 There are no legal or resource implications to this report or the presentation.

6.0 Conclusions

- 6.1 Members are asked to note the information presented by West Yorkshire Police and ask any appropriate questions.

7.0 Recommendations

- 7.1 That members note the content of the report and the presentation.

8.0 Background Papers

- 8.1 None

Report of the Assistant Chief Executive (Corporate Governance)

Report to the Licensing Committee

Date: 20 JULY 2010

**Subject: LEEDS FESTIVAL 2010
EVENT MANAGEMENT PLAN FOR THE 2010 EVENT**

Electoral Wards Affected:

Wetherby

Ward Members consulted (referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

EXECUTIVE SUMMARY

The Leeds Festival will take place at Bramham Park from 26 August until 30 August 2010. The event is licensed under the Licensing Act 2003, subject to certain conditions.

1.0 PURPOSE OF REPORT

- 1.1 This report advises Members of the progress of the multi-agency meetings and the Event Management Plan for the Leeds Festival 2010.
- 1.2 The Licensing Committee is required to consider this report and take such of the steps it considers necessary as detailed in paragraphs 6.3 of this report.

2.0 BACKGROUND INFORMATION

- 2.1 The Premises Licence for the Leeds Festival was considered and approved by the Members of the Licensing Committee on the 28th April 2006.
- 2.2 The Licence is held for Bramham Park and allows the Leeds Festival to take place every August Bank Holiday weekend.
- 2.3 Members resolved to grant the application as requested and accepted the applicants offer to include the following additional three conditions:
 - 1) There shall be an Event Management Plan which incorporates the operating schedule submitted to the Licensing Authority at least 6 months prior to the Festival each year.

- 2) The Event Management Plan and any revisions to the Event Management Plan must be approved by the Licensing Authority prior to the festival.
 - 3) The Premises Licence Holder shall comply with the terms and requirements of the Event Management Plan each year.
- 2.4 In addition, the Committee reserved the right to determine how the final amended Event Management Plan for the festival should be agreed, with the facility for the final plan to be agreed by the Committee or officers under delegated authority.
- 2.5 Following a variation to the Licence in 2008, the current premises Licence permits the activities as detailed in **Appendix 1**.

3.0 MAIN ISSUES

- 3.1 The draft Event Management Plan for the 2010 Festival was received by the Licensing Authority and Responsible Authorities on the 13 November 2009. As in previous years a copy of the Summary of Changes from the 2009 event has been circulated to Members of the Licensing Committee and Ward Members of the constituencies surrounding the event site. A copy of the summary of changes is attached at **Appendix 2** for Member's information.
- 3.2 To ensure the widest circulation of information the organisers have held meetings with the Parish/Town Councils in the areas surrounding the site and maintained regular contact with the same.
- 3.3 The first multi agency meeting with the responsible agencies was held on the 25th February 2010 and have continued on a regular basis.
- 3.4 Members may recall that at the Licensing Committee meeting on the 1 December 2009 (Minute 42). Members were given a report on the outcome of the 2009 event. This followed a multi agency debrief meeting held on the 6 October 2009.
- 3.5 The main issues arising from the debrief were the vast improvement to the traffic management on the Thursday prior to the start of the event and crowd dynamics issues on the Friday and Sunday evenings.
- 3.6 Mr. Benn the festival organiser advised Members that following the crowd dynamics issues modifications to the site layout would be made for the 2010 event and a permanent solution would be in place for 2011.
- 3.7 Subsequent to the debrief hearing festival republic in consultation with the relevant responsible authorities have made significant modifications to the festival site to bring forward the permanent solution for the 2010 event.
- 3.8 The modifications to the site include the repositioning of the main stage, the dance marquee and a number of catering units to improve the sightlines and achieve a more equal loading of the site and improve public safety.
- 3.9 The most recent multi-agency meeting was held on the 15 June 2010 when all agencies confirmed that they are satisfied with progress to-date and the contents of the Event Management Plan.

4.0 Implications for Council Policy and Government

4.1 There are no implications for Council policy and governance in respect of determining this application.

5.0 Legal and Resource Implications

5.1 There are no legal or resource implications

6.0 Options Available to Members

6.1 Members of the Licensing Committee must make decisions with a view to promoting the Licensing objectives which are:

- the prevention of crime and disorder
- public safety
- the prevention of public nuisance
- the protection of children from harm

6.2 Whilst there should be no major amendments to the Event Management Plan there is still scope for minor changes in accordance with the relevant authority approval. It would therefore not be appropriate for members to approve the Event Management plan today as in it's final form.

6.3 Members may therefore consider it more appropriate, as in previous years, to:

- Give delegated authority to the Assistant Chief Executive (Corporate Governance) to approve the Event Management Plan and any minor amendments prior to the start of the event.

6.4 Should the Event Management Plan be subject to amendment without the relevant authority consent, or be of a nature which officers consider may impact on the licensing objectives, then the Event Management Plan will be brought back before the Licensing Committee prior to the event taking place.

7.0 Recommendations

7.1 That Members consider the Event Management Plan and take such steps set out in paragraph 6.3 as they consider appropriate.

BACKGROUND PAPERS

- Guidance issued under section 182 of the Licensing Act 2003.
- Leeds City Council Licensing Policy
- The Leeds Festival Event Management Plan

APPENDIX 1

Times the licence authorises the carrying out of licensable activities

<i>Sale by retail of alcohol</i>	
Monday	17:00 - 00:00
Tuesday to Sunday	00:01 - 00:00
<i>Provision of late night refreshment</i>	
Wednesday to Sunday	23:00 - 05:00
<i>Performance of a play</i>	
Thursday	19:00 - 03:00
Friday to Sunday	12:00 - 03:00
<i>Exhibition of a film</i>	
Thursday	19:00 - 03:00
Friday to Sunday	12:00 - 06:00
<i>Performance of live music</i>	
Thursday	19:00 - 03:00
Friday to Sunday	12:00 - 06:00
<i>Performance of recorded Music</i>	
Thursday	19:00 - 03:00
Friday to Sunday	12:00 - 06:00
<i>Performance of dance</i>	
Thursday	19:00 - 03:00
Friday to Sunday	12:00 - 03:00
<i>Entertainment similar to live music, recorded music or dance</i>	
Thursday	19:00 - 03:00
Friday to Sunday	12:00 - 06:00
<i>Provision of facilities for making music</i>	
Thursday	19:00 - 03:00
Friday, Saturday & Sunday	12:00 - 06:00
<i>Provision of facilities for dancing</i>	
Thursday	19:00 - 03:00
Friday to Sunday	12:00 - 06:00

Times the licence authorises the carrying out of licensable activities

Provision of facilities for anything similar to making music or dancing

Thursday	19:00 - 03:00
Friday, Saturday & Sunday	12:00 - 06:00

The opening hours of the premises

Everyday	00:01 - 00:00
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Where the licence authorises supplies of alcohol whether these are on and / or off supplies

Alcohol is sold for consumption both on and off the premises

Non Standard Timings

Non Standard Timings and Seasonal Variations

The times and dates of licensable activities will be submitted and agreed within the Multi Agency forum at least 6 months prior to the festival or such lesser period as agreed from time to time within the multi agency forum.

The premises licence is for the on and off sales of alcohol to ticket holders for 24 hours on the dates which will be agreed within the multi agency forum.

This year the hours will be from 17:00hrs on Wednesday 25th August to 03:00 hrs on Monday 30th August 2010.

The licence also provides for the supply of alcohol to staff 24 hours on the dates which will be submitted and agreed with the multi agency forum at least 6 months prior to the festival each year or such lesser period as agreed from time to time with the multi agency forum.

This year the hours will be from 17:00hrs Monday 25th August to 23:00hrs on Tuesday 31st September 2009.

The application for an extension of existing hours from 03:00hrs to 06:00hrs Saturday, Sunday and Monday submitted in March 2008 applies to the following campsites only:

Brown/Green campsite DJ
Orange campsite DJ

Yellow Bubble campsite DJ
Blue Valley campsite DJ
Red campsite DJ
Piccadilly campsite DJ
Silent Disco

The location and names of these campsites may be determined from a site plan submitted each year.

APPENDIX 2

SUMMARY OF CHANGES LEEDS FESTIVAL 2010

EVENT MANAGEMENT PLAN version 1

A summary of the changes to the Event Management Plan for Leeds Festival 2010 version 1 from the Leeds Festival 2009 version 2 submitted 10th August 2009.

Changes throughout all documents

- o Tenses changed where appropriate
- o Dates changed throughout

Changes to the main Event Management Plan document

2.1.c

- o CTM to provide all traffic marshals
- o CATs to provide all fire marshals

2.1.e

- o Additional information on crowd management included in Appendix 19a

2.3.a

- o Table Top exercise has been scheduled for the 19th August 2010.

2.6.h

- o Larger signage for medical tents to be retained

2.10.a

- o Particular attention will be paid to make sure that guy ropes do not restrict the use of the arena emergency exit gates or compromise the width of the main egress route.

2.12a

- o Electrical contractor to be confirmed

2.15.d

- o Environmental Health monitors will specifically monitor the standards of servicing on the Sunday afternoon and evening to maintain the standards throughout the time that the site is open to ticket holders.

2.15.g

- o Litter bins will be placed by the water points to minimise a build up of litter. The Environmental Health monitors will check that they are in position on their first shift.
- o The water points at red, green, orange and yellow bubble toilet blocks will be positioned more effectively than in 2009 in terms of ease of access for both public and for servicing teams.
- o The Environmental Health monitors will check that the standpipes at the water points are fixed and not creating boggy conditions unnecessarily.

2.17

- o Ian Donaldson to replace David Cusick as Designated Premises Supervisors (separate application has been submitted to Leeds City Council and West Yorkshire Police)

2.19

- o The contractor that installs the disabled viewing platforms will be contracted to provide platforms of a sufficient standard and quality of construction.

4.1.b

- o Noise complaints hotline number to be confirmed

6.1.f

- o Security Co-ordinator to be confirmed

Changes to Appendices –

Risk Assessment

- o Reference to Appendix 19A re further statements re crowd management

Appendix 5 – Site Plan

- o Layout change in the arena in the vicinity of Foxtrot Gate
- o Additional emergency exits L, M, N added stage right of Main Stage
- o Revised entrance into the arena from the Guest Area

Appendix 5A – Emergency routes into site

- o New map to be added into August Event Management Plan submission

Appendix 9 – Essential Information for Traders

- o Traders banned from selling aerosols over 250ml rather than 100ml as in 2009.
- o Noise at Work appendix added including notification that all stands inside the arena are designated as red zones where ear protection is mandatory.

Appendix 17 – Major Incident Plan

- o Appendix A - Emergency contact sheet - still to be supplied in the final version format in the interests of clarity so there is only one version in circulation.

Appendix 19A and B – Crowd Management Procedures

- o New document submitted with accompanying plan

Appendix 22 – Security Report

- o Onsite Multi Agency meeting times proposed:
 - o 5pm Thursday 26th August
 - o 5pm Friday 27th August
 - o 12.15am Saturday 28th August
 - o 5pm Saturday 28th August
 - o 5pm Sunday 29th August

Additional security measures for 2010

- o We will work closely with West Yorkshire Police on improving crime prevention and crime reduction with a particular target of increasing the care that festival goers take over the security of their valuables.
- o We will implement a working group with West Yorkshire Police and other relevant agencies to formulate a clear policy on dealing with ticket touting investigations
- o We will provide a dedicated ticketing liaison position 24 hours during the festival to liaise with West Yorkshire Police over tickets and touts. This new role will ensure that West Yorkshire Police are kept updated about any intelligence regarding ticket fraud that comes to light during the festival and will ensure timely attendance at any investigations offsite or onsite regarding tickets.
- o We will work hard on improving the standard of both the onsite CCTV and the link to Wetherby. We will look into permanent infrastructure to ensure that we have enough bandwidth. We will investigate optic fibres and will liaise with the CCTV officers at West Yorkshire Police for their advice.

- We will ensure that the helicopter landing pad is marked better.
- We will agree a procedure with regards to the handing over of CCTV footage onsite to West Yorkshire Police including a proforma and a dedicated single point of contact for requests.
- We will organise a morning briefing with the relevant personnel from West Yorkshire Police and our Security Co-ordinator.
- We will submit the uniform of the dog handlers to West Yorkshire Police for their approval in advance.

Appendix 33 – Security Placement Schedule

- Additional crowd monitoring locations / staff added
- Additional positions to secure the perimeter

Appendix 34 – CCTV map

- Revised with additional camera at BBC Introducing stage on cherry picker with good view of Main Stage crowd and the 2 cut throughs at Foxtrot and Kilo gate.

Appendix 37 – Traffic Management Plan

- The 2009 Traffic Management Plan concentrated on the issues involved in the significant change of routing. All of the information on the 2009 and 2010 routing is included in the Traffic Management Plan but all other relevant information such as public transport facilities have been added in order to make it a more complete and comprehensive plan without sole focus on the new routing.
- Key changes to the 2009 plan for 2010 subject to agreement with the traffic agencies are:
 - Traffic from the north to be signed via Jct 44 throughout
 - Traffic wanting to drop off or pick up to be signed via the A58 to the A64 eastbound to Red Gate 1 at all times other than Thursday. On Thursday drop off traffic to be signed along red route on the A64 westbound to Red Gate 1. Drop off traffic to exit via Red Gate 2.
 - All key laybys on red and brown route to be close coned or sealed with barriers to prevent touts from setting up pitches.
 - Pedestrian and vehicle clearway and street trading byelaw orders will be applied for to give West Yorkshire Police additional powers to move any touts along.
 - We are exploring an improvement to the entrance layout at Yellow Gate to mitigate against the significant swing in that buses currently need to do to access the bus station.
 - The default emergency access gate remains White Gate but at all times, emergency services should follow current instructions to ensure that they have the best access at the time depending on the local network and the location of the incident onsite as White Gate is likely to be used for festival traffic on the Wednesday and Thursday in particular.
 - Wednesday considered as a peak day throughout in terms of resources.
 - Consultation ongoing with local residents about additional capacity on the residents bus at peak times at 23.30 each night and an additional double decker bus may be deployed for a one off trip
 - Improvements to be made to lighting in the areas of Brown Gate, and the Red Bus layby.
 - 2009 vehicle figures inserted for reference: -
 - Total weekend cars 13700
 - Average day cars per day Friday, Saturday and Sunday 850
 - Total drop off movements 3250
 - The required signage will be delivered to RMS and Connect (if applicable) by Friday 20th August 2010.
 - When the one way system on the A64 is lifted both RCC and West Yorkshire Police Traffic will be informed.

Appendix 37D Traffic Management Plan Hard signage and coning plan

- This plan will be submitted no later than April 2010 and will include the following changes:
 - A review of the signage in the area of Hook Moor in conjunction with the Highways Agency
 - A review of the drop off and taxi routing signage
 - "Use hard shoulder" signage added to Jct 44 A64 northbound slip
 - Stronger signage for the Jct 46 u turn to persuade vehicles to continue on to Jct 44
 - Stronger signage for Aberford road closure
 - Sign added at Tenter Hill for egress for traffic coming from Blue Gate to sign them north on West Woods Road
 - Sign added at A64 / Bramham Interchange junction for egress for onward traffic direction onto A1 (M).
 - Stronger signage along brown route for egress pick ups that end up there
 - Stronger signage along red route for non festival traffic to get into lane in the vicinity of Red Gate 1.
 - Larger lettering on the advance warning signs on the A64 east of Jct 44.

Appendix 37E Traffic Management Plan VMS signage

- A VMS plan for Monday 30th August 2010 has been added

Appendix 37F Traffic route map

- Overhauled to try and make it more user friendly

Appendix 38 Onsite Traffic Management Plan

- Car parking with at least 10 designated spaces will be arranged for key officers from Leeds City Council near to the Leeds City Council portacabin in order that particularly when doing night shifts, they are within easy reach of their vehicles.

Appendix 73 – Noise Management Plan

- If after 21.00 there are particular meteorological conditions such as the strong winds towards Bramham in 2009, then the offsite consultants may be redeployed to provide additional cover in response to the conditions subject to agreement at the time with Leeds City Council Environmental Health to ensure the most efficient use of resources at the time.
- Noise at Work monitoring company to be confirmed

Appendices 74 75 93 Noise Risk Assessment

- The majority of the arena will be designated as a hearing protection zone.
- The Red, Amber and Green zone system will be further applied site wide and not just for traders.
- A representative from the trader concessionaire will be designated to ensure compliance by traders with the Noise at Work regulations.

Appendix 76 – Bramham Park resident noise letters

- 2010 letters from Bramham Park residents regarding noise levels included

Appendix 77 – Campsite Strategy

- The CCTV contractor for 2010 is being reviewed. West Yorkshire Police will be involved in the approval of the change of contractor. A CCTV test including the Wetherby link will take place in Spring 2010 before the contract is awarded.

- o A further CCTV test will again be conducted in advance of the festival once all of the infrastructure is installed onsite including the Wetherby link in consultation with West Yorkshire Police.
- o We will retain the organized bonfire locations in red and yellow bubble campsite zones and we are currently considering organising further bonfires at other points in the campsites

Appendix 88A – change of DPS application submitted

- o Change of DPS application included to change David Cusick to Ian Donaldson

Appendix 91 – Zone Management chart

- o Revised to reflect the fact that brown and green zones are now being treated separately in terms of management

Please be advised that the dates and hours of licensable activity for Leeds Festival 2010 are as follows:

Hours open to the public

14.00 Wednesday 25th August to 12.00 Monday 30th August

Late night refreshment

23.00 Wednesday 25th August to 05.00 Monday 30th August inclusive

Alcohol sales to ticket holders

17.00 – 03.00 Wednesday 25th August

11.00 – 03.00 Thursday 26th to Sunday 29th August inclusive

Alcohol sales to staff

24 hours from 17.00 Monday 23rd August to 23.00 Tuesday 31st August inclusive

Regulated entertainment

Thursday 26th August 19.00 – 03.00

Friday 27th August 12.00 – 06.00

Saturday 28th August 12.00 – 06.00

Sunday 29th August 12.00 – 06.00

Throughout where it says eg 11.00 to 03.00 Sunday, the 03.00 refers to Monday morning. These are the same timings as in 2009.

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Originator:	Adrian Tonge
Tel:	247 7869

Report of the Assistant Chief Executive (Corporate Governance)

Licensing Committee

Date: 20 July 2010

Subject: Bargain Booze (Mr John Warke) 7 Cross Hills, Kippax, Leeds – Appeal against Licensing Committee decision to refuse a Premises Licence

Electoral Wards Affected:

Kippax and Methley

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

Executive Summary

1. This Report advises Members of the outcome of an appeal by Mr John Warke against a decision of the Licensing Sub Committee sitting on 4 January 2010. After considering the application, representations and evidence, the Committee decided to refuse the premises licence. Mr Warke appealed against that decision and the appeal was determined by Leeds District Magistrates' Court on 30 April 2010. Following advice from Counsel instructed for Leeds City Council (Mr John Hunter of Kings Chambers, Manchester) the appeal was disposed of by consent between the parties, and premises licence was granted. Costs of £4700 were awarded against the Council.

1.0 Purpose of this report

- 1.1 The purpose of this report is to advise Members of the outcome of the appeal of Mr John Warke.

2.0 Background information

- 2.1 Mr John Warke applied for a Premises Licence for premises situated at 7 Crosshills, Kippax, Leeds LS25 7JP. The application was for the supply of alcohol everyday from 8 am to 11pm, for consumption off the premises only.
- 2.2 West Yorkshire Police, as a responsible authority, had discussions with the applicant prior to the licensing committee hearing and reached agreement about relevant conditions which they felt would promote the Licensing objectives.
- 2.3 The Licensing Committee heard objections to the grant of the licence from Councillor Keith Wakefield and Councillor James Lewis, who spoke on behalf of residents who had made written representations, and also from Mr James Armstrong who was also a local resident.
- 2.4 The Licensing Committee heard representations from Gill Sherratt on behalf of Mr John Warke in support of the application.
- 2.5 The Committee noted the existence of a Designated Public Place Order (DPPO) which had recently been introduced into Kippax because of concerns about alcohol related anti-social behaviour in the area.
- 2.6 After consideration of the application and the representations made, the Licensing Committee decided to decline to grant a Premises Licence on the grounds that it would undermine the Licensing objectives of prevention of public nuisance, crime and disorder and the protection of children from harm. It was felt that despite the conditions proposed by the applicant that granting the licence would exacerbate the existing problems. An appeal was lodged against that decision.

3.0 Main issues

- 3.1 The appeal was settled by way of a consent order agreed between the parties following advice from Counsel.
- 3.2 Mr Warke based his appeal on two grounds; firstly that the way in which the committee conducted itself was unlawful and breached the human rights of Mr Warke, and secondly that the committee had taken into account irrelevant considerations, in particular whether the grant of the licence would exacerbate the prevailing conditions in Kippax.
- 3.3 Advice from Counsel was that Mr Warke was unlikely to succeed on the first ground. The procedure adopted by the Licensing committee was lawful and at this stage the Human Rights Act 1998 was not engaged as Mr Warke did not have any “property” – the Premises Licence – of which he could be deprived.
- 3.4 Advice from Counsel on the second ground was that Mr Warke was likely to succeed as it appeared that the Licensing committee had given undue weight to the evidence which led to the granting of the DPPO, and other representations had

related to planning issues (such as parking and the proximity to a home for the elderly) which were not within the remit of the Licensing committee.

- 3.5 The advice from Counsel was therefore followed and a consent order was agreed between the parties to settle the matter.

4.0 Implications for council policy and governance

- 4.1 Counsel suggested that Members had given undue weight .to irrelevant factors. Members have already been trained in relation to sub committee hearings however there is some update training scheduled for Autumn 2010. Officers suggest that that training include scenarios around relevant representations and in particular on planning and licensing factors for further discussion.

5.0 Legal and resource implications

- 5.1 The Court awarded Mr Warke his legal costs against Leeds City Council.

6.0 Conclusions

- 6.1 That sub committees ensure that decisions are made on relevant licensing considerations .

7.0 Recommendations

- 7.1 That Members note the contents of this report.

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Report of the Assistant Chief Executive (Corporate and Governance)

Licensing Committee

Date: 20th July 2010

Subject: Three year review of Statement of Licensing Policy

Electoral Wards Affected:

Specific Implications For:

Ethnic minorities

Women

Disabled people

Executive Summary

Section 5 of the Licensing Act 2003 requires licensing authorities to prepare and publish a statement of licensing policy every three years. The council's first Statement of Licensing Policy was adopted by Council on 12th January 2005 and was reviewed in 2007 for adoption in Dec 2007.

The current policy is now due for review and the revised policy is due for adoption by 7th January 2011.

1.0 Purpose Of This Report

- 1.1 This report is to inform the Licensing Committee of the forthcoming consultation of the council's Licensing Act 2003 statement of licensing policy.

2.0 Background Information

- 2.1 Section 5 of the Licensing Act 2003 requires licensing authorities to prepare and publish a statement of licensing policy every three years. The council's first Statement of Licensing Policy was adopted by Council on 12th January 2005 and was reviewed in 2007 for adoption in December 2007.
- 2.2 The current policy is now due for review and the revised policy is due for adoption by 7th January 2011.
- 2.3 In drafting and approving the revised policy the council will need to have regard to the guidance issued under Section 182 of the Act. In addition, before determining its policy for a three year period, a licensing authority must consult the persons and bodies set out at Section 5(3) of the Act.

3.0 Main Issues

3.1 Changes to policy

- 3.2 An initial review determined that the policy only required minor amendments to reflect recent changes within the Licensing Act 2003.. These amendments were made and a draft policy was distributed to the responsible authorities. No comments were received.
- 3.3 In 2007 the council made a commitment to thoroughly review the cumulative impact policies (CIPs) that affect the city centre, Headingley, Hyde Park, Chapel Allerton and Horsforth at the next review of the policy in 2010. This review was started in February 2010 and involved consultation with ward members, West Yorkshire Police and Leeds City council's City Development Department. The concerns of the residents were taken into consideration (via the relevant ward members) as well as statistics provided by West Yorkshire Police and Leeds City Council's Health and Environment Action Service.
- 3.4 The five existing CIPs were scrutinised and amendments were agreed which generally increased the areas involved and, in some cases, increased the scope to include other premises which have created an adverse impact on those areas.

- 3.5 The proposed changes are provided in the Interim Consultation Report (appendix 1)

3.6 Purpose of the Statement of Licensing Policy

- 3.7 The purpose of the policy is to set out the principles upon which the licensing authority will exercise its functions under the Licensing Act 2003. Applicants are expected to read the policy before making their application and the Licensing Authority will refer to the policy when making decisions.

3.8 Purpose of the consultation

3.9 It is a requirement of the Licensing Act 2003 that licensing authorities consult with people affected by the policy. Specifically the Act states:

3.10 Before determining its policy for a three year period, a licensing authority must consult –

- (a) the chief officer of police for the licensing authority's area,
- (b) the fire authority for that area,
- (c) such persons as the licensing authority considers to be representative of holders of premises licence issued by that authority
- (d) such persons as the licensing authority considers to be representative of holders of club premises certificate issued by that authority,
- (e) such persons as the licensing authority considers to be representative of holders of personal licences issued by that authority, and
- (f) such other persons as the licensing authority considers to be representative of businesses and residents in its area.

3.11 Consultation Methodology

3.12 In order to meet the requirements of the Act the council has undertaken the following steps:

1. Undertaken an officer review of the policy, made a number of amendments and resolved to thoroughly review the CIPs to ensure they are still relevant and proportional regarding the issues experienced in those areas.
2. Held a series of meetings with the relevant ward members, officers from West Yorkshire Police, officers from City Development, including local planning officers, forward planning and regeneration and the Crime and Disorder Reduction Partnership.
3. Scrutinised crime figures relating to rowdy behaviour, anti-social behaviour and violent crime.
4. Scrutinised Environmental Health nuisance figures relating to noise nuisance and littering.
5. Examined data relating to the number of new and variation applications.

3.13 This work produced a first draft of the revised policy which was sent to all the responsible authorities for comment. It was also sent to the ward members who were involved in the review. This consultation took place between 9th and 30th June. The council did not receive any comments.

3.14 The public consultation will run from 12th July to 1st October 2010. This consultation will include:

- a postal consultation to the trade, support groups, religious groups, ward members and local MPs.
- a press release
- copies of the policy and this report placed in libraries, one stop shops and leisure centres for the public to access along with postage paid envelopes and a short questionnaire.

- a webpage on the Leeds City Council website which will provide the consultation documents and online questionnaire.
- public meetings in Horsforth, Chapel Allerton and Headingley to discuss the changes to the CIPs.

3.15 Approval

3.16 The approval of a statement of licensing policy is a matter for full Council. The policy must be approved and reissued no later than 7th January 2011. Once the public consultation has been completed the final draft will be taken to Executive Board and full Council in November.

4.0 Implications For Council Policy And Governance

4.1 In drafting and approving the revised policy, the council will need to have regard to the Section 182 guidance in the same way members of the Licensing Committee need to have regard to the guidance when making individual licensing decisions.

5.0 Legal And Resource Implications

5.1 No significant resource implications identified.

5.2 The policy lays down the council's main principals for exercising its functions under the Licensing Act 2003 and can be challenged by both the trade and the public. It is necessary to ensure that the policy is legally watertight and any departures from the Section 182 guidance can be justified.

6.0 Conclusions

6.1 The three yearly review of the licensing policy is due to take place this year. The policy approval is a matter for full Council, however Officers have met with all interested Area Committees to provide an early opportunity for input.

7.0 Recommendations

7.1 That Licensing Committee note the contents of this report.

Appendix 1 – Interim Consultation Report

Public Consultation Report

Statement of Licensing Policy 2011 – 2013

Licensing Act 2003

Executive Summary

This report details the findings of the initial consultation on Leeds City Council's Licensing Act 2003 Statement of Licensing Policy.

A review was undertaken on the existing policy and three minor amendments were proposed relating to minor variations, community halls and age verification policies.

A more detailed review of Section 7 – Cumulative Impact Areas was undertaken with involvement with ward members, West Yorkshire Police, Crime and Disorder Reduction Partnership and the responsible authorities. Statistics relating to antisocial behaviour, rowdy behaviour and nuisance were gathered which informed proposed changes to the CIPs.

The public consultation will take place between 12th July and 1st October which is a twelve week consultation period. Officers will analyse the consultation responses and produce a final draft which will be presented to Executive Board and full Council in November.

The final Statement of Licensing Policy must be published by 7th January 2010.

Introduction

The Licensing Act 2003 came into force in 2005 and brought the licensing of sale of alcohol, regulated entertainment and late night refreshment into one system. Leeds City Council became the licensing authority for premises in the Leeds area and the system is administered by the council's entertainment licensing section.

As part of the Licensing Act 2003 there is a requirement placed on licensing authorities to develop a statement of licensing policy which describes the principles the council will use when determining licences under the Act.

Background

We developed and consulted upon the Leeds City Council Statement of Licensing Policy in 2005 and reviewed it in 2007 for the period 2008-2010. We are required to review the policy on a three yearly basis and it is due for review again this year.

An initial review determined that the policy only required minor amendments to reflect recent changes within the Licensing Act 2003. These amendments were made and a draft policy was distributed to the responsible authorities. No comments have been received on these minor changes.

In 2007 the council made a commitment to thoroughly review the cumulative impact policies (CIPs) that affect the city centre, Headingley, Hyde Park, Chapel Allerton and Horsforth at the next review of the policy in 2010. This review was started in February 2010 and involved consultation with ward members, West Yorkshire Police and Leeds City Council's City Development Department. The concerns of the residents were taken into consideration (via the relevant ward members) as well as statistics provided by West Yorkshire Police and Leeds City Council's Health and Environment Action Service.

The five existing CIPs were scrutinised and amendments were agreed which generally increased the areas involved and, in some cases, increased the scope to include other premises which have created an adverse impact on those areas.

Purpose of the Statement of Licensing Policy

The purpose of the policy is to set out the principles upon which the licensing authority will exercise its functions under the Licensing Act 2003. Applicants are expected to read the policy before making their application and the Licensing Authority will refer to the policy when making decisions.

Purpose of the consultation

It is a requirement of the Licensing Act 2003 that licensing authorities consult with people affected by the policy. Specifically the Act states:

Before determining its policy for a three year period, a licensing authority must consult –

- (a) the chief officer of police for the licensing authority's area,
- (b) the fire authority for that area,
- (c) such persons as the licensing authority considers to be representative of holders of premises licence issued by that authority
- (d) such persons as the licensing authority considers to be representative of holders of club premises certificate issued by that authority,
- (e) such persons as the licensing authority considers to be representative of holders of personal licences issued by that authority, and

- (f) such other persons as the licensing authority considers to be representative of businesses and residents in its area.

Consultation Methodology

In order to meet the requirements of the Act the council has undertaken the following steps:

1. Undertaken an officer review of the policy, made a number of amendments and resolved to thoroughly review the CIPs to ensure they are still relevant and proportional regarding the issues experienced in those areas.
2. Held a series of meetings with the relevant ward members, officers from West Yorkshire Police, officers from City Development, including local planning officers, forward planning and regeneration and the Crime and Disorder Reduction Partnership.
3. Scrutinised crime figures relating to rowdy behaviour, anti-social behaviour and violent crime.
4. Scrutinised Environmental Health nuisance figures relating to noise nuisance and littering.
5. Examined data relating to the number of new and variation applications.

This work produced a first draft of the revised policy which was sent to all the responsible authorities for comment. It was also sent to the ward members who were involved in the review. This consultation took place between 9th and 30th June. The council did not receive any comments.

The public consultation will run from 12th July to 1st October 2010. This consultation will include:

- a postal consultation to the trade, support groups, religious groups, ward members and local MPs.
- a press release
- copies of the policy and this report placed in libraries, one stop shops and leisure centres for the public to access along with postage paid envelopes and a short questionnaire.
- a webpage on the Leeds City Council website which will provide the consultation documents and online questionnaire.
- public meetings in Horsforth, Chapel Allerton and Headingley to discuss the changes to the CIPs.

How to respond

Anyone can respond to this consultation. The list of consultees at Annex A indicates those organisations that we will contact to suggest that they may wish to respond. The closing date for making responses to this consultation is 1st October 2010. If you would like to respond to this consultation, please email your response to entertainment.licensing@leeds.gov.uk.

If you prefer, you may submit a hard copy by post to:

Entertainment Licensing
Leeds City Council
Civic Hall
Leeds
LS1 1UR

If you have any queries about this consultation, or require additional copies, please contact Entertainment Licensing at the above address or by telephone on 0113 247 4095.

Disclosure

Normal practice will be for responses to this consultation document to be disclosed, and for respondents to be identified. However if you would prefer to remain anonymous we may disclose the content of your response but only in such a way as to anonymise it.

Please identify any information that you or any other person involved do not wish to be disclosed. You should note that many facsimile and e-mail messages carry, as a matter of course, a statement that the contents are for the eyes only of the intended recipient. In the context of this consultation such appended statements will not be construed as being requests for non-inclusion in the post consultation review unless accompanied by an additional specific request for confidentiality.

Confidentiality and Freedom of Information

It is possible that requests for information contained in consultation responses may be made in accordance with access to information regimes (these are primarily the Freedom of Information Act 2000, the Data Protection Act 1998 and the Environmental Information Regulations 2004). If you do not want your response to be disclosed in response to such requests for information, you should identify the information you wish to be withheld and explain why confidentiality is necessary. Your request will only be acceded to if it is appropriate in all the circumstances. *An automatic confidentiality disclaimer generated by your IT system will not of itself be regarded as binding on the Department.*

Change Document

After an officer review of the policy, we added three paragraphs which reflect changes in the law.

Add:

Community Halls

- 9.13 The Legislative Reform (Supervision of Alcohol Sales in Church and Village Halls etc) Order 2009 amends the Licensing Act 2003 to allow management committees of community premises to make an application for a premises licence or to vary an existing premises licence which includes an application to remove the requirement of a designated premises supervisor and the authorisation of the sale of alcohol by a personal licence holder.
- 9.14 The council has issued guidance to community premises on this process which can be accessed on the council's website.

Minor Variations

- 9.15 It is now possible to make small changes to premises licences or club premises certificates through the minor variation process, which is cheaper, easier and quicker than the full variation process. The test for whether a proposed variation is 'minor' is whether it could impact adversely on any of the four licensing objectives.
- 9.16 The council has issued guidance on this process which can be accessed on the council's website.
- 9.17 The DCMS has also provided guidance which can be accessed on their website at <http://www.culture.gov.uk>

Age Verification Policy

- 12.40 It is mandatory for premises who sell or supply alcohol to have an age verification policy in place. However, the council favours the Challenge 25/Check 25 type schemes and such a scheme volunteered as part of an operating schedule will be given the appropriate weight when the council determines the licence application.

Section 7 – Cumulative Impact Policies

We reviewed the introductory section which explains what accumulative impact policy is. We wanted to provide some clarity about what cumulative impact policies are. This section also gives advice to applicants on how applying for a licence for a premises may need to be different is that premises is in a cumulative impact area.

Deleted:

- 7.3 The council encourages the development of a variety of premises providing a range of licensed activities catering for a wide range of users. Any policy adopted from time to time on the cumulative impact of licensed premises will impose restrictions only to the extent that they are justified by the available evidence having regard to the Guidance issued by the Secretary of State.

Added:

- 7.4 A cumulative impact policy creates a rebuttable presumption that applications within the cumulative impact areas for new premises licences or variations that are likely to add to the existing cumulative impact will normally be refused if relevant representations are received.
- 7.5 An applicant wishing to obtain a new or varied licence for premises falling within any of the cumulative impact areas must identify, through the risk assessment process (if used) and operating schedule, the steps that he or she intends to take so that the council and responsible authorities can be satisfied that granting a new licence will not add to the impact already being experienced.
- 7.6 To assist this process applicants are encouraged to make early contact with the responsible authorities to discuss their plans, and suggested control measures. Applicants should also have particular regard to the guidance issued under section 182 of the Act.
- 7.7 Despite the presumption against grant, responsible authorities and interested parties will still need to make a relevant representation before the council may lawfully consider giving effect to its cumulative impact policy. For example, if no representation is received, the application must be granted subject to any conditions that are consistent with the operating schedule and any mandatory conditions required by the Licensing Act 2003. Responsible authorities and interested parties can make written representation referring to information which had been before the council when it developed its statement of licensing policy.
- 7.8 The council recognises that a cumulative impact policy should not be absolute. The circumstances of each application will be considered properly and application for licences that are unlikely to add to the cumulative impact on the licensing objectives may be granted. After receiving representations in relation to a new application or for a variation of a licence, the licensing authority will consider whether it would be justified in departing from its cumulative impact policy in the light of the individual circumstances of the case. The impact can be expected to be different for premises with different styles and characteristics. If the council decides that an application should be refused, it will still need to show that the grant of the application would undermine the promotion of the licensing objectives and that necessary conditions would be ineffective in preventing the problems involved.

Deleted:

- 7.4 The council is applying a special cumulative impact policy to five areas of the Leeds district. Namely the city centre (Area 1), Headingley (Area 2), and also to the A660 corridor (Area 3) which runs through the Hyde Park/Woodhouse area joining the city centre policy with the Headingley policy. In addition the council is also applying a special cumulative impact policy to a defined area of Chapel Allerton (Area 4) and to Horsforth (Area 5).

Added:

7.9 The council has applied a cumulative impact policy to five areas of the Leeds district:

- the city centre (Area 1)
- Headingley (Area 2)
- Hyde Park/Woodhouse (Area 3)
- Chapel Allerton (Area 4)
- Horsforth (Area 5)

Deleted

7.5 These areas have been identified because evidence shows that the cumulative impact of the number and concentration of licensed premises in these areas are, and in respect of areas 1 to 4, which were identified in the council's previous statement of Licensing Policy, continue to adversely affect the promotion of the following licensing objectives:

- prevention of crime and disorder
- the prevention of public nuisance.

Added

7.11 These areas have been identified because evidence shows that the cumulative impact of the number and concentration of licensed premises in these areas continue to adversely affect the promotion of the following licensing objectives:

- prevention of crime and disorder
- the prevention of public nuisance.

Deleted

7.6 A summary of the evidence of the problems being experienced in these areas is given in the cumulative impact policy below. A fuller more comprehensive report may be accessed via the council's website or a hard copy may be obtained upon request from the Entertainment Licensing Section.

Added

7.12 A summary of the evidence of the problems being experienced in these areas is provided at Appendix 3. A fuller more comprehensive report may be accessed via the council's website or a hard copy may be obtained upon request from the Entertainment Licensing Section.

After consulting with ward councillors, West Yorkshire Police, Health and Environmental Action Service, City Development and the Crime and Disorder Reduction Partnership, the council has made changes to the cumulative impact policies in the city centre, Headingley, Chapel Allerton and Horsforth.

These policies, which seek to reduce the impact of licensed premises on specific areas, have been extended to include surrounding areas which the evidence shows are suffering from the accumulation of certain types of premises. The scope of several CIPs has been extended to include other types of premises and the wording of the policies has been simplified to remove ambiguity.

Area 1 – City Centre

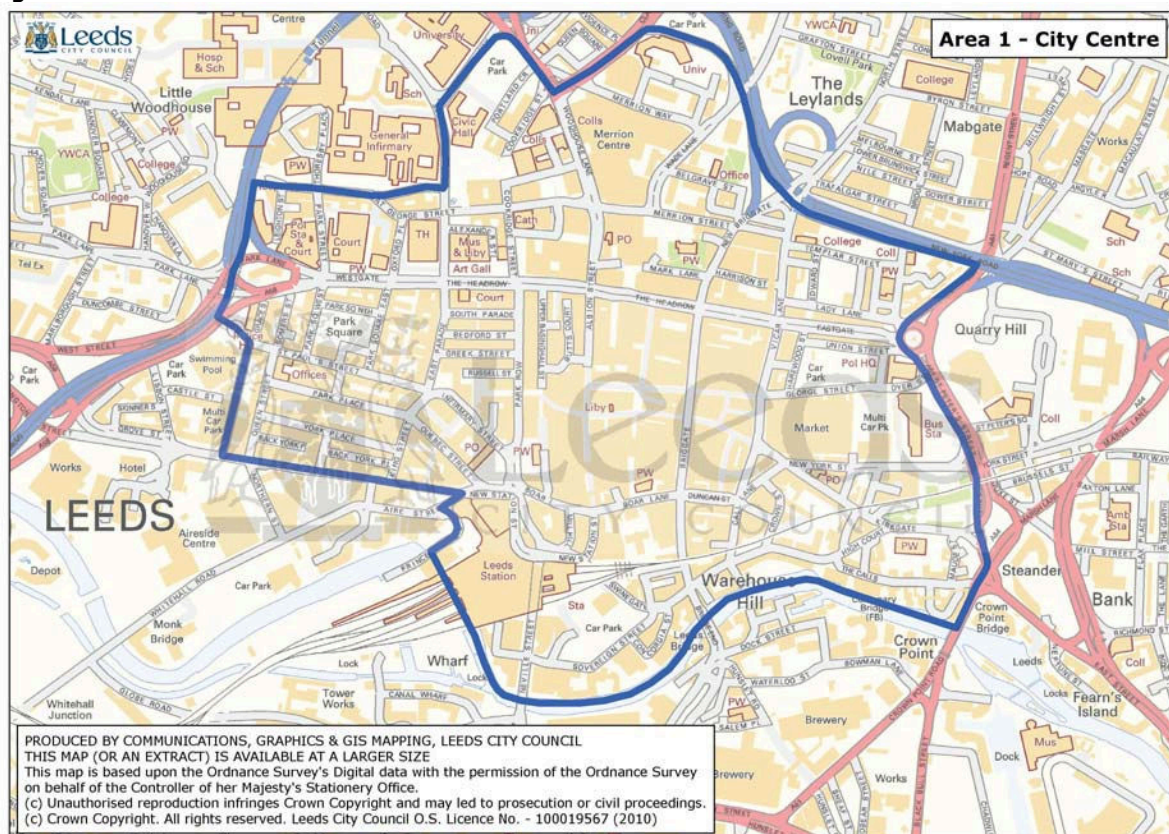
Summary of proposed changes

1. Move away from defining the area by named streets, and move towards defining the area by a boundary line.
2. Increase the scope of the policy to include all premises licensed for the sale of alcohol and remove the restriction that the CIP only applies to late night vertical drinking establishments.
3. Clarify that all applications (new and variation) are included within the scope of the CIP.

Proposed Text

Area 1 as defined on the map relates to the city centre.

Fig 1



In the five years since the cumulative impact policy for the city centre was introduced, the City Centre has changed. Recent crime statistics show three main hot spots for crime and disorder:

1. Call Lane, Boar Lane and the area behind the Corn Exchange
2. Woodhouse Lane, Merrion Way and Wade Lane
3. The east end of The Headrow and New Briggate

Other areas of concern include the Eastgate area and Briggate.

The council has noticed an increase in applications for premises licences in the Park Square area. It is feasible that this is due to displacement from the East Parade/Greek Street/Park Row part of the cumulative impact policy.

On reviewing these facts and the previous cumulative impact policy, the council has amended the geographical area of the cumulative impact policy to incorporate the crime hotspots and the Park Square area.

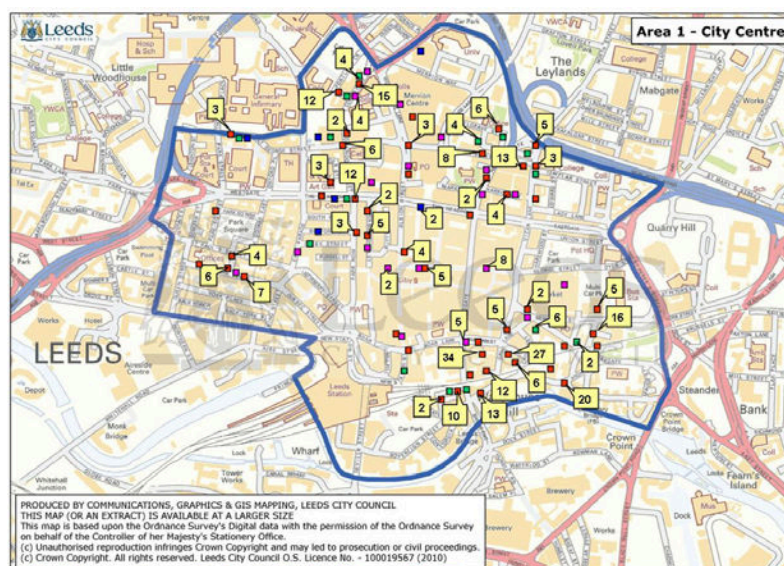
In addition there is rising concern about premises which have not been included within the scope of the previous policy, such as restaurants serving hot food and drink after 11pm. These premises have also contributed to crime, disorder and public nuisance in the city centre.

The previous policy referenced high volume vertical drinking establishments. This reference has been removed as it is recognised that all alcohol led licensed premises can contribute to crime and disorder in the area, not just those that are classified as "high volume vertical drinking" establishments.

It is the council's policy, on receipt of relevant representations, to refuse new and variation applications in Area 1 for alcohol led premises such as bars, pubs and nightclubs and for premises seeking late night refreshment such as takeaways and late opening restaurants, unless the applicant can demonstrate that their application would not impact on the cumulative effect of such licensed premises in the area.

Evidence

Fig 2



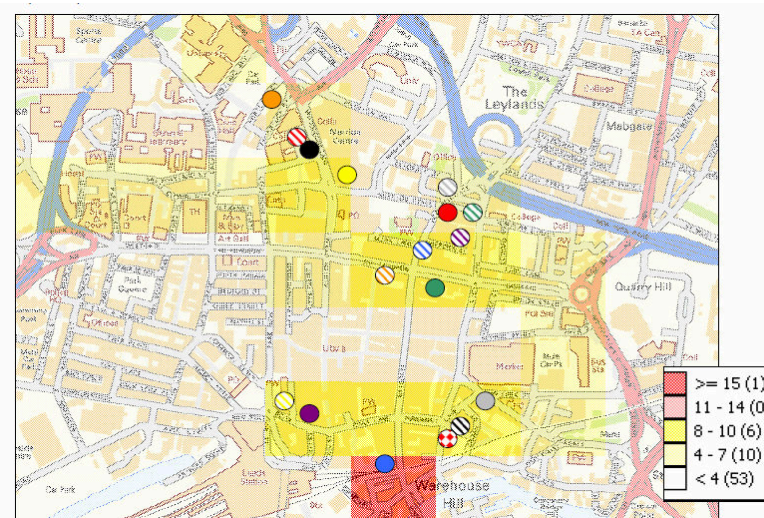
Nuisance reports in Area 1 (2005 – 2010)

Fig 2 shows the number and location of nuisance reports received by Leeds City Council, relevant to licensed premises in Area 1 since 2005.

Police analysis has shown the following key findings relating to serious crime in Area 1:

- 94% of serious violent offences have been committed in the night-time economy (NTE) period.
- 63% of offences committed in the NTE are affected by alcohol
- 20% of offences committed in the NTE are committed within licensed premises
- Between 2008 and 2009 incidents have increased by 26 equating to a 32% rise.

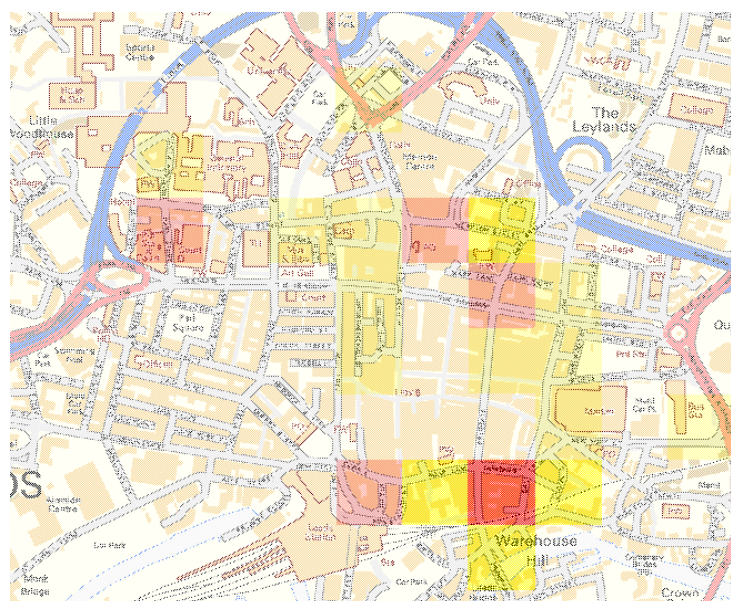
Fig 3



Serious Violent Crime hot-spots

Fig 3 shows density of serious violent crime offences in Area 1. The coloured dots are licensed premises however, have not been identified individually by name.

Fig 4



Assault hot-spots

Fig 4 shows density of assault offences in Area 1.

Fig 5

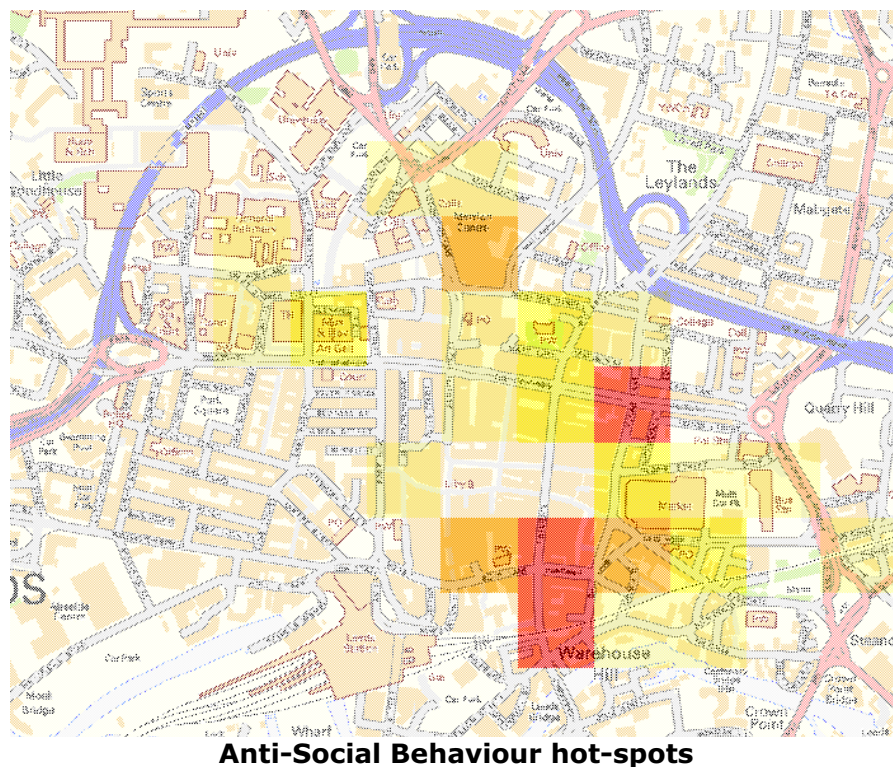


Fig 5 shows density of anti-social behaviour offences in Area 1.

As shown by the above maps, the current CIP for Area 1 does not cover large parts of the city centre which currently suffer from nuisance and crime attributable to licensed premises.

NB: The key findings and maps relating to crime in Area 1 have been extracted from a restricted report from West Yorkshire Police. If you wish to view a full copy of this report, please contact the Entertainment Licensing Section of Leeds City Council, and we will liaise with West Yorkshire Police and advise whether it can be released in full.

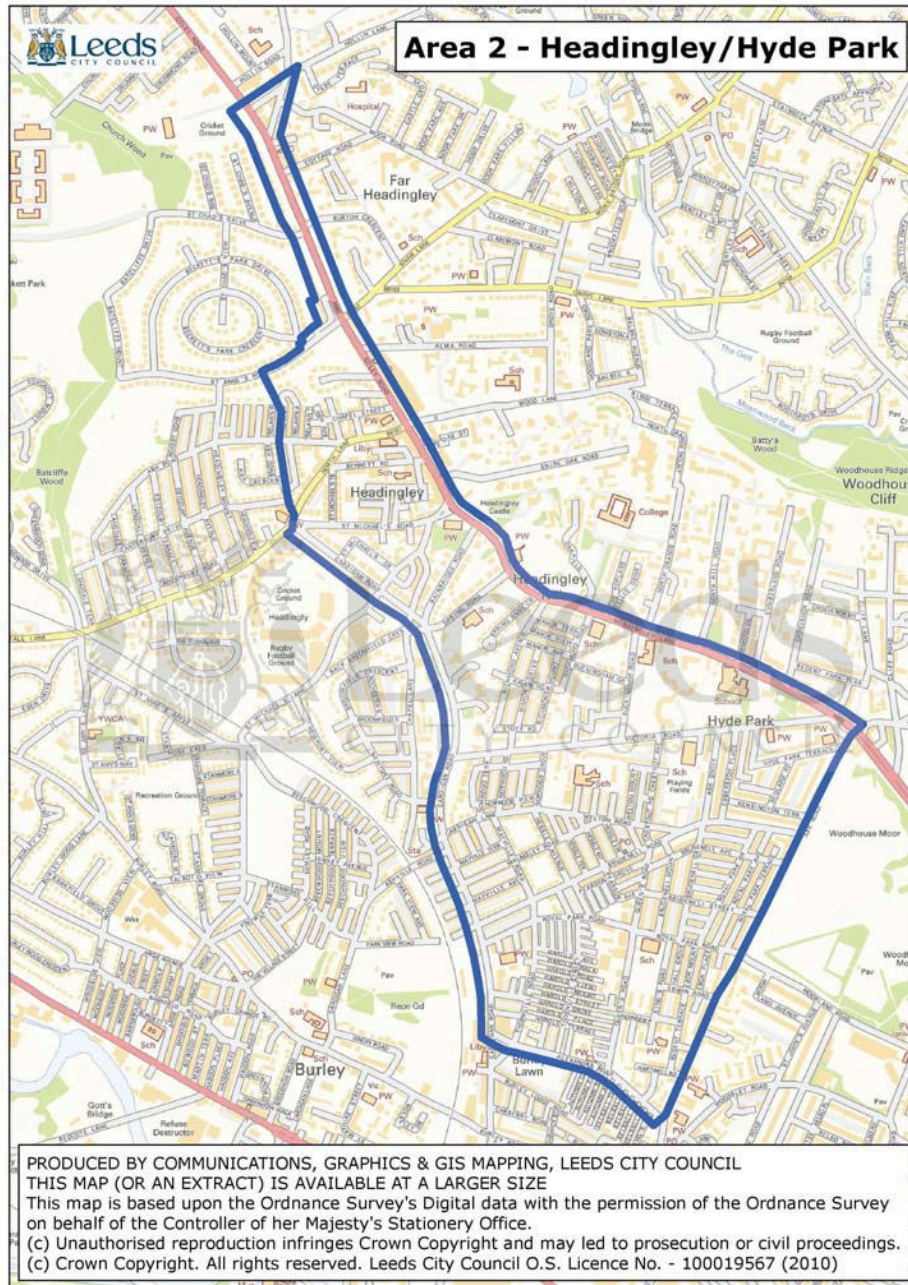
Area 2 – Headingley/Hyde Park

Summary of proposed changes

1. Move away from defining the area by named streets, and move towards defining the area by a boundary line.
2. Increase the area to include the Hyde Park area.
3. Include variation applications within the scope of the CIP.
4. Change of name to reflect the increased area.

Proposed Text

Area 2 relates to the Headingley district of Leeds.



The Headingley cumulative impact policy was put in place in 2005 and has worked well in ensuring that the adverse effect of an accumulation of licensed premises in Headingley has not increased.

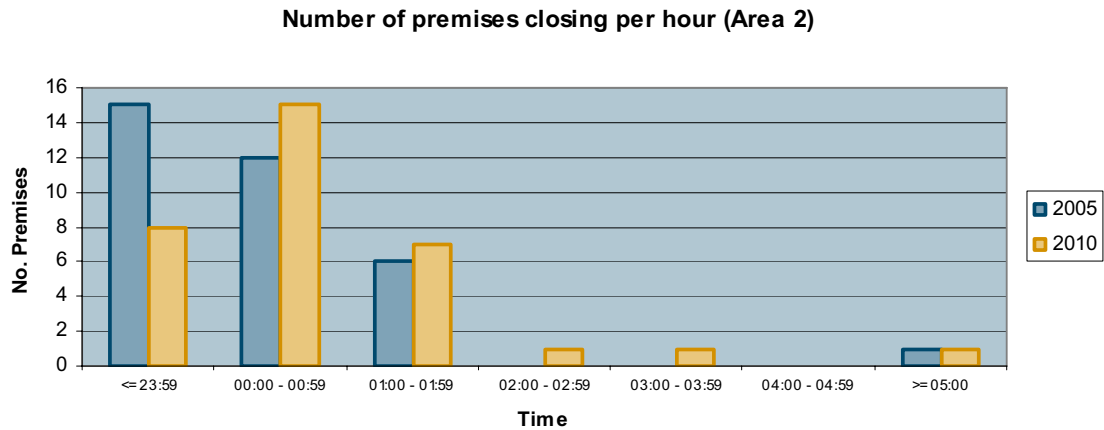
There have been ongoing problems, both public nuisance and anti-social behaviour in the Hyde Park area which can be attributed to licensed premises. For this reason the geographical area of the CIP has been increased to include the problem areas.

There is some evidence that the lengthening of the opening hours of premises has had an impact on the area. For this reason the scope of the policy has been increased to include variation applications.

It is the council's policy, on receipt of relevant representations, to refuse new and variation applications in Area 2 for alcohol led premises such as bars, pubs and nightclubs and for premises seeking late night refreshment such as takeaways and late opening restaurants, unless the applicant can demonstrate that their application would not impact on the cumulative effect of such licensed premises in the area.

Evidence

Fig 6



As Fig 6 shows, there has been a gradual 'creep' over the past 5 years with respect to the latest terminal hour for premises in Area 2.

Since 2005, there has been a 44% decrease in premises closing prior to midnight and a 33% increase in the number of premises closing after midnight, distributed between midnight and 5am. The net result is that, in effect, 7 more premises are closing after midnight than in 2005.

This correlates with residents concerns that some premises are very slowly increasing their hours by small increments.

Fig 7

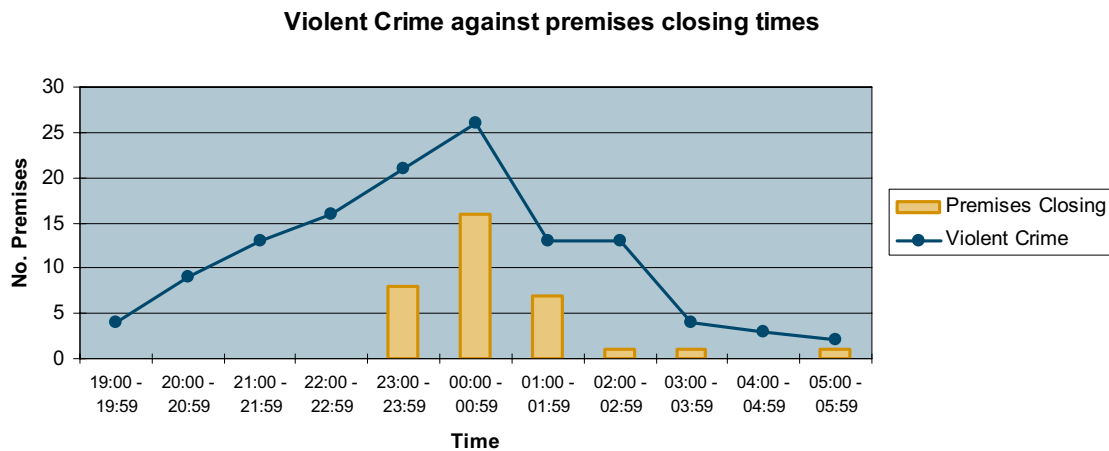
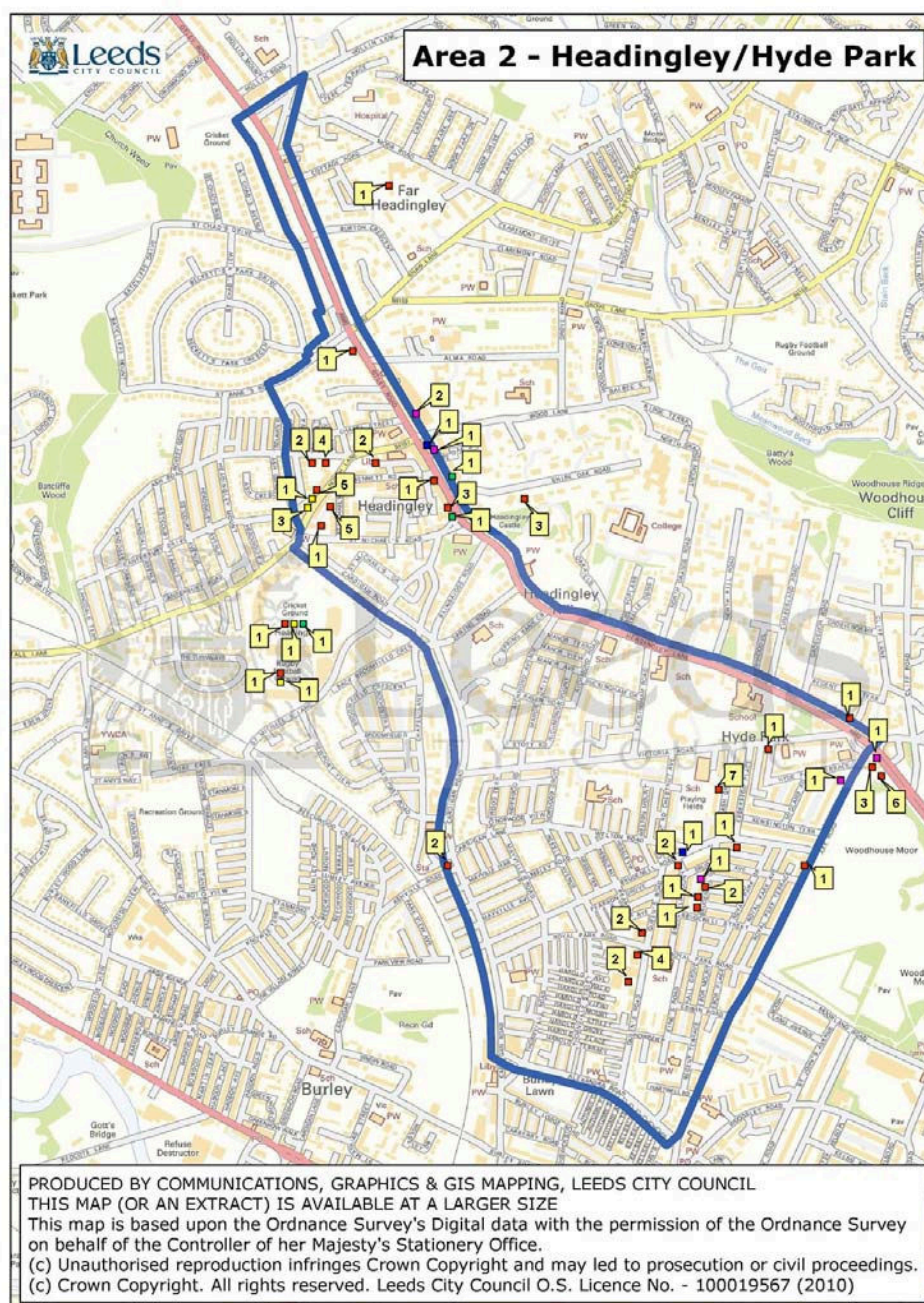


Fig 7 shows the number of violent crimes in the period between 1st May 2009 and 30th April 2010, compared to the total number of premises closing per 1-hour time slot on any given day of the week (as at 1st May 2010).

Although it would be difficult to attribute the violent crime incidents directly to licensed premises (with customers being outside the control of the premises management after closing), the peak times for violent crime incidents corresponds tightly to the volume of premises closing.

Taking this information in conjunction with that from Fig 6 above, it would be reasonable to assume that should the gradual creep experienced in Headingley so far continue, the violent crime would creep accordingly.

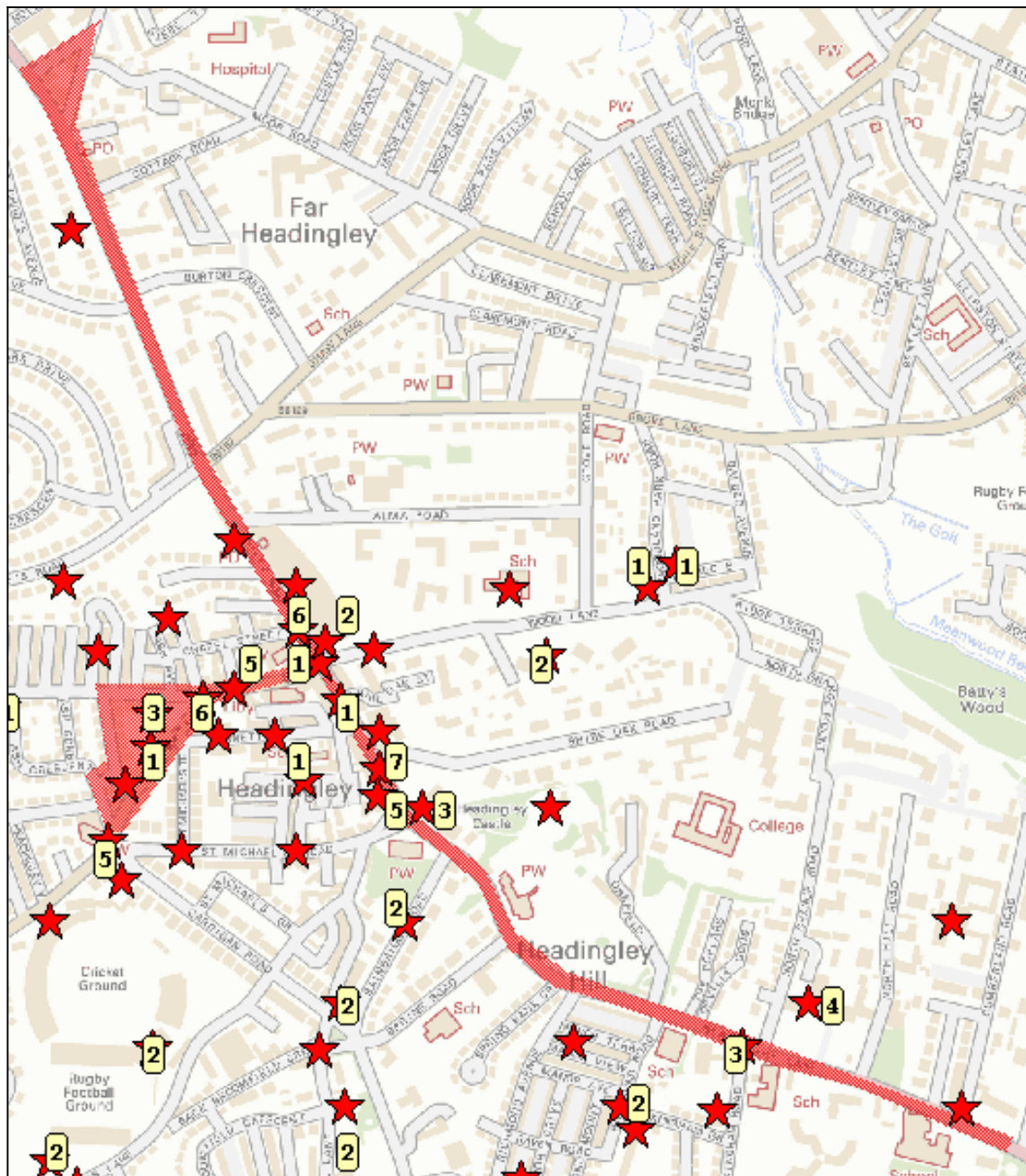
Fig 8



Nuisance reports in Area 2 (2005 – 2010)

Fig 8 shows nuisance reports received by Leeds City Council, relevant to licensed premises since 2005.

Fig 9



Violent Crime Offences (2009/10)

The above map shows the number and location of violent crime offences (as defined by the Licensing Enforcement Group – data supplied by West Yorkshire Police) between 1st May 2009 and 30th April 2010.

Area 3 – Woodhouse

There has been no change made to Area 3, other than a reduction in length so that it fits between Area 1 and 2, and a name change to remove the reference to Hyde Park (which now forms part of Area 2).

Area 4 – Chapel Allerton

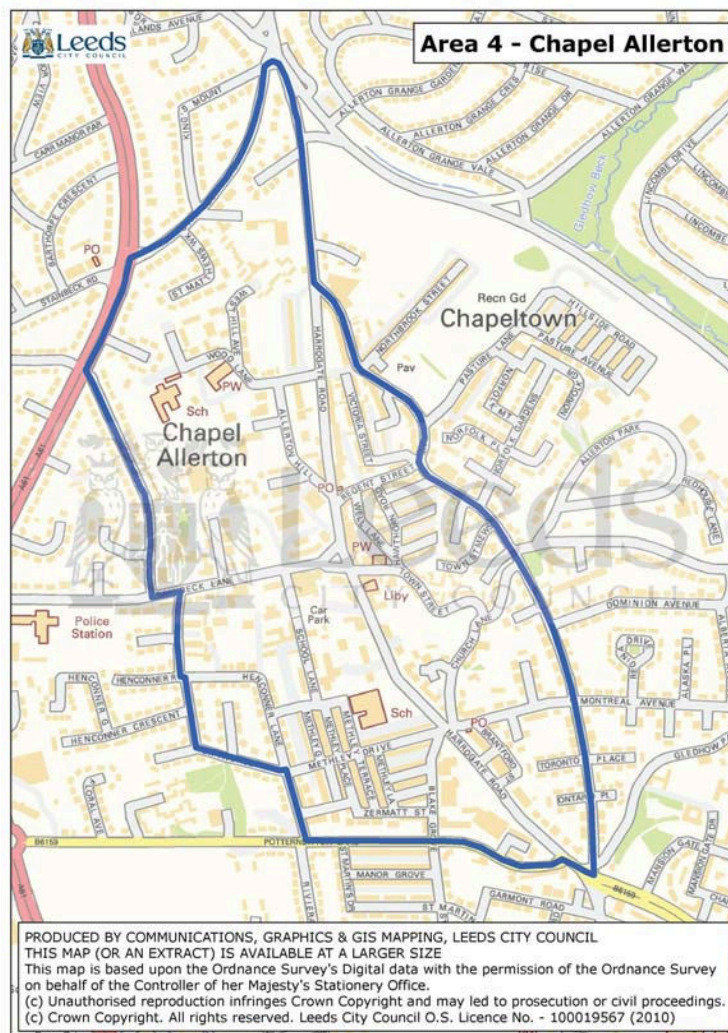
Summary of proposed changes

1. Add takeaways and variation applications within the scope of the CIP

Proposed Text

Area 4 relates to the Chapel Allerton district of Leeds.

Fig 11



The Chapel Allerton CIP has performed well in the four years since its inclusion in the Statement of Licensing Policy. However, over the past four years residents of Chapel Allerton have noticed an increase in the amount of takeaway litter. There is also a concern relating to premises applying to vary their licence to increase the licensed area of their premises. In some cases this includes altering conditions to allow the use of the

outside area to facilitate smokers following the smoking ban. This has a knock on effect on nuisance issues.

It is the council’s policy, on receipt of relevant representations, to refuse new and variation applications in Area 4 for licences for pubs, clubs, bars, café bars, restaurants and takeaways, unless the applicant can demonstrate that their application would not impact on the cumulative effect of such licensed premises in the area.

Evidence

Fig 12

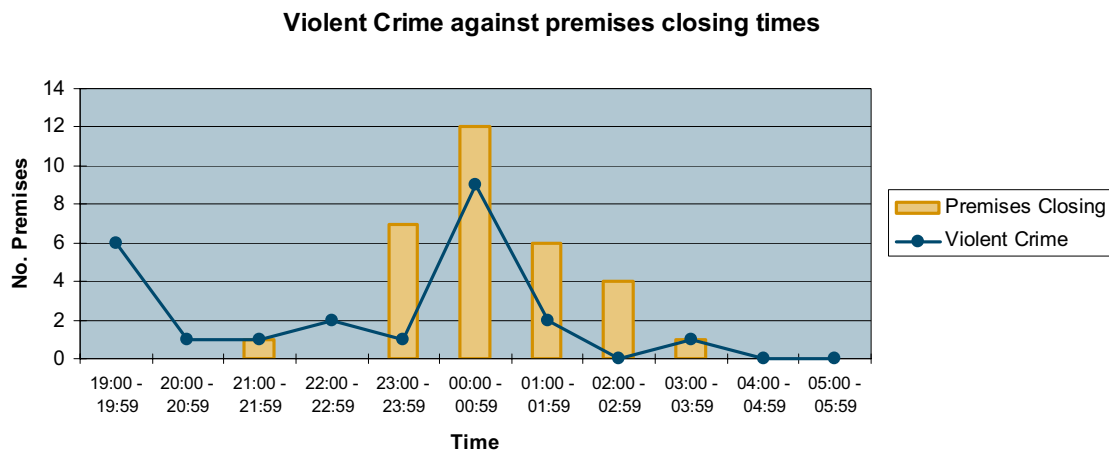
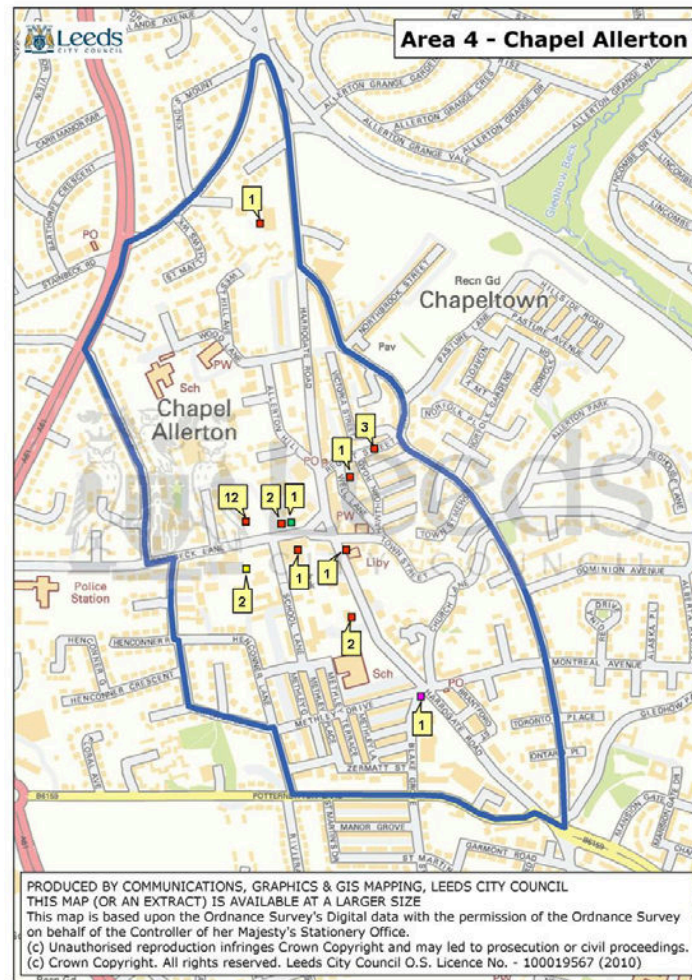


Fig 12 shows the number of violent crimes in the period between 1st May 2009 and 30th April 2010, compared to the total number of premises closing per 1-hour time slot on any given day of the week (as at 1st May 2010).

As with the comments against the same analysis for Area 2, it is difficult to attribute the violent crime directly to premises which have no control over customers once they have closed.

Although not as closely matched as the figures for Area 2, the above would still suggest that violent crime numbers are affected by the number of premises which close at a given time. Should the number of premises increase, or existing premises extend their hours, it would be expected that the violent crime would react accordingly.

Fig 13



Nuisance reports in Area 4 (2005 - 2010)

Fig 13 shows the number and location of nuisance complaints received by Leeds City Council relevant to licensed premises in Area 4 since 2005.

Fig 14

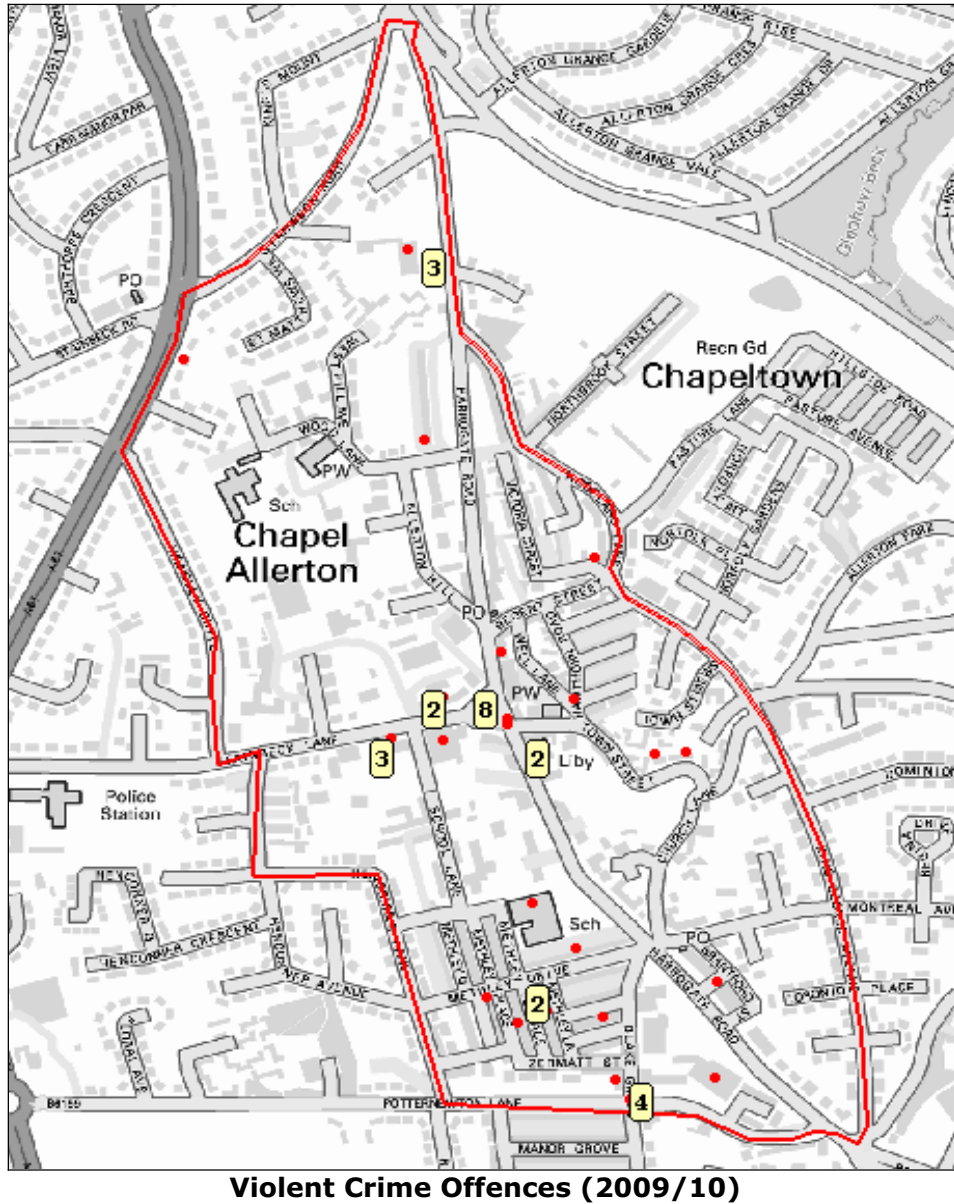


Fig 14 shows the number and location of violent crime offences (as defined by the Licensing Enforcement Group – data supplied by West Yorkshire Police) between 1st May 2009 and 30th April 2010.

Fig 15

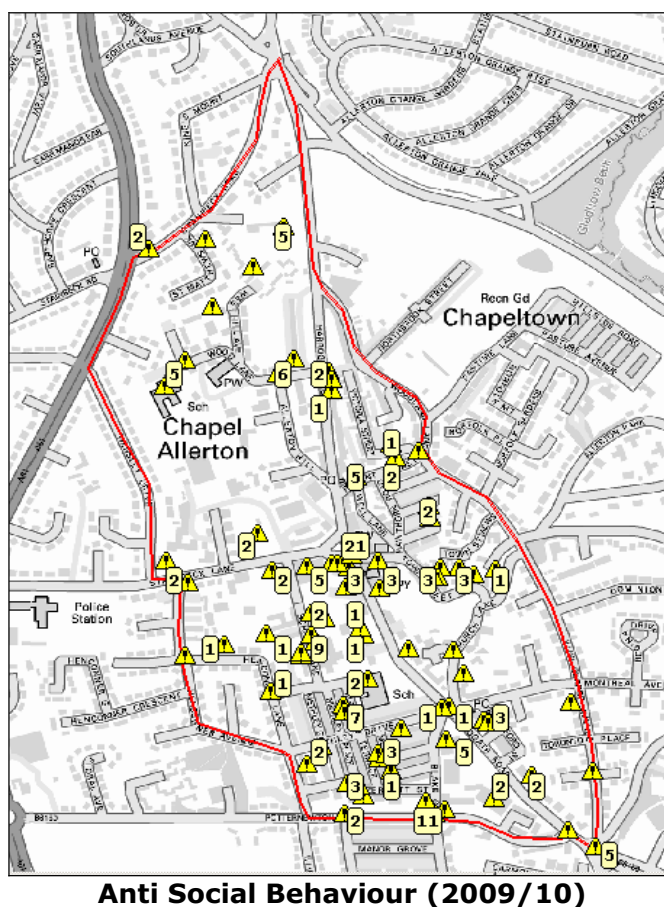


Fig 15 shows the number and location of anti social behaviour offences (data supplied by West Yorkshire Police) between 1st May 2009 and 30th April 2010.

As can be seen from the above three maps of Area 4, there is a clear concentration of nuisance and violent crime problems around the locations dominated by licensed premises, while anti social behaviour is prevalent in the entire of Area 4 – although still with a clear concentration in numbers around licensed premises.

Residents have raised concerns about premises making slight variations to their premises licences, which while individually seem relatively minor, collectively have a large impact on the area. Following further analysis, it has been found that since 2005 there has been 11 variations in Area 4, these can be summarised as follows:

- 4 applications to extend hours
- 3 applications to allow or alter activities in external areas following the introduction of the smoking ban
- 2 applications to increase structural size
- 1 application to remove redundant licence conditions

Area 5 - Horsforth

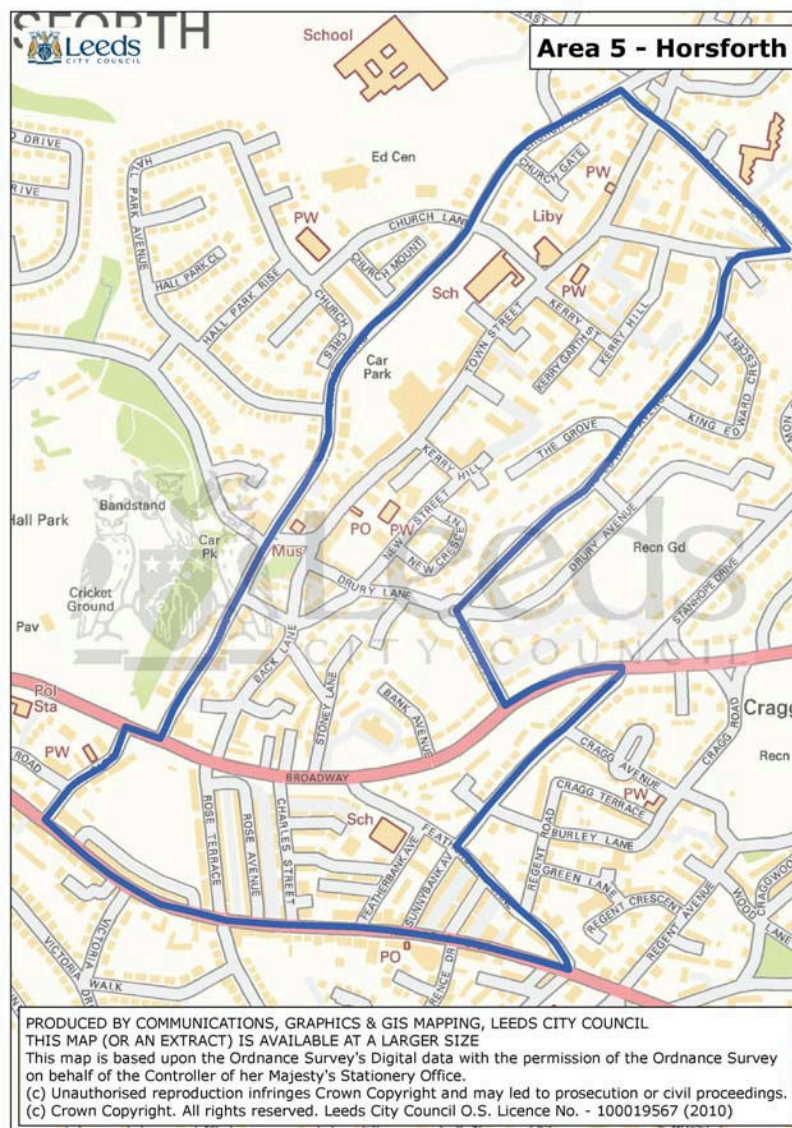
Summary of proposed changes

1. Increase geographical area to include New Road Side
2. Add takeaways and variation applications within the scope of the CIP

Proposed Text

Area 5 relates to the Horsforth district of Leeds centred on Town Street. It includes all areas inside the green boundary, but also the premises on the south side of New Road Side.

Fig 16



Since the adoption of the Horsforth CIP the council has recognised that the accumulation of licensed premises along New Road Side has contributed to public nuisance in that area, especially as it encourages the use of a route through residential areas used by people moving from Town Street to New Road Side. As a consequence this area has been included in the cumulative impact area for Horsforth.

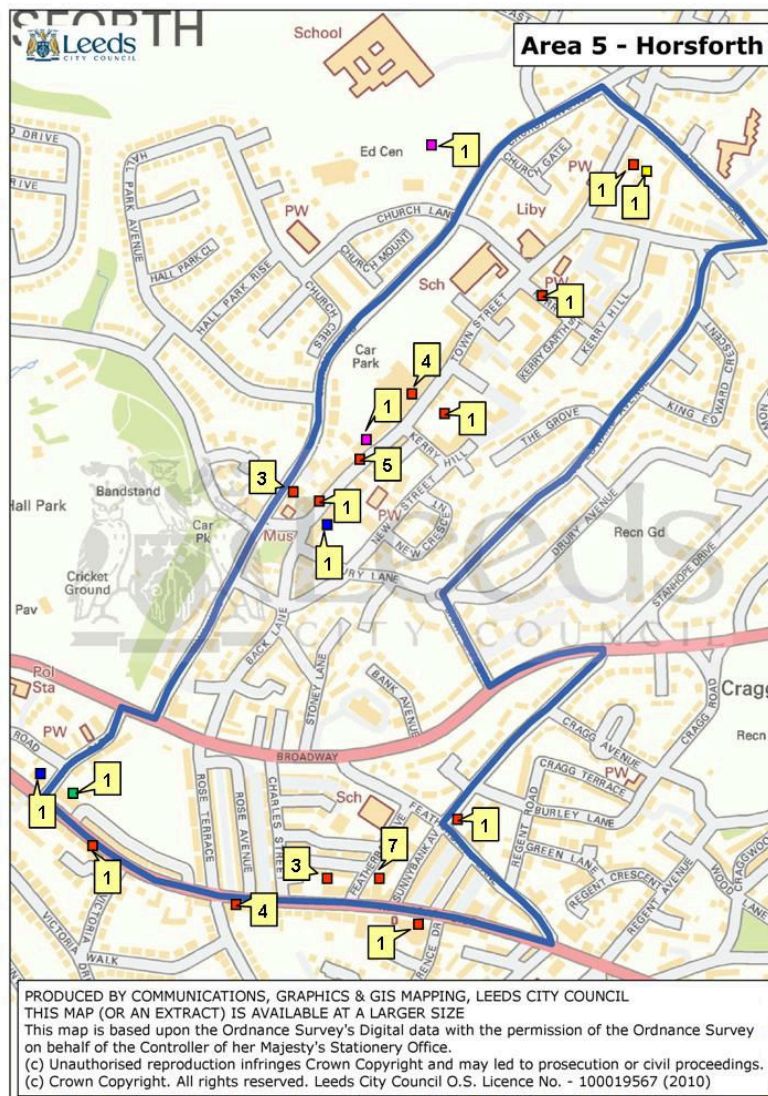
Horsforth has also experienced creep in licensed hours in the area. The council has noted that although it received no new applications for premises licences it did receive 8 variations in the same time period.

Concern has been expressed by residents about the litter nuisance and public nuisance caused by takeaway premises. The council has received a number of complaints relating to litter and odour nuisance that can be related to takeaway premises.

It is the council's policy, on receipt of relevant representations, to refuse new and variation applications in Area 5 for licences for pubs, clubs, bars, café bars, restaurants and takeaways, unless the applicant can demonstrate that their application would not impact on the cumulative effect of such licensed premises in the area.

Evidence

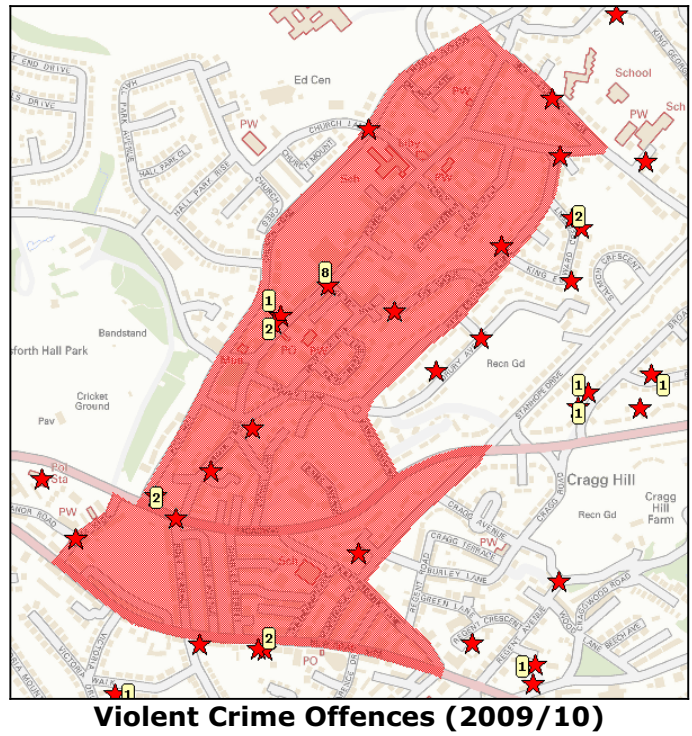
Fig 17



Nuisance Reports in Area 5 (2005 - 2010)

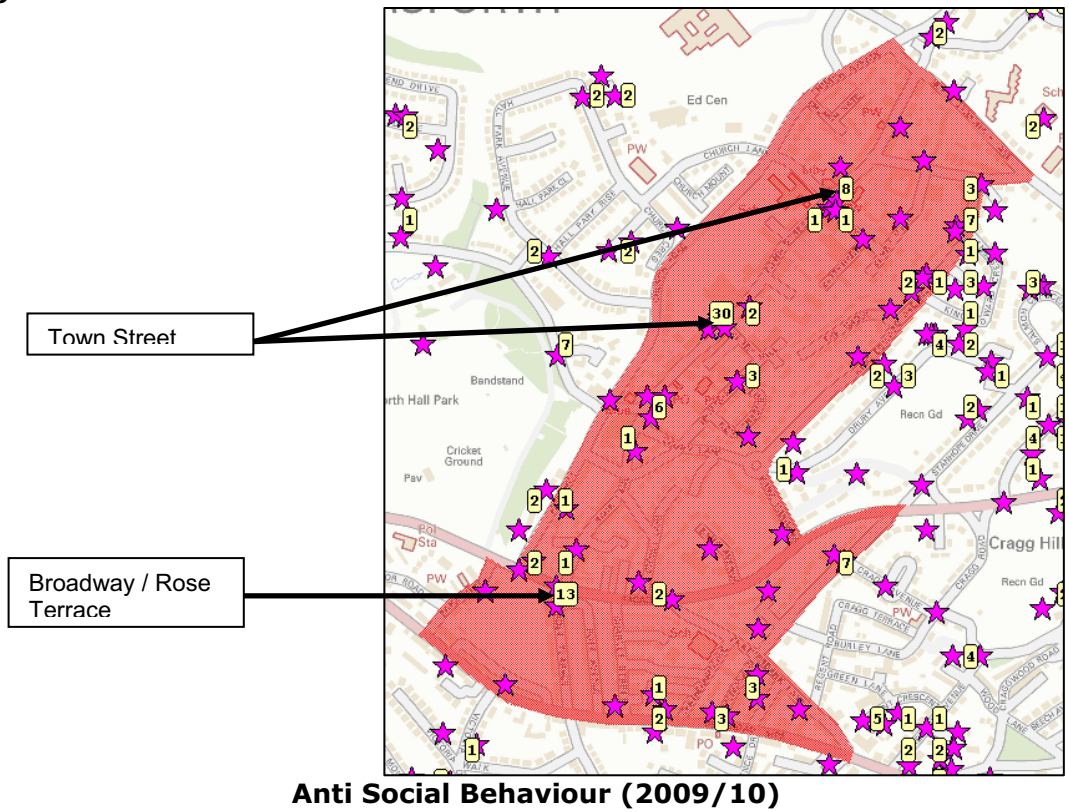
The above map shows the number and location of nuisance complaints received by Leeds City Council relevant to licensed premises in Area 4 since 2005.

Fig 18



The above map shows the number and location of violent crime offences (as defined by the Licensing Enforcement Group – data supplied by West Yorkshire Police) between 1st May 2009 and 30th April 2010.

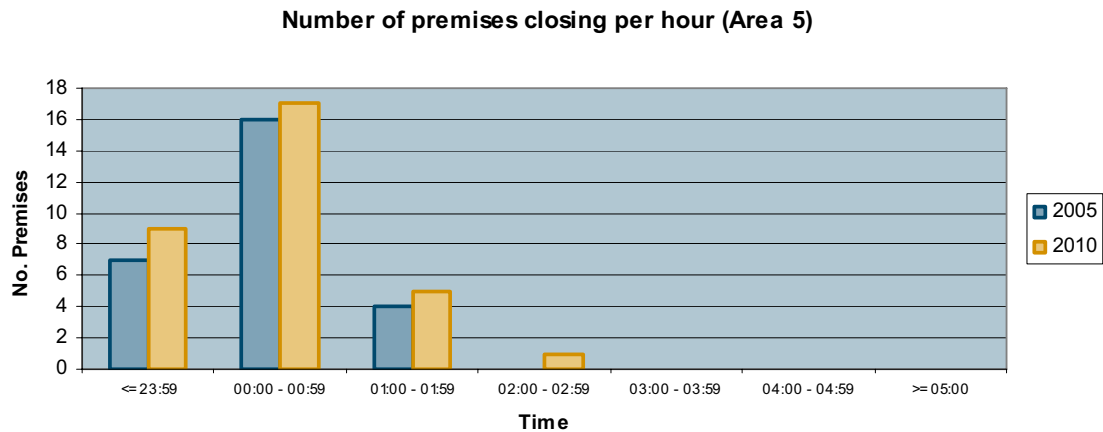
Fig 19



The above map shows the number and location of anti social behaviour offences (data supplied by West Yorkshire Police) between 1st May 2009 and 30th April 2010.

As can be seen from the above maps, there is a concentration of nuisance reports, anti-social behaviour and violent crime in the areas dominated by licensed premises. The concentration is less pronounced with violent crime however, is still apparent in the area around Town Street.

Fig 20



As Fig 20 shows, there has been a very slight and gradual increase over the past 5 years with respect to the number of premises and latest terminal hour for premises in Area 5.

In real terms the numbers are very small and can be summarised as – 2 extra premises which close prior to midnight, and 1 extra premises each for the three following 1 hour time slots. Unlike Area 2, these are not premises which have, in effect, moved their hours later, but rather extra premises on top of what already existed.

While the actual numbers are small, this is to be expected as Area 5 is geographically a small area, where one premises can make a large difference.

Even with reduced numbers, the pattern of increased numbers of premises opening later is evident. Overall, Area 5 now has three more premises open beyond midnight than it did in 2005 (15% increase) – echoing the concerns of local residents that premises are very slowly increasing their hours by small increments.

NB: The above analysis includes the proposed area around New Road Side, as this is an area of concern for residents, and also is the focus of a good proportion of the nuisance complaints.

Annex A – List of consultees

West Yorkshire Police
West Yorkshire Fire and Rescue Service
Leeds City Council Environmental Health Services
Leeds City Council Health & Safety Team
Leeds Safeguarding Children Board
Leeds City Council Development Department
West Yorkshire Trading Standards

Admiral Taverns
Asda Stores Limited
Costcutters Supermarkets Group Ltd
Enterprise Inns
Greene King Brewing & Retailing Ltd.
Laurel Pub Company Ltd
Leeds Co-operative Society Ltd
Mitchells & Butler Leisure Retail Ltd
Morrisons
One Stop Stores Ltd
Orchid Pub Company
Punch Taverns
Sainsburys
Spirit Group
Tadcaster Pub Company Ltd
Tesco Stores Ltd
JD Wetherspoon Plc
Wharfedale Taverns Limited
Whitbread Group PLC

A Halsalls & Co Solicitors
Anthony Collins Solicitors
Barber Titleys Solicitors
Batleys Limited
Berwin Leighton Paisner Solicitors
Blacks Solicitors
Bond Pearce Solicitors
Brabners Chaffe Street Solicitors
Burton Burton & Ho
Cobbetts Solicitors
Dickenson Dees Solicitors
DLA Piper Rudnick Gray Cary Solicitors
DWF Solicitors
Elmhirst Solicitors
Essence Consultants
Ford & Warren Solicitors
Fraser Brown Solicitors
Freemans Solicitors
Gamestec Leisure Ltd
Gill Turner Tucker Solicitors
Godloves Solicitors
Gordons Solicitors
Halliwells Solicitors

Hardys & Ansons Plc
Hart & Co Solicitors
Henry Hyams Solicitors
Howard Cohen & Co Solicitors
Inncourt Licensing Consultants
Joelson Wilson & Co Solicitors
John Cordingley Consultancy
John Gaunt & Partners
Jones & Company Solicitors
Kuit Steinart Levy Solicitors
Last Cawthra Feather Solicitors
LesterAldridge Solicitors
Levi & Co. Solicitors
Licence Trade Consultants
Licensing Legal Licensing Solicitors
Luptonfawcett Solicitors
McCombie & Co Solicitors
McCormicks Solicitors
Mitchells & Butlers
Mr John T Burton
Popleston Allen Solicitors
Ricksons Solicitors
Rollits Solicitors
Roscoes Solicitors
T L T Solicitors
Trethowans Solicitors
United Co-operatives
Walker Morris Solicitors
Wells Connor & Co Solicitors
Winckworth Sherwood
Winston Solicitors
Zermansky & Partners Solicitors

BACTA (British Amusement Catering Trade Association)
British Beer and Pub Association
British Institute of Innkeepers
Federation of Small Business
Leeds City Licensing Association

Alcoholics Anonymous
Alcohol and Drugs Service
Leeds Addiction Unit
Leeds Chamber of Commerce & Industry
Mencap
Victim Support Leeds

Leeds North East PCT
Leeds North West PCT
Leeds West PCT
Leeds East PCT
Leeds South PCT

Leeds West MP
Leeds Central MP
Leeds North West MP
MP for Elmet
MP for Morley and Rothwell
MP for Leeds North East
MP for Leeds East
MP for Pudsey

Aberford & District Parish/Town Council
Allerton Bywater Parish/Town Council
Arthington Parish/Town Council
Bardsey cum Rigton Parish/Town Council
Barwick in Elmet and Scholes
Parish/Town Council
Boston Spa Parish/Town Council
Bramham cum Oglethorpe Parish/Town
Council
Bramhope & Carlton Parish/Town Council
Clifford Parish/Town Council
Collingham with Linton Parish/Town
Council

Drighlington Parish/Town Council
East Keswick Parish/Town Council
Gildersome Parish/Town Council
Great & Little Preston Parish/Town
Council
Harewood Parish/Town Council
Horsforth Town Council
Kippax Parish/Town Council
Ledsham Parish/Town Council
Ledston Parish/Town Council
Micklefield Parish/Town Council
Morley Town Council
Otley & Yeadon Parish/Town Council
Pool Parish/Town Council
Scarcroft Parish/Town Council
Shadwell Parish/Town Council
Swillington Parish/Town Council
Thorner Parish/Town Council
Thorp Arch Parish/Town Council
Walton Parish/Town Council
Wetherby Town Council

Annex B – BRE Code of Practice on Consultation

The consultation is being conducted in line with the BRE Code of Practice on Written Consultation. The consultation criteria are listed below. More information can be found at: <http://www.berr.gov.uk/files/file47158.pdf>

The Consultation Criteria

1) When to consult

Formal consultation should take place at a stage when there is scope to influence the policy outcome.

2) Duration of consultation exercises

Consultations should normally last for at least 12 weeks with consideration given to longer timescales where feasible and sensible.

3) Clarity of scope and impact

Consultation documents should be clear about the consultation process, what is being proposed, the scope to influence and the expected costs and benefits of the proposals.

4) Accessibility of consultation exercises

Consultation exercises should be designed to be accessible to, and clearly targeted at, those people the exercise is intended to reach.

5) The burden of consultation

Keeping the burden of consultation to a minimum is essential if consultations are to be effective and if consultees' buy-in to the process is to be obtained.

6) Responsiveness of consultation exercises

Consultation responses should be analysed carefully and clear feedback should be provided to participants following the consultation.

7) Capacity to consult

Officials running consultations should seek guidance in how to run an effective consultation exercise and share what they have learned from the experience.

If you have any questions or complaints about the process of consultation on this paper, please contact Susan Holden, Principal Project Officer, Entertainment Licensing, Leeds City Council, Civic Hall, Leeds, LS1 1UR.



Originator: Nicola Raper

Tel: 24 74095

Report of the Assistant Chief Executive (Corporate Governance)

LICENSING COMMITTEE

Date: 20th July 2010

Subject: Licensing Act 2003 – Dealing with Representations

Electoral Wards Affected:

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

Executive Summary

The sale or supply of alcohol and the provision of regulated entertainment are carried out under the Licensing Act 2003. Leeds City Council is the Licensing Authority for the purpose of the Act. In considering applications made under the Act, the licensing authority should have regard to DCMS guidance issued under 182 of the Licensing Act 2003. An element of the Licensing Authorities functions is to consider relevant representations against licence applications.

1.0 Purpose Of This Report

- 1.1 To advise Members of the process applied by licensing officers in determining relevant representations under the Licensing Act 2003.

2.0 Background Information

- 2.1 The Licensing Act 2003 sets out who can make a representation, namely an 'interested party' or 'responsible authority'

- i) an 'Interested Party', may be any of the following:–
- (a) a person living in the vicinity of the premises,
 - (b) a body representing persons who live in that vicinity
 - (c) a person involved in a business in that vicinity
 - (d) a body representing persons involved in such business,

and

more recently local councillors have been included as an 'interested party'. Previously a councillor could only submit representation if they lived in the vicinity or represented persons/business in the vicinity. Councillors may now make a representation in their own right irrespective of their residence, but provided they are within the same authority area.

- ii) a 'Responsible Authority', for the purpose of Leeds City Council are -
- (a) West Yorkshire Police
 - (b) West Yorkshire Fire and Rescue Service
 - (c) Environmental Health Services
 - (d) Health & Safety Team
 - (e) Health & Safety Executive
 - (f) Leeds Safeguarding Children Board
 - (g) Planning & Development Services
 - (h) West Yorkshire Trading Standards

To note that there will be additional agencies for the purpose of a water vessel.

- 2.2 For the purpose of the Act, relevant representations means representations which-
- (a) are about the likely effect of the grant of the premises licence on the promotion of the licensing objectives
 - (b) that they have been received within the prescribed notice period and have not been withdrawn
 - (c) relate to the identity of the person named in the application as the proposed premises supervisor (relevant to police representation only)

Where a representation is received from an interested party, this must not be frivolous, vexatious or repetitious in nature.

- 2.3 In the absence of relevant representations the authority must grant the licence in accordance with the application.
- 2.4 In processing an application for a new licence or the variation of an existing licence, licensing officers will assess any representations to ensure that they are relevant for the purpose of the Act.

- 2.5 Assessing whether an interested party resides in the vicinity is a matter which is carefully considered by officers.

Section 182 Guidance to the Act sets out that 'in making their initial decision on the question of vicinity, licensing authorities should consider whether the individual's residence or business is likely to be directly affected by disorder and disturbance occurring or potentially occurring on those premises or immediately outside the premises'.

- 2.6 Where it is evident that representations fall outside the scope of the Act, it would be wrong for the Licensing Authority to delay the grant of the application.
- 2.7 To delay the grant of a licence which is subject only to invalid representations could attract challenge by the licence trade.

Also by accepting invalid representations in the first instance provides a false hope for residents to then find at hearing that their representations have been disregarded. If advised earlier they could have explored alternative options.

- 2.7 Where there is question as to the validity of a representation legal advice will be sought, and / or the representation will be referred to Licensing Committee Members for consideration.

3.0 Main Issues

- 3.1 Members were concerned as to the extent that officers were using their delegated authority in determining the validity of representations.

Attached at Appendix 1 are statistics taken from the Licensing Section's database to provide an example of the numbers of applications received in a typical month.

In this instance we have looked at April 2010 and in summary there have been:

23 new applications / variations, of which

- 11 applications were granted without a hearing as there were no representations;
- 1 application was withdrawn
- 11 applications were considered before the Licensing Sub Committee. All 11 were subject to valid representations but 4 of these also included invalid representations. The theme of the invalid representations being that they were received out of time, not relevant to the licensing objectives or the author wished to remain anonymous.

- 3.2 Table 6 at Appendix 2 should provide Members with a better overview of the applications that have not been referred to a hearing as all of the representations received were deemed invalid. As these are infrequent, we had to interrogate the database back to April 2009.

- 3.3 The Licensing Section sends out a letter when advising a person or business that their representation has been deemed invalid. This is to be supplemented with a new guidance note recently prepared by the Licensing Section. A copy of the guidance note in draft format may be found at Appendix 3.

4.0 Implications For Council Policy And Governance

4.1 There are no implications

5.0 Legal And Resource Implications

5.1 There is a possibility of legal challenge against the Authority for failing to act in accordance with the Licensing Act 2003.

6.0 Conclusions

6.1 Members expressed concern about the extent that officers were using their delegated powers to determine the validity of representations. Since April 2009 there have been four applications subject to invalid representations deemed granted by officers, out of a total of 282 applications.

7.0 Recommendations

7.1 Members are requested to note the contents of this report.

Entertainment Licensing Section - Legal, Licensing & Registration

Licensing Act 2003 – Licence Applications and Variations Received during April 2010

Table 1
Applications Received April 2010 (23 in total)

Licence Number	Premises Name	Premises Address
CPREM/00254/V01	Otley Cricket Club	Cross Green Otley Leeds LS21 1HE
CPREM/00298	Bardsey Sports Club	Sports Ground At Keswick Lane Bardsey Leeds LS17 9AA
PREM/00470/V02	Evolution	Cardigan Fields Kirkstall Road Burley Leeds LS4 2DG
PREM/00560/V02	Sainsbury's Supermarkets Limited	70 - 74 Brudenell Road Headingley Leeds LS6 1EG
PREM/00621/V01	Hedley Verity	45 - 47 Woodhouse Lane Leeds LS2 8JT
PREM/00621/V02	Hedley Verity	45- 47 Woodhouse Lane Leeds LS2 8JT
PREM/02403/V03	Lister Fisheries	56 North Lane Headingley Leeds LS6 3HU
PREM/02825/V01	Harewood House Trust (Grounds)	Harewood Leeds LS17 9LQ
PREM/02866	East Leeds Community Sports Club	East Leeds Working Mens Club 81 Easy Road Cross Green Leeds LS9 8QS
PREM/02867	Hukaz	47-49 Brudenell Grove Headingley Leeds LS6 1HR
PREM/02868	Armley Leisure Centre	Armley Sports And Leisure Centre Carr Crofts Armley Leeds LS12 3HB
PREM/02869	The Waterhole	43 Great George Street Leeds LS1 3BB
PREM/02870	Brooklyn Bar	50 Call Lane Leeds LS1 6DT
PREM/02871	The Becketts (Unit 607)	(Unit 607) Meanwood Road Meanwood Leeds LS6 4HQ
PREM/02872	Barburrito	62 The Headrow Leeds LS1 8TL
PREM/02873	Pitcher & Piano	Unit 3 Waterloo House Assembly Street Leeds LS2 7DE
PREM/02874	Royalty	Yorkgate Otley LS21 3DG
PREM/02875	Bramham Park	Wetherby LS22 6ND
PREM/02876	La Liga	Dick Lane Thornbury Bradford BD3 7AT
PREM/02877	Leeds Drink Delivery	Unit 7 Oak Mills Topcliffe Lane Morley Leeds LS27 0HL
PREM/02878	Fulneck Dramatic Society	The Comenius Centre Fulneck School Fulneck Pudsey LS28 8NT
PREM/02879	Royal Hotel	60 Town Street Armley Leeds LS12 3AA
PREM/02880	Garforth Town Football Club	Cedar Ridge Garforth Leeds LS25 2PF

Table 2
Applications granted without a hearing (11 of the 23 in Table 1).

NB: Re. the column headed 'Number of Valid Reps Agreed' – these will have been subject to amendments of the operating schedule in response to responsible authority requests.

Licence Number	Premises Name	Premises Address	Number of Invalid Reps	Number of Valid Reps Agreed	Number of Valid Reps Not Agreed
PREM/00470/V02	Evolution	Cardigan Fields Kirkstall Road Burley Leeds LS4 2DG	0	0	0
PREM/00621/V01	Hedley Verity	45 - 47 Woodhouse Lane Leeds LS2 8JT	0	1	0
PREM/02867	Hukaz	47-49 Brudenell Grove Headingley Leeds LS6 1HR	0	0	0
PREM/02868	Armley Leisure Centre	Armley Sports And Leisure Centre Carr Crofts Armley Leeds LS12 3HB	0	2	0
PREM/02869	The Waterhole	43 Great George Street Leeds LS1 3BB	0	1	0
PREM/02872	Barburrito	62 The Headrow Leeds LS1 8TL	0	2	0
PREM/02874	Royalty	Yorkgate Otley LS21 3DG	0	0	0
PREM/02875	Bramham Park	Wetherby LS22 6ND	0	0	0
PREM/02878	Fulneck Dramatic Society	The Comenius Centre Fulneck School Fulneck Pudsey LS28 8NT	0	0	0
PREM/02879	Royal Hotel	60 Town Street Armley Leeds LS12 3AA	0	0	0
PREM/02880	Garforth Town Football Club	Cedar Ridge Garforth Leeds LS25 2PF	0	3	0

Table 3
Application withdrawn (1 of the 23 in Table 1)

Licence Number	Premises Name	Premises Address	Number of Invalid Reps	Number of Valid Reps Agreed	Number of Valid Reps Not Agreed
PREM/02877	Leeds Drink Delivery	Unit 7 Oak Mills Topcliffe Lane Morley Leeds LS27 0HL	0	0	5

Table 4
Applications referred for Hearing (11 of the 23 in Table 1):

NB: Re. the column headed 'Number of Valid Reps Agreed' – these will have been subject to amendments of the operating schedule in response to responsible authority requests.

Licence Number	Premises Name	Premises Address	Number of Invalid Reps	Number of valid Reps Agreed	Number of Valid Reps Not Agreed
CPREM/00254/V01	Otley Cricket Club	Cross Green Otley Leeds LS21 1HE	2	0	3
CPREM/00298	Bardsey Sports Club	Sports Ground At Keswick Lane Bardsey Leeds LS17 9AA	0	0	1
PREM/00560/V02	Sainsbury's Supermarkets Limited	70 - 74 Brudenell Road Headingley Leeds LS6 1EG	1	0	1
PREM/00621/V02	Hedley Verity	45- 47 Woodhouse Lane Leeds LS2 8JT	0	1	2
PREM/02403/V03	Lister Fisheries	56 North Lane Headingley Leeds LS6 3HU	0	0	6
PREM/02825/V01	Harewood House Trust (Grounds)	Harewood Leeds LS17 9LQ	0	0	1
PREM/02866	East Leeds Community Sports Club	East Leeds Working Mens Club 81 Easy Road Cross Green Leeds LS9 8QS	0	2	0
PREM/02870	Brooklyn Bar	50 Call Lane Leeds LS1 6DT	0	1	4
PREM/02871	The Becketts (Unit 607)	(Unit 607) Meanwood Road Meanwood Leeds LS6 4HQ	3	0	1
PREM/02873	Pitcher & Piano	Unit 3 Waterloo House Assembly Street Leeds LS2 7DE	0	1	1
PREM/02876	La Liga	Dick Lane Thornbury Bradford BD3 7AT	4	0	11

Table 5

Of the applications in Table 4 above which went to a hearing, 4 of these were also subject to invalid representations for the following reasons:

Licence Number	Premises Name	Premises Address	Number of Invalid Reps & Reasons
CPREM/00254/V01	Otley Cricket Club	Cross Green Otley Leeds LS21 1HE	2 reps - Did not wish to divulge personal details
PREM/00560/V02	Sainsbury's Supermarkets Limited	70 - 74 Brudenell Road Headingley Leeds LS6 1EG	Ward Councillors – reps received out of time
PREM/02871	The Becketts (Unit 607)	Meanwood Road, Meanwood Leeds LS6 4HQ	1 rep – out of time 1 rep - Did not wish to divulge personal details 1 rep - Did not wish to divulge personal details
PREM/02876	La Liga	Dick Lane Thornbury Bradford BD3 7AT	1 rep – out of time 3 reps - Irrelevant to the Licensing Objectives. Non specific general views and no supporting evidence

Table 6
Applications subject to invalid representations – Not referred to a hearing.

1st April 2009 until 28th June 2010

Licence Number	Premises Name	Premises Address	Invalid Reps & Reason
PREM/00521/V04	Yates's	24 - 28 Boar Lane Leeds LS1 5DA	1 – representation out of time
PREM/02327/V03	Wildcats	153 - 155 The Headrow Leeds LS1 5RB	8 – do not reside in vicinity
PREM/02627/V01	Off Licence	66 Burley Road Burley Leeds LS3 1JX	1 – out of time
PREM/02727	Restaurant	63 Lidget Hill Pudsey LS28 7LJ	1 – irrelevant to licensing objectives – not specific to premises of general nature and referring to other licensed/retail outlets in area.
PREM/02783	Off Licence	22 New Briggate Leeds LS1 6NU	1 – irrelevant to licensing objectives – competing business & refers to `need`.
PREM/02845	Thai Cottage Restaurant	37 - 39 Gt George Street Leeds LS1 3BB	1 – irrelevant to activities applied for (EHS requiring condition for music when only applied for alcohol)

The Licensing Act 2003

Licence Application

Further information on why your representation has not been accepted

Your questions answered

1) Introduction

The licensing authority must carry out its functions in accordance with Licensing Act 2003 and the Guidance issued under s182 of the Act.

The 2003 Act is prescriptive on what sets the criteria for 'relevant' representations.

It is for the licensing authority to decide in the first instance whether or not representations are relevant.

In the absence of relevant representations the licensing authority is obliged to grant the application.

2) What is a 'relevant' representation ?

For a representation to be relevant it must be:

- from an interested party (or representative/s) or a responsible authority ie the police, environmental health, etc
- relevant to one or more of the licensing objectives
- must not be frivolous (not serious in nature) , vexatious (designed to upset/annoy the applicant) or repetitious
- received within the 28 day notice period

The licensing authority is unable to accept anonymous representations and representations of a speculative nature.

3) Who is an 'interested party' ?

- An interested party is defined as
- a person living in the vicinity of the premises in question;
- a body representing persons living in that vicinity, eg a residents association, parish or town council;
- a person involved in a business in the vicinity of the premises in question,
- a body representing persons involved in such businesses, eg a trade association;
- a member of the relevant licensing authority, ie elected councillors of the licensing authority for the area in which a premises is situated.

4) How is 'vicinity' defined ?

Section 182 Guidance to the Act sets out that 'in making their initial decision on the question of vicinity, licensing authorities should consider whether the individual's residence or business is likely to be directly affected by disorder and disturbance occurring or potentially occurring on those premises or immediately outside the premises'.

Nuisance complaints, be this noise, litter, odour etc., must be directly attributed to the premises in question and not be as a result of an accumulation of premises or activities in the area.

5) What are the licensing objectives?

A representation must be on the grounds that the application will undermine one or more of the licensing objectives:

- Protection of children from harm
- Public safety
- Prevention of crime and disorder
- Prevention of public nuisance

6) Anonymous Representations

In the absence of a residential or business address the licensing authority is unable to accept a representation as it will be unable to assess the 'vicinity' criteria.

The licensing authority also has an obligation to serve copies of representations on the applicant and they will also be included in the committee report which is a public document.

Any person who has concerns for their identity being revealed should consider alternative measures, such as approaching a local representative, ie a councillor or a resident forum and enquire whether they would take the representation on their behalf.

Similarly the licensing authority is unable to accept petitions which do not contain comprehensible names and addresses.

7) Speculative Representations

The licensing authority will have difficulties in accepting representations which are of a speculative nature. Representations should be made on the grounds that there are existing problems or there is the potential for problems – with evidence to support this.

It should be noted that responsible authorities, such as the police and environmental health have an opportunity to comment on all applications and if problems do exist or there is the potential for problems given present evidence, then a representation to this effect may be submitted by one or more of the responsible authorities. As an alternative it is suggested that residents speak to their councillor who may liaise with these services.

The Act is designed so that premises are provided the chance to operate unless the licensing authority can be satisfied, based on evidence put before them, that the application should be refused or restricted in their operation.

The Act provides sanctions that can be brought against premises at a later date should it be proven that they are having a negative impact on the area.

8) Who will take the decision whether a representation is relevant or not?

Any representation will initially be assessed by a licensing officer who is appropriately trained and carries out their duties in accordance with the Licensing Act 2003 as delegated by the Council.

9) What can I do if my representation does not meet the relevant criteria ?

Elected Councillors of the relevant licensing authority are now interested parties regardless of whether they reside or carry on a business in the vicinity of the premises.

If your representation has been ruled out, in particular on the grounds of 'vicinity', it is suggested that you consider approaching a councillor who may be willing to take the representation forward should they have similar concerns for the application.

It should however be noted that councillors must still meet the criteria for a relevant representation, insofar as the grounds for must relate to one or more of the licensing objectives, and must not be frivolous, vexatious, repetitious or speculative.

10) Representation Notice Period

And finally, representations can only be accepted within the specified notice period. This will be a period of 28 consecutive days commencing the day after the licensing authority received the application (or 10 days for minor variation applications).

Representations, even if relevant, cannot be accepted after this time.

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LICENSING COMMITTEE/REG PANEL WORK PROGRAMME - LAST UPDATED 30 June 2010 (hg)

ITEM	DESCRIPTION	NOTES	TYPE OF ITEM
Items Currently Unscheduled			
Youth Service	Review of work being done on under age consumption of alcohol	Requested by LC at meeting 04/10	B
EH Noise Service	Update on approach to licensing applications and noise from licensed premises		B
WYTSS	Test purchasing and other measures tackling under age sales		B
Nighttime economy strategy	Briefing by revised strategy – Clare McCall		B
Pubwatch	Briefing on pubwatch activities/support	Possibly Sept meeting	B
Constitution for trade forums	To approve new constitution		DP
NVQ/VRQs for drivers	Update and review report		DP
TPHL policies	To agree a schedule for policies to be refreshed and approved		DP
Driver licences – nationality and immigration status checks	To consider amending the existing driver application process to include checks on applicants right to work in the UK		DP

ITEM	DESCRIPTION	Officer	TYPE OF ITEM
Meeting date: 20 July 2010			
LA03 policy	Public consultation on draft policy	Sue Holden	B/SC
Leeds Festival	Approve EMP	Steve Holder	SC
Appeal	Report on outcome Bargain Booze	Adrian Tonge	B
WYP	Update on licensing approach and issues	Invited by GM 8/6/10	B

LICENSING COMMITTEE/REG PANEL WORK PROGRAMME - LAST UPDATED 30 June 2010 (hg)

ITEM	DESCRIPTION	Officer	TYPE OF ITEM
Meeting date: 17 August 2010			
SEVs	Update from working group?	Sue Holden	DP
Meeting date: 14 Sept 2010			
Large Casino	Update and possible discussion on application pack	Sue Holden	
Meeting date: 19 October 2010			
SEVs	Update pre public consultation	Sue Holden	DP
Meeting date: 16 November 2010			
Leeds Festival	Debrief meeting report		
Meeting date: 21 December 2010			
Meeting date: 18 Jan 2011			
Casino	Update – possible start of stage 1	Sue Holden	B
Meeting date: 15 Feb 2011			
SEVs	Report back on public consultation and possible approval of policy	Sue Holden	B/DP

LICENSING COMMITTEE/REG PANEL WORK PROGRAMME - LAST UPDATED 30 June 2010 (hg)

ITEM	DESCRIPTION	Officer	TYPE OF ITEM
Meeting date: 15 Mar 2011			
Casino	Update on applications/arrange sub committee	Sue Holden	B
Meeting date: 12 April 2011			
Meeting date: 17 May 2011			
Casino	Update on stage 1 appeals/stage 2 process	Sue Holden	B
SEVs	Report on transitional applications	Sue Holden	B

Key:

RP – Review of existing policy

PM – Performance management

SC – Statutory consultation

DP – Development of new policy

B – Briefings

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