



LICENSING COMMITTEE

MEETING TO BE HELD IN CIVIC HALL, LEEDS ON
TUESDAY, 15TH NOVEMBER, 2011 AT 10.00 AM

MEMBERSHIP

Councillors

S Armitage - Cross Gates and Whinmoor;
K Bruce - Rothwell;
R Downes - Otley and Yeadon;
J Dunn - Ardsley and Robin Hood;
R D Feldman - Alwoodley;
B Gettings - Morley North;
T Hanley - Bramley and Stanningley;
G Hussain - Roundhay;
G Hyde - Killingbeck and Seacroft;
A Khan - Burmantofts and Richmond Hill;
P Latty - Guiseley and Rawdon;
B Selby - Killingbeck and Seacroft;
C Townsley - Horsforth;
D Wilson - Rothwell;
G Wilkinson - Wetherby;

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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 Head of Governance Services at least 24 hours before the meeting)</p>	
2			<p>EXEMPT INFORMATION - POSSIBLE EXCLUSION OF THE PRESS AND PUBLIC</p> <p>1 To highlight reports or appendices which officers have identified as containing exempt information, and where officers consider that the public interest in maintaining the exemption outweighs the public interest in disclosing the information, for the reasons outlined in the report.</p> <p>2 To consider whether or not to accept the officers recommendation in respect of the above information.</p> <p>3 If so, to formally pass the following resolution:-</p> <p>RESOLVED – That the press and public be excluded from the meeting during consideration of those parts of the agenda designated as containing exempt information on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the press and public were present there would be disclosure to them of exempt information</p>	

Item No	Ward/Equal Opportunities	Item Not Open		Page No
3			<p>LATE ITEMS</p> <p>To identify items which have been admitted to the agenda by the Chair for consideration</p> <p>(The special circumstances shall be specified in the minutes)</p>	
4			<p>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 last meeting held on 18th October 2011 as a correct record</p> <p>(Copy attached)</p>	1 - 4
7			<p>TAXI & PRIVATE HIRE LICENSING - INFORMATION REPORT ON OPERATIONAL AND DELEGATED ADMINISTRATIVE PROCESS FOR THE YEAR 4 OCTOBER 2010 TO 3 OCTOBER 2011</p> <p>To consider the report of the Director of Resources highlighting some of the key areas of the work of the Taxi & Private Hire Licensing Section and informing Members of the operational activity; administrative decisions and outcomes during the preceding 12 months.</p> <p>(Report attached)</p>	5 - 22

Item No	Ward/Equal Opportunities	Item Not Open		Page No
8			<p>DCMS CONSULTATION ON THE DEREGULATION OF REGULATED ENTERTAINMENT</p> <p>To consider the report of the Head of Licensing and Registration setting out the proposed response to consultation on the Government proposals to reform activities currently classed as “regulated entertainment”. This matter was initially considered by Committee on 18 October 2011</p> <p>(Report attached)</p>	23 - 36
9	Wetherby;		<p>DE-BRIEF REPORT TO MEMBERS FOLLOWING THE LEEDS FESTIVAL 2011 HELD AT BRAMHAM PARK</p> <p>To consider the report of the Head of Licensing and Registration providing an update on the multi agency de-briefings relating to the Leeds Festival held in the grounds of Bramham Park during August Bank Holiday weekend 2011.</p> <p>(Report attached)</p>	37 - 48
10			<p>CHANGES TO THE LICENSING ACT 2003</p> <p>To consider the report of the Head of Licensing and Registration on the implications of the Police and Social Responsibility Act 2011 and subsequent changes to the Licensing Act 2003</p> <p>(Report attached)</p>	49 - 56
11			<p>LICENSING WORK PROGRAMME</p> <p>To note and comment on the Licensing Work Programme</p> <p>(Copy attached)</p>	57 - 60
12			<p>DATE AND TIME OF NEXT MEETING</p> <p>To note the date and time of the next meeting as Tuesday 20th December 2011 at 10:00 am</p>	

Agenda Item 6

Licensing Committee

Tuesday, 18th October, 2011

PRESENT: Councillor S Armitage in the Chair

Councillors K Bruce, R Downes, J Dunn,
R D Feldman, B Gettings, G Hussain,
G Hyde, A Khan, P Latty, B Selby,
C Townsley, D Wilson and G Wilkinson

38 Late Items

No formal late items of business were added to the agenda however members were in receipt of the following

- De-regulation of Regulated Entertainment – schedule of the number of licences in the city and a breakdown of the nature of the last 100 complaints received since April 2011 (minute 42 refers)
- The Large Casino – Appendix 3 of the report with the proposed make up of the Advisory Panel (Minute 43 refers)

39 Declarations of Interest

There were no declarations of interest, however in relation to the report on the Large Casino, Councillor Selby stated that as he was Chair of City Centre Plans Panel and it was likely that future applications for planning permission for a Large casino would be considered by that Panel, he wished to make it clear that he would treat individual planning applications on their own merits and within the remit of the Plans Panel and similarly, he would consider any licensing applications in accordance with the Gambling Act 2005, the relevant Guidance and the LCC Statement of Licensing Policy and would not pre-determine any matter before him (minute 43 refers)

40 Apologies for Absence

Apologies for absence were received from Councillor Hanley

41 Minutes

RESOLVED – That the minutes of the previous meeting held on 13th September 2011 be agreed as a correct record

42 DCMS Consultation on the Deregulation of Regulated Entertainment

The Head of Licensing and Registration submitted a report on the Governments' proposals to reform those activities currently classed as "regulated entertainment" in Schedule One of the Licensing Act 2003. A copy of the full consultation document issued by the Department for Culture, Media and Sport was attached to the report and Members views on the proposals were sought in order to inform the Council's formal response to the consultation.

The Committee noted the officer comment that the de-regulation of both Live and Recorded Music was a cause for concern. It was felt that the Licensing Authority had provided a proactive service to the public and had been able to

perceive and prevent problems arising from licensable activities. Furthermore, from 2012 the Licensing Authority would be able to charge fees at levels to allow full cost recovery which include elements of enforcement. If the regulation and enforcement of noise generated by Live and/or Recorded Music was removed from the auspices of Premises Licences issued by the Licensing Authority, the enforcement would fall to LCC Environmental Protection Team – which is funded directly by Council Tax.

Members noted the volume of questions to consider in the document and considered discussions would be best progressed by considering and agreeing those proposals contained within the consultation which would not cause them concern relating to the following:

- Performance of plays
- Exhibition of Films
- Indoor sporting events
- Boxing and Wrestling
- Any performance of dance that may be classed as sexual entertainment

Members then dealt with the entertainment which they regarded as being the main sources of concern with regards to crime & disorder and public nuisance. The Committee noted the content of the schedule of complaints received since April 2011.

The Committee felt strongly that live and recorded music should not be de-regulated and noted one Member's comment that performances of dance, when associated with large capacity nightclubs and provision of alcohol, were also a cause for concern.

Members were concerned that removal of regulation of live/recorded music would place additional stress on EPT and supported the current arrangements whereby the Licensing Authority could enforce preventative measures. The Committee noted the comment in the consultation that the licensing act 2003 had had a detrimental impact on the provision of music in licensed premises, but also acknowledged local anecdotal evidence from licensees that the costs associated with live music performance – fees for the band etc - discouraged licensees from providing live music.

Q11 - 13 - Should events for less than 5000 patrons be de-regulated?

Members felt that a figure of 200 (current cut off point for "small premises") or 500 (as advocated by the police) would be more appropriate, bearing in mind the capacity of a number of Leeds' nightclubs

Q16 – 18 - events held after a certain time. Members required further information before being able to comment on this matter

Q19 Introduction of Code of Practice to mitigate potential risks from noise. Members were not supportive of this proposal

The Committee requested further information providing a view point on the proposals from officers of the relevant department's to better inform future discussions and agreed that this information would be provided to them prior to the next Committee meeting

RESOLVED –

- a) That the contents of the report and the consultation document be noted
- b) That the comments made by Members so far regarding each of the areas of regulated entertainment be noted and be used to provide the basis for the Council's formal response to the consultation
- c) To note that more detailed information containing proposed responses to the consultation from relevant departments be despatched to Members before the end of October in order to better inform the discussions at the next Committee meeting. Members unable to attend the November Committee meeting were requested to respond to the Principal Project Officer so that their comments can be reported to the meeting
- d) To note that a further report setting out the Council's formal response will be presented to the November Committee meeting for approval by Members prior to its submission to the DCMS

43 Large Casino - Application Process

The Head of Licensing and Registration submitted a report setting out the proposed process for the determination of the Large Casino Licence and seeking Members approval in principle for that process in order that the Gambling Act 2005 Statement of Licensing Policy can be finalised for approval by full Council and that the draft application pack can be developed for approval by the Committee in January 2012.

An up to date version of Appendix 3 (proposed composition of the Casino Advisory Board) was tabled at the meeting

The Principal Project Officer attended the meeting and highlighted the key issues for Members to note:

- The work undertaken so far to develop the draft application pack in conjunction with leading Counsel and the Department of City Development and having regard to the experience of the other local authorities who had been given the right to grant a casino Licence
- The experiences of the other Local Authorities
- The timescales for the Stage 1 application process and subsequent submissions of Stage 2 applications
- The role and composition of the proposed Casino Advisory Panel and the advantages of utilising such a Panel in terms of expertise, timescales and informed decision making

(Councillor Wilkinson joined the meeting at this point)

- The anticipated number of applications at Stage 1. Members commented on the likely amount of information to be supplied by applicants at Stage 2 of the process and the need for robust evaluation of those bids in order to negotiate improved bids and benefits for the city. Members recognised the need for training on matters set out in Appendix 1 of the report (Documents to form part of the Stage 2 Application)

RESOLVED –

- a) That the proposed process for determining the Large Casino licence as set out in the submitted report be approved in principle

- b) To note that the Gambling Act 2005 Statement of Policy can now be finalised for consideration the Executive Board and Scrutiny before approval by full Council and that the draft application pack can now be developed for approval by Licensing Committee in 2012

44 Licensing Work Programme

RESOLVED – To note the contents of the Licensing Work Programme

45 Date and Time of Next Meeting

RESOLVED – To note the date and time of the next meeting as Tuesday 15th November 2011 at 10:00 am

Report of Director of Resources

Report to Licensing Committee

Date: 15 November 2011

Subject: Information report on Operational and Delegated Administrative Process for the year 4 October 2010 to 3 October 2011.

Are specific electoral Wards affected? If relevant, name(s) of Ward(s):	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

Summary of main issues

1. The report sets out the preceding years operational and administrative activity within Taxi & Private Hire Licensing on the key areas of:
 - Staff structure
 - Service Development
 - Administering delegated decisions within the licensing function
 - Enforcement activity
 - Vehicle inspections

Recommendations

2. That Elected Members note the content of the report and make any observations they consider appropriate.

1 Purpose of this report

- 1.1 This report is intended to keep Members informed of the operational activity and administrative decisions and outcomes of the Section and to highlight some of the key areas of our work during the preceding 12 months.

2 Background information

- 2.1 Outside of London, Leeds City Council, along with Birmingham, are the two largest licensing authorities in the country. This status brings with it challenges that are significantly magnified in terms of public safety when compared to the smaller and mid range authorities. Over the past 6 years the Authority has introduced a range of policies and conditions upon licences to enable the authority to deal proportionately with public safety and the public's service expectations.
- 2.2 Three examples are:
 - English comprehension testing
 - Vehicle age criteria
 - Increased requirements on training and professionalising the trade.
- 2.3 None of these are strict enforcement tools, but are designed to ensure that licence holders can comply with the requirements of their licence, or, in the case of the 'age criteria' to prompt vehicle proprietors to maintain their vehicles and keep them in a tidy, clean state.
- 2.4 All of the policies and conditions are subject to review and that work forms part of the sections service planning program as does the issues around driver NVQ's.
- 2.5 Whilst those two issues form only a small part of this report they are included so that there is a clear audit trail of processes, along with demonstrated work outputs and outcomes which puts those two issues into the context of the licensing environment.

3 Main issues

- 3.1 A review is currently being undertaken of all the policies and conditions directly affecting licence holders or applicants and forms part of this Committees work program. The majority have been to public consultation and the results are in the process of being reviewed by Officers before going back to a further short consultation period, following which recommendations will be presented to the Licensing Committee. The only remaining issue to go to consultation is the review of Hackney Carriage Byelaws.
- 3.2 Unfortunately the Committee time table for this issue will not be met due to the significant displacement of staff in key areas of work.

3.3 Staffing structure

- 3.4 The Section currently has 9 positions in the recruiting process but has also recruited to three other positions in the past few months.

The staff structure at **Appendix A** sets out the current position.

These vacancies have most significantly impacted upon the Licensing Office, Service Development role and Management who have had to handle others workloads.

- 3.5 It is on this basis the NVQ review process and policy review have fallen behind schedule as the number and variety of other issues confronting Officers are handled. Whilst it is not yet possible to re-define the timetable I can advise that recruitment of a Service Development Officer is at an advanced stage and this will contribute to pushing those two areas forward.

3.6 Administering delegated decisions

- 3.7 The decisions taken by staff at Taxi & Private Hire Licensing appear at **Appendix B**.

- 3.8 The areas of decision making moves across a range of policies the most frequent being within the licensing office in respect of personal licences granted to Hackney Carriage and Private Hire drivers and their respective vehicles. Generally these are a straight forward compliance check but often are complicated by drivers who have failed to report convictions and other similar issues. Arising from this is the **table 4** 'drivers referred to training' which is linked directly to the Private Hire driver conditions. This particular condition is proving to be a very beneficial training tool for those Private Hire drivers who have not previously undertaken formal training.

- 3.9 Other areas of policy where delegated decisions have been taken relate mainly to Private Hire and Hackney Carriage vehicles as set out in the bulleted list at **Appendix B**.

3.10 Enforcement Activity

- 3.11 The results of activity appear at **Appendix C**.

- 3.12 Additionally there have been 14 multi agency exercises in communities across the city involving Police, Environmental Services, VOSA and HMRC, Dept of Work and Pensions, UK Border Agency, Leeds Metropolitan University Security and Leeds Courts Civilian Warrants. These contributions demonstrate to the wider public the cohesive pro-activity of the Council and give significant public reassurance.

- 3.13 In respect of night-time enforcement activity Management would wish to emphasise to Elected Members the extent of the difficulties facing Officers and the significance of the results they achieve, in such potentially confrontational situations. Enforcement alone is not the solution to the issue of 'plying for hire'. Behind each conviction there has been the organising of the operational event, securing, preserving and presenting evidence to the Courts and the various decision making processes involved in prosecutions and revocation considerations. All of the cases prepared by the Section are completed to a detailed standard and are presented to the Magistrates and Crown Court.

3.14 Vehicle Inspections

- 3.15 These figures also appear at **Appendix D**.

- 3.16 The combination of the financial climate and the opportunities within the 'age criteria' policy seem to be affecting the way in which Private Hire vehicle's are being licensed. The previously predominant trend of taking off a licensed vehicle and replacing it with a lower aged vehicle seems to be moving slightly towards maintaining the existing vehicle and applying for an exceptional condition. Those figures are reflected at **Appendix D – vehicle inspections – Table 1.**

4 Corporate Considerations

Although the section faces many difficult issues it continues to contribute to the Corporate focus.

4.1 Consultation and Engagement

- 4.1.1 Not undertaken for this Members information report.

4.2 Equality and Diversity / Cohesion and Integration

- 4.2.1 Information report only – no development issues.

4.3 Council Policies and City Priorities

- 4.3.1 Information report only – no development issues.

4.4 Resources and Value for Money

- 4.4.1 Information report only.

4.5 Legal Implications, Access to Information and Call In

- 4.5.1 Information report only – no development issues.

4.6 Risk Management

- 4.6.1 No significant financial or Health and Safety issues for this information report – no development issues.

5 Conclusions

5.1 Information report only.

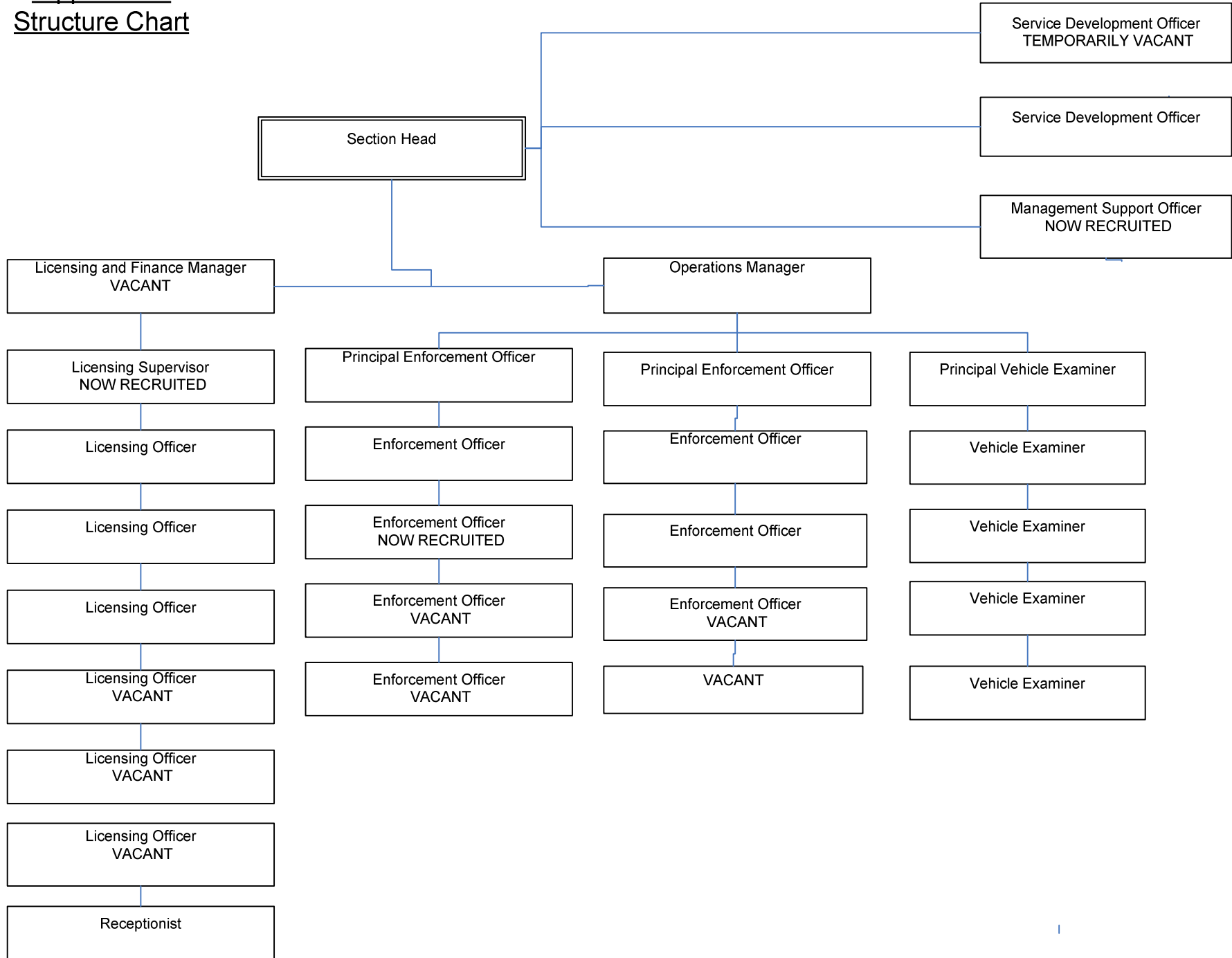
6 Recommendations

6.1 That Elected Members note the content of the report and make any observations they consider appropriate.

7 Background documents

None

Appendix A Structure Chart



Delegated decisions carried out by staff at Taxi & Private Hire Licensing:**In respect of policy**

- Cameras in vehicles - policy adapted to allow a trial period of collision impact recording cameras
- Vehicle type approval – 1 new Private Hire vehicle (Skoda Fabia GreenLine 11 – less than 1400cc), 1 new Hackney Carriage vehicle (VW Jetta)
- Private Hire vehicle conditions - policy adapted re colour of wheelchair accessible Private Hire vehicles insofar as all black vehicles allowed
- Hackney carriage vehicle signs and markings - exemptions to Corporate Advertising on age on a case by case basis
- (Private Hire and Hackney Carriage vehicle – see table 1) ‘exceptional condition’ policy variations to policy on age criteria
- Hackney Carriage and Private Hire vehicle conditions - driver screen division for adopted saloon vehicles.
- Signs and markings – Private Hire and Hackney Carriage conditions – Display of notices creating awareness for ‘trafficking of women’, crime issues.

TABLE 1 – Delegated Decisions in respect of vehicle licensing ‘exceptional condition’

	2009	2010	2011
Requests	Not recorded	55	114
Grants	12	36	68
Refusals	Not recorded	2	4
Not proceeded	Not recorded	17	42

TABLE 2 – Personal licences issued or renewed

	New Licences	Renewals	Total Licences
Private Hire Driver	392	4,887	5,279
Hackney Carriage Driver	57	1,041	1,098
Contract Driver	27	463	490
Private Hire Vehicle	1,969	3,239	5,208
Hackney Carriage Vehicle	185	476	661
Contract Vehicle	9	43	52
Operator	19	88	107
Contractor	1	16	17
Escort	26	138	164
Total Licenses Issued	2,685	10,391	13,076

TABLE 3

During the period 4/10/2010 to 4/10/2011	Private Hire driver	Hackney Carriage driver
Refusals	14	1
Revocations	55	3

Summary of revocations

Plying for hire/no insurance 26

Disqualified from driving 7
(drink/driving, totting up, DVLA licence revoked, aggravated vehicle taking, driving without due care and attention)

Remainder of revocations spread across convictions for drugs use or possess with intent to supply, perverting the course of justice, firearms, theft, deception and forgery, sexual assault, rape, inappropriate behaviour and violence.

TABLE 4 - Drivers referred to remedial training

	Private Hire drivers
2010	11
2011 (up to 4/10/2011)	19

	Tests taken	Tests passed	Tests failed
Private Hire Driver Seminar (Referred drivers re-tests)	56	18 (32%)	38 (68%)

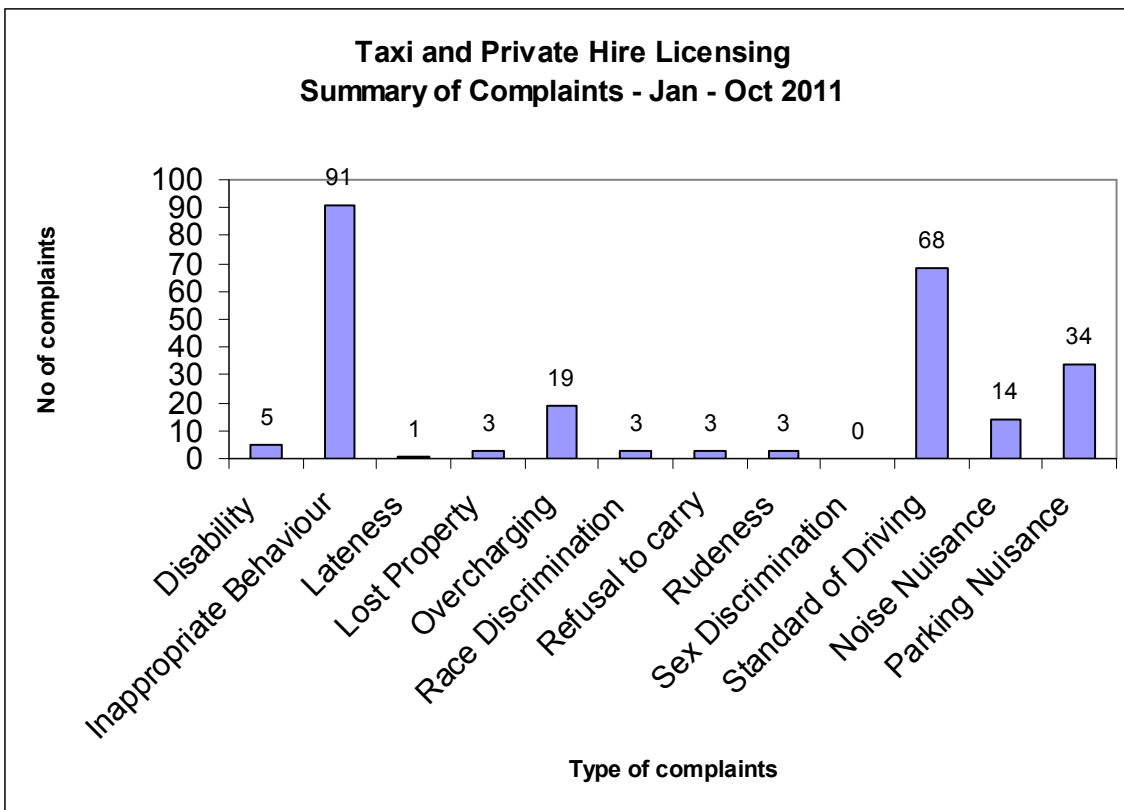
TABLE 5 - Training and/or testing undertaken during the period 4/10/2010 to 4/10/2011

	Tests taken	Tests passed	Tests failed
Hackney Carriage Local Knowledge	98	56 (57%)	42 (43%)
Private Hire Driver Seminar (new applicants and their re-tests)	699	344 (49 %)	355 (51%)

Enforcement Activity

Suspension of driver licences

- Criminal convictions 28
- Medical 4
- Plying for hire 41
- DVLA notifications 17
- Police disclosure 7
- Public complaints 3
- Total 100



Prosecution Cases – 04/10/2010 – 30/9/2011

Appendix C

DATE OF OFFENCE	OFFENCE	RESULT	POST CODE
07/10/10	Defective tyre	Fine £150. Costs £415.03. 3pt	BD12
03/10/10	Plying for Hire/No Ins	Fine £65. 6 pts. Costs £170.	WF13
02/10/10	Plying for Hire/No Ins	Fine £350. 6pts. Costs £568.83	LS8
23/10/10	Plying for Hire/No Ins	Fine £65. 6pts. Costs £170	LS28
02/10/10	Plying for Hire/No Ins	Fine £100. 6 pts. Costs £150.	BD5
26/09/10	Plying for Hire/No Ins	HO Caution issued	LS8
23/10/10	Defective tyre	Fine £350. Costs £339.60. 3 pts	BD5
23/10/10	Plying for Hire/No Ins	Fine £150. 8 pts. Costs £500.	LS8
23/10/10	Plying for Hire/No Ins	Fine £130. Costs £120. Disqualified 7 days.	BL8
30/10/10	Defective Tyres X 2	Fine £65. 3 pts. Costs £170	BD7
07/09/10	Defective tyre	Fine £160. Costs £384.63. 3 pts.	LS8
07/11/10	Plying for Hire/No Ins	Fine £100. Costs £145. 8 pts.	WF12
06/11/10	Plying for Hire/No Ins	Fine £100. Costs £150. 8 pts	LS8
06/11/10	Plying for Hire/No Ins	Fine £100. Costs 150.	BD9
02/11/10	Defective tyre	Fine £130 Costs £150. 3 pts	WF17
24/10/10	Plying for Hire/No Ins	Fine £270. Costs £300. 6 pts.	BD5
07/11/10	Plying for Hire/No Ins	Fine £150 Costs £200. disqualified on totting up.	LS7
07/11/10	Plying for Hire/No Ins	Fine £115. Costs £350. 8 pts	BD8
10/11/10	Defective tyre	Fine £65. Costs £150. 3 Pts	LS13
16/11/10	Defective tyre	Fine £200. Costs £250. 3 pts	LS14
21/11/10	Defective tyre	Fine £80. Costs £700 3pts.	BD21
18/11/10	Defective tyre	Fine £130. 3 pts	LS11
24/11/10	Defective tyre	Fine £80. Costs £250. 3 pts	BD3
14/11/10	Plying for Hire/No Ins	Fine £100. Costs £589.09. 8 pts	BD8

Prosecution Cases – 04/10/2010 – 30/9/2011

Appendix C

19/11/10	Defective tyre	Fine £65. Costs £200. 3 pts	LS25
22/11/10	Defective tyre	Fine £80. Costs £366.21. 3 pts.	BD8
19/11/10	Defective tyre	Fine £65. Costs £391.06. 3pts	LS7
27/11/10	Plying for Hire/No Ins		HX1
27/11/10	Plying for Hire/No Ins	Fine £100. Costs £300. 6 pts.	BD9
28/11/10	Plying for Hire/No Ins	Fine £100. 6pts. Costs £200.	BD3
28/11/10	Plying for Hire/No Ins	Fine £100. 6pts. Costs £200.	LS6
28/11/10	Plying for Hire/No Ins	Fine £100. Costs £150. 6 pts	LS6
27/11/10	Plying for Hire/No Ins	Fine £120. Costs £300. 6pts	OL16
28/11/10	Plying for Hire/No Ins	Fine £1900. Costs £250. 8 pts.	LS4
09/12/10	Defective Offside Tyre	Fine £175. Costs £338.53. 3 pts	BD59
6/8/10 - 16/11/10	Driving without insurance	Fine £80. Costs £700. 3 pts.	BD21
07/11/10	Plying for Hire/No Ins	Fine £150. Costs £235.	LS8
14/01/11	Defective tyre	Fine £230. Costs £377.40. 3 pts.	LS8
08/01/11	Defective tyre	Fine £130. Costs £368.53. 3pts	BD8
04/01/11	Defective tyre	Fine £120. Costs £362.32. 3 Pts	LS4
27/01/11	Defective tyre	Fine £130. Costs £373.50. 3 pts	BD9
07/01/11	Defective Nearside front Tyre	Fine £100. Costs £260. 3Pts.	LS17
15/01/11	Defective tyre	Fine £350. Costs £338.53. 3 pts	BD5
11/01/11	Defective tyre	Fine £80. Costs £567.00	LS7
07/11/10	Plying for Hire/No Ins	Fine £525. Costs £597.96. 8 pts.	BD3
23/03/11	Fail to wear/display drivers badge	Written Warning	
23/03/11	Fail to wear/display drivers badge	Written Warning	
23/03/11	Fail to wear/display drivers badge	Written Warning	
18/03/11	Fail to wear/display drivers badge	Written Warning	
06/03/11	Fail to wear/display drivers badge	Written Warning	

Prosecution Cases – 04/10/2010 – 30/9/2011

Appendix C

05/03/11	Fail to wear/display drivers badge	Written Warning	
05/03/11	Fail to wear/display drivers badge	Written Warning	
18/02/11	Fail to wear/display drivers badge	Written Warning	
27/02/11	Defective tyre	Fine £70. Costs 3373.50. 3 pts.	LS11
10/02/11	Defective tyre	Fine £85. Costs £200. 3 pts. - would have been totted up - found exceptional hardship	LS11
13/01/11	Defective tyre	Fine £350. Costs £380.53. 3pts	BD9
13/01/11	Defective tyre	Fine £200. Costs £378.98. 3pts	WF12
19/03/11	Defective tyre	Fine £70. Costs 3368.58. 3 pts.	BD5
27/03/11	Defective tyre	Fine £150. Costs £333.50. 3pts.	BD2
13/01/11	Unlicensed driver & No insurance		BD2
13/01/11	Defective tyre	Fine £70. Costs £362.31. 3 pts.	LS16
18/12/10	No insurance	Fine £100. Cost 3140. 6 mnths disq ontotting up.	LS12
06/01/11	Failing to comply with RTA 1984	Fine £525. 6pts. Costs £388.23.	BD9
28/03/11	Defective tyre	Fine £150. Costs £300. 3 pts.	WF13
27/04/11	Defective tyre	Fine 3200. Costs £385.71. 3 pts	BD9
27/04/11	Defective tyre	Fine 3100. Costs 3338.53. 3 pts	LS9
17/04/11	Defective tyre	Fine £200. Costs £63.57. 3 pts.	BD9
02/04/11	Defective tyre	Fine £150. Costs £382.37. 3pts	LS12
07/05/11	Plying for Hire/No Ins	Fine £100. Costs £402.55. 7 pts	BD18
25/06/11	Plying for Hire/No Ins		BD72
04/05/11	Defective tyre	Fine £130. Costs £328.53. 3 pts.	LS12
06/05/11	Plying for Hire/No Ins	Fine £100. Costs £261.03. 8 pts.	WF13
07/05/11	Plying for Hire/No Ins		BD7
07/05/11	Plying for Hire/No Ins	Fine £100. Costs £253.23. 8 Pts.	LS7
17/05/11	Defective tyre	Fine £165. Costs £343.50. 3 pts.	LS8
28/05/11	Plying for Hire/No Ins		BD8

Prosecution Cases – 04/10/2010 – 30/9/2011

Appendix C

19/05/11	Defective tyre	Fine £130. Costs £347.40. 3 pts	BD8
01/06/11	Defective tyre	Fine £130. Costs 3391.24. 3 pts.	LS11
18/06/11	Defective tyre		LS8
05/06/11	Defective tyre		BD2
06/06/11	Defective tyre		WF13
18/06/11	Plying for Hire/No Ins		LS7
14/06/11	Defective tyre		WF8
12/06/11	Defective tyre		LS17
06/06/11	Unlicensed Driver No Insurance	HO caution	BD4
28/04/11	Defective tyre		LS17
12/06/11	Defective tyre		BD15
19/06/11	Defective tyre		BD5
27/06/11	Defective tyre		BD2
24/06/11	Plying for Hire/No Ins		LS9
18/06/11	Plying for Hire/No Ins	HO Caution	LS12
13/07/11	Defective tyre		LS8
11/07/11	Defective tyre		LS8
11/07/11	Defective tyre		LS8
24/06/11	Plying for Hire/No Ins		WF13
23/07/11	Plying for Hire/No Ins		LS9
14/07/11	Defective tyre		LS8
23/11/10	Plying for Hire/No Ins	HO Caution	BD21
25/06/11	Plying for Hire/No Ins		BD7
06/08/11	Plying for Hire/No Ins		LS8
15/05/11	Unlicensed driver/no insurance		BD21
13/07/11	Defective tyre		WF16

Prosecution Cases – 04/10/2010 – 30/9/2011

Appendix C

26/06/11	Plying for Hire/No Ins		BD7
05/07/11	Defective tyre		LS12

Vehicle Inspections

Summary of inspection results conducted between 11/01/2011 – 31/08/2011
for licensed vehicles first registered between 01/01/2005 – 31/12/2005

Vehicles required to attend	Vehicles attended	Vehicle Pass	Vehicle Fail	Attended Fail & VOR	Vehicle Suspended /removed
977	831	373	350	107	2

Vehicles failed to attend
146

The following results are from the 146 that failed to attend:

Vehicles attended at a later date	Vehicles Pass	Vehicles Fail	Attended Fail & VOR
88	38	38	12

Surrendered no attendance	Licence removed no attendance	Pending investigation
36	6	16

TABLE 1 – Changes to Private Hire vehicle licensing pattern since introduction of ‘age criteria’ policy

	Private Hire Vehicle Renewal	New Private Hire Vehicle licences
08/09 half year	1489	836
08/09 full year	2397	1718
09/10 half year	1586	727
09/10 full year	3138	1424
10/11 half year	1601	605
10/11 full year	3162	1193
11/12 half year	1658	542
11/12 full year		

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Report of the Head of Licensing and Registration

Report to Licensing Committee

Date: 18th October 2011

Subject: DCMS Consultation on the Deregulation of Regulated Entertainment

Are specific electoral Wards affected? If relevant, name(s) of Ward(s):	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Summary of main issues

1. The Licensing Act 2003 brought together nine separate outdated licensing related regimes, and created instead a single Act that controlled alcohol supply and sale, late night refreshment, and "regulated entertainment". In tidying up the old licensing regimes new problems were created for many wishing to host entertainment events.

2. The Government is therefore proposing a reform of activities currently classed as "regulated entertainment" in Schedule One of the 2003 Act. The consultation seeks views on the removal in certain circumstances of the requirement for a licence in England and Wales to host a performance of a play, an exhibition of a film, an indoor sporting event, a performance of live music, any playing of recorded music, or a performance of dance.

Recommendations

3. That Licensing Committee note the contents of this report and provide views on the deregulation of entertainment to inform the council's formal response to this consultation.

1.0 Purpose of this report

- 1.1 To advise Licensing Committee of DCMS consultation on the deregulation of entertainment as proposed in their consultation document (appendix 1).

2.0 Background information

- 2.1 The Licensing Act 2003 brought a number of separate pieces of legislation under one single Act. For a number of years the live music industry have been lobbying Government to deregulate live music in venues with a capacity of less than 200 people. This has led to the introduction of the Live Music Bill, a private members bill that was introduced into Parliament over a year ago. The Government supports this bill but would like to take the matter further.

3.0 Main issues

- 3.1 The DCMS consultation seeks to remove licensing requirements for most activities currently defined as “regulated entertainment”. Regulated entertainment includes:
- w A performance of a play
 - w An exhibition of a film
 - w An indoor sporting event
 - w A boxing or wrestling entertainment (both indoors and outdoors)
 - w A performance of live music
 - w Any playing of recorded music, and
 - w A performance of dance
- 3.2 Presently, these activities can only be provided under the authorisation of a premises licence or a temporary event notice.
- 3.3 The consultation explains that although the Licensing Act radically changed the approach of alcohol licensing, it missed a real opportunity to enable entertainment activities and either simply aped old licensing regimes or instead took a new, overcautious line. Instead of modernising an old law that has simply gone past its sell by date, the Licensing Act ended up potentially criminalising a harmless cultural pastime.
- 3.4 In addition the new Act created new problems to a wide range of cultural and voluntary sector and commercial organisations. For example it brought a costly and bureaucratic process for low risk, or no risk, events including (from the consultation document):
- w Private events where a charge is made to raise money for charity;
 - w Travelling circuses
 - w Brass bands playing in the local park
 - w School discos where children are charged a ticket price to support the PTA
 - w Folk duos in pubs
 - w Performances by street artists
 - w And even performances by a quayside barber shop quartet

- 3.5 The proposal is to remove the licensing requirement for each of the activities classed as regulated entertainment subject to certain exemptions. In any case the Government intends to retain the licensing requirement for:
- w Any performance of live music, theatre, dance, recorded music, indoor sport or exhibition of film where the audience is of 5,000 people or more.
 - w Boxing and wrestling
 - w Any performance of dance that may be classed as sexual entertainment, but is exempt from separate sexual entertainment venue regulations.
- 3.6 In essence this will mean that a public house in a residential area will only require a licence for alcohol sales and there will be no restriction on the time that the music has to cease or conditions to control the frequency and audibility of the music. The same would be true for a live music concert with an audience of less than 5,000 people.
- 3.7 Following the reform existing premises will be able to apply for a variation to their licence to remove the conditions associated with the deregulated entertainment. A typical example could be the removal of the condition which prevents the audibility of music at the nearest noise sensitive properties. Failure to apply for a variation will mean that conditions will continue to apply and remain enforceable.
- 3.8 It will be for other legislation, i.e. the Environment Protection Act to deal with noise nuisance relating purely to the noise breakout from deregulated entertainment. There is a concern that under the existing regime the conditions imposed under the premises licence are far more effective in preventing and controlling noise nuisance.
- 3.9 Premises that currently hold a licence only for activities that have been deregulated would no longer need a licence. In these cases all licensing requirements would cease, and fees and licence conditions would end when the licence is surrendered.

4.0 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.1 Due to the nature of this Government consultation officers are seeking the views of Licensing Committee on these proposals. These views will be reflected in the Council's formal response. In addition a copy of the consultation has been provided to Environment and Neighbourhoods and West Yorkshire Police. Should Environment and Neighbourhoods wish to respond separately, this consultation response will be amended to be from the Licensing Committee, rather than from the Council.

4.2 Equality and Diversity / Cohesion and Integration

- 4.2.1 This consultation has an impact on all sectors of society, as noise and disorder from regulated entertainment affects everyone.

4.3 Council Policies and City Priorities

- 4.3.1 This consultation will have a serious impact on the Council's Licensing Act 2003 Statement of Licensing Policy, which will need to be amended depending on the outcome of the consultation.

4.4 Resources and Value for Money

- 4.4.1 The deregulation of entertainment will remove the entire requirement for licensing from only a small number of premises. These premises will be community premises licensed only for entertainment and therefore presently exempt from licence fees. Commercial premises will still require licences for the sale of alcohol and / or late night refreshment and will be subject to the existing licence fee so there would be very little impact on income.
- 4.4.2 Although it may appear that the removal of regulated entertainment would reduce enforcement activity by Entertainment Licensing officers, this is unlikely to be the case. The majority of noise complaints processed through the Licensing Section relate to noise nuisance by customers in addition to that of music.

4.5 Legal Implications, Access to Information and Call In

- 4.5.1 The response to the consultation has few legal implications. The consultation document is available on the internet and is open to all to comment.

4.6 Risk Management

- 4.6.1 Licensing Committee could decide not to respond to the consultation. There would be no further implications.

5 Conclusions

- 5.1 The Government is proposing to deregulate all forms of regulated entertainment that do not need to be regulated. Officers are seeking the views of Licensing Committee to inform the Council's response to the consultation. A report will be provided to November's Licensing Committee with the proposed response.

6 Recommendations

- 6.1 That Licensing Committee note the contents of the report and the consultation document at appendix 1.
- 6.2 That Licensing Committee provide views on the deregulation of entertainment to inform the Council's response to the consultation.

Appendices

- 1. Regulated Entertainment - A consultation proposal to examine the deregulation of Schedule One of the Licensing Act 2003

Licensing Act 2003

Deregulation of Entertainment Consultation Response



Please find below the response from Leeds City Council to the recent consultation on regulated entertainment. This response contains comments from licensing officers, environmental health officers and the Licensing Committee.

Proposal Impacts

Q1: Do you agree that the proposals outlined in this consultation will lead to more performance, and would benefit community and voluntary organisations? If yes, please can you estimate the amount of extra events that you or your organisation or that you think others would put on?

Currently in Leeds there are:

2,665	premises licensed under the Licensing Act 2003
1,051 (39.7%)	premises licensed for regulated entertainment and alcohol , therefore still requiring a licence should this proposal for deregulating entertainment proceed
969 (36.4%)	premises licensed for alcohol only, mainly off-licences
110 (4%)	premises licensed for regulated entertainment only, mainly community premises
373 (14%)	premises licensed for late night refreshment.

It is our opinion that the premises that would benefit from deregulation, i.e. alcohol only premises are mainly off licences, pubs in heavily residential areas and restaurants and therefore it would be unlikely to lead to more performances.

It could be accepted that the deregulation could encourage more entertainment within community events, but often such events also involve alcohol sales and so a TEN or premises licence at the same cost would be required in any instance.

Even if the requirement for licensing for live music was lifted, there are other constraints on premises which might discourage them from providing facilities for live music. For example anecdotal evidence infers that the fee the performer demands, the lack of increased bar sales and the concern about noise complaints may also be a deciding factor for premises licence holders.

Q2: If you are replying as an individual, do you think this proposal would help you participate in, or attend, extra community or voluntary performance?

Not applicable.

Q3: Do you agree with our estimates of savings to businesses, charitable and voluntary organisations as outlined in the impact assessment? If you do not, please outline the areas of difference and any figures that you think need to be taken into account (see paragraph 57 of the Impact Assessment).

No we do not agree. The number of premises licensed for entertainment only under a premises licence is small - in fact in Leeds only 110 premises (4.1%) are licensed for entertainment alone. The majority of community halls, parish halls and other such premises already benefit from an exemption from the fees and therefore the number of entertainment only licences that attract a fee that will be reduced is a handful - 8 in Leeds. The premises that will financially benefit from the deregulation of entertainment will be the commercial

premises who operate purely as live music or event premises and it could be suggested that their business viability could be to the detriment of the locality.

In addition the impact on temporary event notices will be small. The majority of temporary event notices include alcohol as well as entertainment. Out of the 1,465 TENs given in the last 12 months only 158 (9.27%) were for entertainment only.

In conclusion the majority of businesses, charitable and voluntary organisations that may benefit from the deregulation of entertainment either already enjoy an exemption from fees under the Licensing Act, or apply for temporary permitted activities that includes alcohol.

Q4: Do you agree with our estimates of potential savings and costs to local authorities, police and others as outlined in the impact assessment? If you do not, please outline the areas of difference and any figures you think need to be taken into account.

We strongly believe that there will be no savings for local authorities, and we can only assume that this will be the same for the police. The current issues with noise will not go away with deregulation, if anything it will worsen. Approximately 30% of the complaints dealt with by the licensing enforcement are related to the nuisance related to live or recorded music (29 out of the last 100 complaints). These relate to premises that are licensed for live music and have controls imposed upon them. Removing regulation will, as detailed below, lead to an increase in nuisance complaints relating to live and recorded music.

Q5: Would you expect any change in the number of noise complaints as a result of these proposals? If you do, please provide a rationale and evidence, taking into account the continuation of licensing authority controls on alcohol licensed premises and for late night refreshment.

We do not agree that noise related incidents would only increase by 5-10%. We would predict a considerable increase in complaints. Presently premises are bound by conditions which are set specific to their premises having consideration for the proximity to residential accommodation. If the conditions are removed the control of nuisance will then be subject to the constraints of the Environmental Protection Act which is reactive rather than a preventative measure and in our experience is not effective in protecting residents from nuisance from occasional performances of live music.

Many licences bear conditions which are restrictive after certain times, i.e. 11pm, for the purpose of protecting residents. We tend to find that residents will tolerate a certain degree of nuisance as they know that the music will cease at a given time. Without this assurance residents will not endure the nuisance not knowing at what time it is going to cease and will complaint to the local authority.

Q6: The Impact Assessment for these proposals makes a number of assumptions around the number of extra events, and likely attendance that would arise, if the deregulation proposals are implemented. If you disagree with the assumptions, as per paragraphs 79 and 80 of the Impact Assessment, please provide estimate of what you think the correct ranges should be and explain how those figures have been estimated.

It is impossible to accurately estimate the effect deregulating entertainment, but we believe the estimate of 5 and 10% is too low. There are a range of scenarios which could lead to a dramatic increase in complaints. Although 40% of premises are able to provide entertainment under their current licence, many chose not to do so. Of the 36% of premises licensed for alcohol only, the majority of these are not suitable venues for music - takeaways, off licences, restaurants etc.

However there are a number of venues not licensed at all at the moment that may consider providing facilities for live or recorded music that have never provided this before - or only on an occasional basis under a TEN.

Musicians like to pay their music loud - the louder the better for some music genres. Being given the ability to perform in new premises where there are no existing controls on the volume of music, with a licensee who is not experienced in handling musicians can only lead to a dramatic increase in nuisance complaints.

Add to this the time and expense of enforcement action (noise nuisance is not something that can be dealt with by letter in an office), a reasonable and proportionate response takes time and resources. In the meantime the people who are being affected by the noise nuisance have to suffer an intrusion into their private lives and this can have a profound affect that cannot be estimated in monetary terms.

Q7: Can you provide any additional evidence to inform the Impact Assessment, in particular in respect of the impacts that have not been monetised?

Average number of hours spent on a noise nuisance - between 2 hours (unsubstantiated) to 100s of hours (formal action, prosecution, review)
Number of complaints relating to licensed premises received by the council per year - 1,520
Numbers of noise nuisance complaints related to licensed premises received by the council in 12 months - 480

Q8: Are there any impacts that have not been identified in the Impact Assessment?

This has been covered in the response to question 6. However a main impact upon Environmental Health would be the increased reactive rather than proactive action that would need to be taken. This would place a burden on already overstretched public services. Another important consideration is the unquantifiable impact upon the affected person's life by the nuisance.

In addition the process for investigating complaints relating directly to the noise from licensed premises falls to the Licensing Service. From next year the cost of this will be borne by the licence fee payers. Should responsibility for this enforcement action fall entirely to Environmental Health, the cost of enforcement will fall to the council tax payer however authorities are unable to increase the council tax to take this into account.

Q9: Would any of the different options explored in this consultation have noticeable implications for costs, burdens and savings set out in the impact assessment? If so, please give figures and details of evidence behind your assumptions.

Option 1: We do not believe that doing nothing would have any implication.

Option 2: We believe that removing all regulated entertainment, as defined in Schedule 1 would increase the number of noise nuisance complaints received by the council and experienced by the public well in excess of the 5 - 10 % specified in the Impact Assessment at a greater cost to the authority.

We believe that removing the licensing requirement for large scale events would be very unwise, especially in light of recent issues with crowd control and public safety. We know from our experience of outdoor events that the licensing process is an important tool for ensuring that events are safely organised. Leeds hosts the Leeds Festival each year with a capacity of 74,999 which has run for many years with very little issue, however this is because of a detailed event management plan which is scrutinised by a number of agencies in the months prior to the event. This multi-agency approach, led by Licensing, who provides essential input into the various elements, including traffic, waste management, crowd safety, noise mitigation etc.

Licensed entertainment is not solely about the control of noise, but is a means for addressing a host of crucial matters such as public safety and crime and disorder which are essential considerations for such large scale events. As such it would be impossible to predict the costs that would be incurred if there was a major incident at such an event.

Option 3: Retaining regulated entertainment for events of more than 5,000 and for a small number of higher-risk forms of entertainment is sensible. However, as described below, we believe that this level is too high for certain types of entertainment, and would lead to a much higher level of risks as previously described.

Q10: Do you agree that premises that continue to hold a licence after the reforms would be able to host entertainment activities that were formerly regulated without the need to go through a Minor or Full Variation process?

We do not fully understand this question.

If the question is do we agree that premises currently licensed only for alcohol would be able to offer entertainment without changing their licence then yes, obviously this is the purpose of deregulating. Our concerns would be that we would have no proactive involvement in the decision to provide live or recorded music. It is our opinion that certain types of low risk entertainment, such as performance of a play, films, indoor sport, boxing and wrestling and some types of dance do not cause concern and can be provided without impact on any of the four licensing objectives. However we do have major concerns about inexperienced management providing higher risk activities such as live music and recorded music without the benefit of advice from Environmental Health or the Police.

However if the question is do we agree that the deregulated entertainment be removed from the licence without the need for a minor variation or variation, we would suggest that a replacement licence could be obtained, with an appropriate charge to cover the cost of the resources required to examine the existing licence, determine which conditions have become redundant, consultation with responsible authorities on the redundancy of those conditions, and the generation of a new licence.

The Role of Licensing Controls

Q11: Do you agree that events for under 5,000 people should be deregulated across all of the activities listed in Schedule One of the Licensing Act 2003?

No, we do not agree.

Q12: If you believe there should be a different limit - either under or over 5,000 what do you think the limit should be? Please explain why you feel a different limit should apply and what evidence supports your view.

At present, the Licensing Act recognises an event with a 5,000 person audience as a large scale event. It also recognises events of less than 500 (the limit for a TEN) to be lower risk. The Live Music Bill suggests 200 is the lower limit for exemption. We consider that the 200 limit would be a more acceptable threshold for live music and recorded music. However if a limit is to be imposed there must be a clear way of calculating the maximum audience size in a licensed premises - a detail that was not transferred across from the Public Entertainment Licence in 2005. Prior to the Licensing Act the capacity limits for premises were provided by the Fire authority. However this was not transferred across when the legislation was modernised, and there is now no capacity within the Fire Authority to provide this service.

In general the Council does not accept that deregulating live or recorded music is wise. It would be preferable for the Government, rather than deregulate entertainment, to introduce a system where premises can apply for an entitlement to provide entertainment, similar to that which enables them to provide 2 or less gaming machines. This entitlement could be removed if there are irresolvable issues with the management of the premises.

Q13: Do you think there should be different audience limits for different activities listed in Schedule One? If so, please could you outline why you think this is the case, Please could you also suggest the limits you feel should apply to the specific activity in question.

As already suggested, we do not consider that the low risk activities of performance of plays, films (but with a caveat for R18 films – see Q35), indoor sports and some forms of dance need to be licensed.

It is difficult to agree an audience limit for live and recorded music as the nuisance arising from this is not necessarily dependent on venue size, and experience demonstrates that the smallest of venues providing live music can create considerable nuisance as these are usually within residential areas, acoustically weak in the design of the premises with minimal air conditioning thus resulting in windows and doors being left open.

Disorder caused by alcohol excess does have a cumulative effect and can be related to venue size. Therefore providing an exemption for regulated entertainment based on venue size alone would not mitigate the risk of nuisance.

Q14: Do you believe that premises that would no longer have a licence, due to the entertainment deregulation, would pose a significant risk to any of the four original licensing objectives? If so please provide details of the scenario in question.

Yes. We believe that deregulating entertainment would primarily have a significant impact on the objective of public nuisance for the reasons described above, but in addition the absence of a licence, particularly for larger outdoor events would particularly have an impact on all four licensing objectives.

Q15: Do you think that outdoor events should be treated differently to those held indoors with regard to audience sizes? If so, please could you explain why, and what would this mean in practice.

Certainly - please refer to Question 9. Outdoor events, with no acoustic attenuation, have the potential to cause nuisance to a much wider area, and tend to be for larger audiences and so bring with them further issues relating to crowd, traffic and waste management, so we do believe that these need to be treated differently. From our experience in Leeds outdoor events require far more preparation, planning and supervision to ensure nuisance is not caused to the surrounding neighbourhood.

Q16: Do you think that events held after a certain time should not be deregulated? If so, please could you explain what time you think would be an appropriate cut-off point, and why this should apply.

Although there is a tendency to assume that noise nuisance after 11pm is the only concern, however we believe that in some cases noise nuisance during the day, especially at weekends, or in residential areas can be as distressing as noise nuisance occurring late at night. As such we believe that live music and recorded music should remain regulated at all times.

Q17: Should there be a different cut off time for different types of entertainment and/or for outdoor and indoor events? If so please explain why.

As before, the licensable activities that cause the most concern are live music and recorded music. As discussed in the answer to question 16 we believe that these two activities can cause nuisance at any time.

Q18: Are there alternative approaches to a licensing regime that could help tackle any potential risks around the timing of events?

The current entertainment licensing regime ensures that the right balance is achieved between the needs of the local residents, patrons and the event or business owner. This proactive approach has been shown to be the most efficient and effective way to resolve any issues that may occur. Removing such a licensing regime would lead to an inefficient and ineffective reactive approach. Using the Environmental Protection Act to reduce or remove risk in terms of the timing of events could be problematic. The legislation can only be used to prevent or remove nuisance rather than restrict or influence the timing of an event

Q19: Do you think that a code of practice would be a good way to mitigate potential risks from noise? If so, what do you think such a code should contain and how should it operate?

We do not believe that a code of practice alone would be enough to mitigate the risk of public nuisance. Even the licensing regime with the risk of prosecution and a prison term is not always enough to get quick results.

Q20: Do you agree that laws covering issues such as noise, public safety, fire safety and disorder, can deal with potential risks at deregulated entertainment events? If not, how can those risks be managed in the absence of a licensing regime?

We believe that the Licensing Act, in relation to large scale events and live and recorded music provides a unique opportunity to prevent nuisance from happening. The licensing regime provides an opportunity for specialist officers to consider the style of the operation being considered at a premises and to suggest measures that promote the licensing objectives and prevent nuisance in the first instance. All other laws covering the issues described are reactive. In the case of noise nuisance the noise legislation requires an abatement notice to be served and breached before action can be taken. This is reliant on a good out of hours service, something that few authorities can afford to maintain.

Q21: How do you think the timing/duration of events might change as a result of these proposals? Please provide reasoning and evidence for your view.

Premises will be able to provide entertainment at any time of the day or night without consideration for local residents or businesses. Many licences bear conditions which are restrictive after certain times, i.e. 11pm, for the purpose of protecting residents. We tend to find that residents will tolerate a certain degree of nuisance as they know that the music will cease at a given time. Without this assurance residents will not endure nuisance at any time.

Q22: Are there any other aspects that need to be taken into account when considering the deregulation of Schedule One in respect of the four licensing objectives of the Licensing Act 2003?

Yes – as previously stated, other legislation which might be used instead of the Licensing Act i.e. the Environment Protection Act and Fire Safety Reform Order is reactive as opposed to preventative.

Performance of Live Music

Q23: Are there any public protection issues specific to the deregulation of the performance of live music that are not covered in chapter 3 of this consultation? If so, how could they be addressed in a proportionate and targeted way?

Yes. Our major concern is that the deregulation of live and recorded music in any size premises would lead to more public nuisance, and this public nuisance would take longer to resolve under existing noise legislation.

Q24: Do you think that unamplified music should be fully deregulated with no limits on numbers and time of day/night? If not, please explain why and any evidence of harm.

The council received very few complaints relating to the old "two in a bar" rule. Should an exemption for genuine unamplified music be introduced we do not believe there would be significant concerns. However when drafting this exemption, it is important that the definition for unamplified music is very clear, and not confused with acoustic music - which could be used to describe an amplified acoustic guitar.

Q25: Are there any other benefits or problems associated specifically with the proposal to deregulate live music?

We believe that the concerns relating to live music have been described in the answers to previous questions throughout this document.

Performance of Plays

Q26: Are there any public protection issues specific to the deregulation of the performance of plays that are not covered in chapter 3 of this consultation? If so, how could they be addressed in a proportionate and targeted way?

No

Q27: Are there any health and safety considerations that are unique to outdoor or site specific theatre that are different to indoor theatre that need to be taken into account?

No

Q28: Licensing authorities often include conditions regarding pyrotechnics and similar HAZMAT handling conditions in their licences. Can this type of restriction only be handled through the licensing regime?

It is for the event organiser to satisfy themselves that any such displays are held in accordance with the manufacturer's safety instructions and relevant legislation. However from experience we know that this is not the best or safest approach and often, through the licensing regime, it has been necessary for health & safety and/or the fire authority to intervene.

Q29: Any there any other benefits or problems associated specifically with the proposal to deregulate theatre?

No

Performance of Dance

Q30: Are there any public protection issues specific to the deregulation of the performance of dance that are not covered in chapter 3 of this consultation? If so, how could they be addressed in a proportionate and targeted way?

No, as any premises of concern that provide facilities for dance are also licensed for alcohol, i.e. night clubs.

Q31: Any there any other benefits or problems associated the proposal to deregulate the performance of dance?

No

Exhibition of Film

Q32: Do you agree with the Government's position that it should only remove film exhibition from the list of regulated activities if an appropriate age classification system remains in place?

Yes

Q33: Do you have any views on how a classification system might work in the absence of a mandatory licence condition?

Similar to the control of the performance of hypnotists, the local authority could still classify films upon request subject to this being contained within the LA03.

Q34: If the Government were unable to create the situation outlined in the proposal and above (for example, due to the availability of Parliamentary time) are there any changes to the definition of film that could be helpful to remove unintended consequences, as outlined earlier in this document - such as showing children's DVDs to pre-school nurseries, or to ensure more parity with live broadcasts?

We do not fully understand this question. We presently would not consider these examples to be regulated entertainment.

Q35: Are there any other issues that should be considered in relation to deregulating the exhibition of film from licensing requirements?

No, however the Act could benefit from clarity with regards to the showing and/or access to Restricted 18 films within licensed premises. A suggestion would be a total exclusion of any R18 films being made available or shown in any premises unless appropriately licensed under the Local Government (Miscellaneous Provisions) Act 1982.

Indoor Sport

Q36: Are there any public protection issues specific to the deregulation of the indoor sport that are not covered in chapter 3 of this consultation? If yes, please outline the specific nature of the sport and the risk involved and the extent to which other interventions can address those risks.

No

Q37: Are there any other issues that should be considered in relation to deregulating the indoor sport from licensing requirements?

No

Boxing and Wrestling, and Events of a Similar Nature

Q38: Do you agree with our proposal that boxing and wrestling should continue to be regarded as "regulated entertainment", requiring a licence from a local licensing authority, as now?

No

Q39: Do you think there is a case for deregulating boxing matches or wrestling entertainments that are governed by a recognised sport governing body? If so please list the instances that you suggest should be considered.

We have minimal experience with these categories of entertainment and therefore do not have the knowledge or experience to comment on this matter.

Q40. Do you think that licensing requirements should be specifically extended to ensure that it covers public performance or exhibition of any other events of a similar nature, such as martial arts and cage fighting? If so, please outline the risks that are associated with these events, and explain why these cannot be dealt with via other interventions.

As above

Recorded Music and Entertainment Facilities

Q41: Do you think that, using the protections outlined in Chapter 3, recorded music should be deregulated for audiences of fewer than 5,000 people? If not, please state reasons and evidence of harm.

No, for the reasons described in previous answers throughout this document. Specifically please see the answers to questions 5, 6, 8, 9, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21 and 22. Please also see the answers to questions under the heading of Performance of Live Music

Q42: If you feel that a different audience limit should apply, please state the limit that you think suitable and the reasons why this limit is the right one.

200. For more information see Q12 and Q41.

Q43: Are there circumstances where you think recorded music should continue to require a licence? If so, please could you give specific details and the harm that could be caused by removing the requirement?

Yes, please see Q41.

Q44: Any there any other benefits or problems associated specifically with the proposal to deregulate recorded music?

Yes, please see Q41.

Q45: Are there any specific instances where Entertainment Facilities need to be regulated by the Licensing Act, as in the current licensing regime? If so, please provide details.

No, the provision of 'Entertainment Facilities' do not concern us and this should be removed from the Act. The focus should be on the actual provision of the entertainment.

Unintended consequences

Q46: Are there any definitions within Schedule One to the Act that are particularly difficult to interpret, or that are otherwise unclear, that you would like to see changed or clarified?

No

Q47: Paragraph 1.5 outlines some of the representations that DCMS has received over problems with the regulated entertainment aspects of the Licensing Act 2003. Are you aware of any other issues that we need to take into account?

No

Adult Entertainment

Q48: Do you agree with our proposal that deregulation of dance should not extend to sex entertainment? Please provide details.

Yes, sex entertainment is now controlled under the Local Government (Miscellaneous Provisions) Act 1982 unless it falls under the exemption (less than 12 occasions per year). For the purpose of the exemption we would wish to see dance by way of sexual entertainment to remain licensable for the reason of applying relevant conditions to the premises licence in terms of the protection of children from harm.

Contact details:

Entertainment Licensing Section	Phone:	0113 247 4095
Leeds City Council	Fax:	0113 224 3885
Civic Hall	Website:	www.leeds.gov.uk/licensing
Leeds	Email:	entertainment.licensing@leeds.gov.uk
LS1 1UR		



Report author: Stephen Holder
Tel: 74720

Report of the Head of Licensing and Registration

Report to Licensing Committee

Date: 15th November 2011

Subject: DE-BRIEF REPORT TO MEMBERS FOLLOWING THE LEEDS FESTIVAL 2011 HELD AT BRAMHAM PARK

Are specific electoral Wards affected? If relevant, name(s) of Ward(s): Wetherby	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Summary of main issues

1. This report informs Members of the matters arising from the Leeds Festival 2011, following the multi agency de-brief meetings held on the 29 September.
2. Responsible Authorities were satisfied with the pre event meetings and the Event Management Plan. No major issues were identified throughout the event.

Recommendations

3. That the Licensing Committee notes the content of this report and to take such steps it considers necessary for future events.

1.0 Purpose of this report

1.1 To present to Licensing Committee a de-brief of the Leeds Festival 2011 held at Bramham Park over the August Bank Holiday weekend.

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 28 April 2006.

2.2 The Licence is held for Bramham Park and allows the 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 A variation application to increase the capacity of the site from 69,999 to 89,999 implemented at 5,000 per year was made in December 2010. The application received no representations from Responsible Authorities or Interested Parties and was deemed granted on the 10 January 2011.

2.6 The variation was reported to Members at the Licensing Committee meeting on the 15 February 2011 where it was confirmed that the 5,000 a year increase would be agreed with the responsible authorities on an annual basis and become part of the Event Management Plan, which in turn would be considered by the Licensing Committee prior to the start of the event.

2.7 Members agreed to note the report.

2.8 A copy of the current Premises Licence is attached at **Appendix 1** for Members information.

3.0 Main issues

3.1 The draft Event Management Plan for the 2011 Festival was received by the Licensing Authority and Responsible Authorities on 15 February 2011. As in

previous years a copy of the Summary of Changes from the 2010 event were circulated to Members of the Licensing Committee and Ward Members of the constituencies surrounding the event site.

- 3.2 To ensure the widest circulation of information the Leeds Festival management 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 was held on the 28 February 2011 and continued on a regular basis.
- 3.4 Members considered the final Event Management Plan at their meeting on the 16 August 2011. Members resolved that delegated authority be given to the Head of Licensing and Registration to approve the Event Management Plan and any minor amendments prior to the start of the event.

3.5 Festival Liaison

- 3.6 Throughout the duration of the festival multi agency meetings were co-ordinated between all agencies and the licence holder or his representative.
- 3.7 These meetings are called each day to give updates from Festival Republic and to report any issues identified requiring attention.

3.8 Multi Agency De-Brief

- 3.9 Multi agency de-briefs were held on the 29 September 2011. In general all agencies were satisfied with the running of the event. The comments from agencies were:

3.10 West Yorkshire Police

- West Yorkshire Police considered that this years event was a great success.
- Crime figures were the lowest for 5 years being 155 compared with 241 in 2010, against a background of national increases at festivals around the country.
- No issues with Traffic management.

3.11 West Yorkshire Fire and Rescue

- No major issues
- Awaiting a report from Midland Fire concerning a burger van fire.

3.12 Health & Safety

- Special effects used by an artiste provided at short notice. In future such information must be provided earlier.
- Reference to a buggy incident and requested in future that Health & Safety be advised as soon as possible so they may attend the incident site before it is cleared.

3.13 Building Control

- The site build went very well.
- The revised pit barrier worked very well and would hope to see this for future festivals.
- Reported of issues with the 'Relentless' structure. Will be requiring detailed and timely calculations for any future use of this structure.

3.14 Trading Standards

- The multi agency tout response operation was a great success with more notices issued than last year.
- Good working relationship with the bar operators on site.
- Five warning letters supplied to on-site traders in respect of counterfeit goods including clothing, hats, wallets, belts and accessories

3.15 Environment Noise

- 11 noise complaints received, compared to 22 in 2010.
- Some issues of audibility post 23:00hrs due to wind direction identified.
- Environment have requested a review of the calculations for the Piccadilly and Relentless stages for future events

3.16 Emergency Planning

- No issues to report.

3.17 Entertainment Licensing

- SIA (Security Industry Authority) badge checks were undertaken throughout the event and overall compliance was very good.
- Advise given that the badges should be worn on the upper body and not on belts or under clothing.
- An on-site alcoholic drinks promotion was identified which raised concerns and Festival Republic suspended the promotion. (To note that the promotion did not involve discounted drinks but the supply of alcohol from mobile vendors).
- Very good co-operation from Festival Republic during the run up and throughout the show.
- It was enquired whether Festival Republic were intending to increase the capacity to 80,000 for 2012 given that the 2011 event was not a sell out and the additional 5,000 capacity was not tested. It was confirmed that the infrastructure for the increase would be implemented and built into the 2012 Event Management Plan. All responsible authorities in attendance at the de-brief meeting were satisfied with the further increase for next year subject to discussions via the multi-agency process set to commence in February 2012.

3.18 Festival Republic

- Leeds Festival 2011 was a great success.
- Crime was at its lowest level since 2003 and arrests made were up to 27 in 2011 compared with 21 in 2010.
- The atmosphere in the campsites was very good with anti social behaviour significantly down on previous years and with security staff doing a good job.

- Numbers of patients reporting to the medical tent and being transferred to hospital were down.
- Noise complaints were down on 2010.
- The traffic plan worked well again with just some tweaks needed for next year to the exit plan on the Monday.
- The new pit barrier layout and the topography of the main stage viewing area worked very well and the revised layout of the arena entrance also improved the conditions for the main crowd movement at the end of the main entertainment.
- The multi agency tout response vehicle worked well offsite in disrupting the activities of touts selling on the highway.
- The working relationship with all agencies is exemplary. All in all, operationally, the festival was the best yet and subsequently there are no changes of significance planned for 2012.

4.0 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.1 There are no concerns as this is a post event de-brief to Members following to approval of the Event Management Plan on the 16 August 2011.

4.2 Equality and Diversity / Cohesion and Integration

- 4.2.1 There are no concerns for equality and diversity.

4.3 Council Policies and City Priorities

- 4.3.1 When the application was considered in 2006 the Licensing Committee granted the Premises Licence having regard to the Licensing Act 2003 Statement of Licensing Policy.

4.4 Resources and Value for Money

- 4.4.1 The licensing process, including the Licensing Committee, generates a cost to the council. The majority of these costs are covered by the application fee and in the case of this application by the annual maintenance fees.

4.5 Legal Implications, Access to Information and Call In

- 4.5.1 There are no concerns as this is a post event de-brief to Members following to approval of the Event Management Plan on the 16 August 2011.

4.6 Risk Management

- 4.6.1 Full training and legal advice is provided to Members sitting on the Licensing Committee in order to mitigate the risk of legal challenge.

5.0 Conclusion

- 5.1 The 2011 Leeds Festival event held over the Bank Holiday weekend was considered by all agencies to be a success, with crime and disorder, public safety concerns and public nuisance complaint all decreased from previous years. The organiser, Festival Republic, considered the working relationship with all agencies to be exemplary and all in all, operationally, the festival was the best yet and subsequently there are no changes of significance planned for 2012.

6.0 Recommendations

- 6.1 That Licensing Committee note the content of this report.

7.0 Background Papers (available from the report author)

- 7.1 Leeds Festival Event Management Plan 2011

Appendices

- Appendix 1 Bramham Park Premises Licence

Premises Licence

Premises Licence Number:

PREM/02193/005

Initial licence issued from:

24th April 2006

Public Register Copy

Current licence effective from:

6th June 2011

Premises Address: Leeds Festival, Bramham Park, Thorner Road, Wothersome, Wetherby, Leeds, LS23 6ND

Licensable activities authorised by this licence: Sale by retail of alcohol; Provision of late night refreshment; Performance of a play; Exhibition of a film; Performance of live music; Performance of recorded music; Performance of dance; Entertainment similar to live music, recorded music or dance; Provision of facilities for making music; Provision of facilities for dancing; Provision of facilities for anything similar to making music or dancing;

Times for licensable activities

Sale by retail of alcohol

Every Day 00:01 - 00:00

Provision of late night refreshment

Wednesday to Sunday 23:00 - 05:00

Performance of a play

Thursday 19:00 - 03:00

Friday to Sunday 12:00 - 03:00

Exhibition of a film

Thursday 19:00 - 03:00

Friday to Sunday 12:00 - 06:00

Performance of live music

Thursday 19:00 - 03:00

Friday to Sunday 12:00 - 06:00

Performance of recorded music

Thursday 19:00 - 03:00

Friday to Sunday 12:00 - 06:00

Performance of dance

Thursday 19:00 - 03:00

Friday to Sunday 12:00 - 03:00

Entertainment similar to live music, recorded music or dance

Thursday 19:00 - 03:00

Friday to Sunday 12:00 - 06:00

Times for licensable activities

Provision of facilities for making music

Thursday 19:00 - 03:00

Friday, Saturday & Sunday
12:00 - 06:00

Provision of facilities for dancing

Thursday 19:00 - 03:00

Friday to Sunday 12:00 - 06:00

Provision of facilities for anything similar to making music or dancing

Thursday 19:00 - 03:00

Friday, Saturday & Sunday
12:00 - 06:00

Opening hours of premises

Everyday 00:01 - 00:00

Alcohol sales are permitted for consumption both on and off the premises

Licence Issued under the authority of Leeds City Council

Mrs Bridget Massey
Licensing Officer
Entertainment Licensing
Licensing and Registration

Licence produced on 04/11/2011

Premises Licence Holder(s): Mr Melvin Benn, Festival Republic Ltd, 35 Bow Street, London, WC2E 7AU

Registered number of holder(s): 02948536

Designated Premises supervisor: Anne-Maria O'Sullivan

**Access to the premises by children is unrestricted.
Detailed in full on Part A of this licence.**

Annex 1 – Mandatory conditions

1. Only individuals licensed by the Security Industry Authority may be used at the premises to guard against:-
 - a. unauthorised access or occupation (e.g. through door supervision), or
 - b. outbreaks of disorder, or
 - c. damage
2. No supply of alcohol may be made under this licence
 - a. At a time when there is no designated premises supervisor in respect of the premises licence, or
 - b. At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
3. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
4. The admission of children under the age of 18 to film exhibitions permitted under the terms of this licence shall be restricted in accordance with any recommendations made
 - a. By the British Board of Film Classification (BBFC,) Where the film has been classified by the Board, or
 - b. By the Licensing Authority where no classification certificate has been granted by the BBFC, or,
 - c. where the licensing authority has notified the licence holder that section 20 (3) (b) (74 (3) (b) for clubs) of the Licensing Act 2003 applies to the film.
5. The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children -

- a. games or activities which require or encourage, or are designed to require or encourage, individuals to -
 - i. drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - ii. drink as much alcohol as possible (whether within a time limit or otherwise);
- b. provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
- c. provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;
- d. provision of free or discounted alcohol in relation to the viewing on the premises of a

sporting event, where that provision is dependent on -

- i. the outcome of a race, competition or other event or process, or
 - ii. the likelihood of anything occurring or not occurring;
 - e. selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
6. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
7. The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
- The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.
8. The responsible person shall ensure that -
- a. where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures:
 - i. beer or cider. 1/2 pint;
 - ii. gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - iii. still wine in a glass: 125 ml; and
 - b. customers are made aware of the availability of these measures
9. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

Annex 2 – Conditions consistent with the Operating Schedule

Additional details in respect of Licensable Activities authorised by this licence

10. Provision of late night refreshment

Location where activity will take place:

This activity will take place both indoors and outdoors.

11. Performance of a play

Location where activity will take place:

This activity will take place both indoors and outdoors.

12. Exhibition of a film

Location where activity will take place:

This activity will take place both indoors and outdoors.

13. Performance of live music

Location where activity will take place:

This activity will take place both indoors and outdoors.

14. Performance of recorded music

Location where activity will take place:

This activity will take place both indoors and outdoors.

15. Performance of dance

Location where activity will take place:

This activity will take place both indoors and outdoors.

16. Entertainment similar to live music, recorded music or dance

Location where activity will take place:

This activity will take place both indoors and outdoors.

17. Provision of facilities for making music

Location where activity will take place:

This activity will take place both indoors and outdoors.

18. Provision of facilities for dancing

Location where activity will take place:

This activity will take place both indoors and outdoors.

19. Provision of facilities for anything similar to making music or dancing

Location where activity will take place:

This activity will take place both indoors and outdoors.

20. All Licensable Activities

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 24th August to 03:00 hrs on Monday 29th August 2011

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 22nd August to 23:00hrs on Tuesday 30th August 2011

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.

21. Concerns in respect of children

None defined

Conditions consistent with the operating schedule relating to the licensing objectives

General – All four licensing objectives

22. The Premises Licence Holder shall comply with the terms and requirements of the Event Management Plan each year.
23. There shall be an Event Management Plan which incorporates the Operating Schedule submitted to the Licensing Authority at least six months prior to the festival each year.
24. The Event Management Plan and any revisions to the Event Management Plan must be approved by the Licensing Authority prior to the Festival

Public safety

25. The maximum permitted capacity at the event is 85,000 ticket holders and 4999 guests (89999 persons in total) The proposed capacity for each event will form part of the Event Management Plan notified to the Licensing Authority and the Multi Agency partners under the conditions of this Licence.

Annex 3 – Conditions attached after a hearing by the licensing authority

None

Annex 4 - Plans

The plans for these premises are as those submitted with the application. A copy of which is held by Leeds City Council Licensing Authority.



Report author: Susan Holden
Tel: 51863

Report of the Head of Licensing and Registration

Report to Licensing Committee

Date: 15th November 2011

Subject: Changes to the Licensing Act 2003

Are specific electoral Wards affected? If relevant, name(s) of Ward(s):	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Summary of main issues

1. The current Government promised sweeping changes to the Licensing Act 2003 in an effort to rebalance the legislation and to bring greater power to local authorities and local residents.
2. The Police Reform and Social Responsibility Bill has been making its way through the legislative process and received Royal Assent in September
3. This report provides information on the changes.

Recommendations

4. That Licensing Committee notes the content of this report.

1.0 Purpose of this report

1.1 To present to Licensing Committee the changes to the Licensing Act 2003 brought about by the Police Reform and Social Responsibility Act 2011 (“the Act”).

2.0 Background information

2.1 The current Government’s Coalition Agreement stated:

- We will overhaul the Licensing Act to give local authorities and the police much stronger powers to remove licences from, or refuse to grant licences to, any premises that are causing problems.
- We will allow councils and the police to shut down permanently any shop or bar found to be persistently selling alcohol to children.
- We will double the maximum fine for under-age alcohol sales to £20,000.
- We will permit local councils to charge more for late-night licences to pay for additional policing.

2.2 In order to do this radical changes to the Licensing Act were required which will be brought in through the Act.

3.0 Main issues

3.1 The Act received Royal Assent in September 2011. It will bring in a range of measures designed to overhaul the Licensing Act to give more powers to local authorities and police to tackle any premises that are causing problems, doubling the maximum fine for persistent underage sales and permitting local authorities to charge more for late-night licences to contribute towards the cost of policing the late-night economy.

3.2 In addition the Government has promised to make other changes to the legislation through guidance and secondary legislation.

4.0 Changes to the Licensing Act

4.1 The Home Office have provided a short description of the impact of each of the changes which is reproduced under each heading in *italics*.

Licensing authorities a responsible authority

4.1 *Making licensing authorities a responsible authority will give licensing authorities the power to refuse licence applications or call for a licence review without requiring relevant representations from a responsible authority.*

4.2 This will mean that the licensing authority will be able to make representations and request reviews in their own right based on evidence gathered as part of their normal enforcement duties, rather than rely on the police or environmental health to request reviews.

Licensing decision to be appropriate rather than necessary

- 4.3 *Making Licensing authorities decisions appropriate for the promotion of the objectives will remove the need for licensing authorities to demonstrate their decisions on licences “are necessary” for (rather than of benefit to) the promotion of the licensing objectives and reduce the evidential burden of proof required by licensing authorities in making decisions on licence applications and licence reviews.*
- 4.4 This change is designed to make it easier for the council to refuse or revoke licences. The Licensing Committee will be able to make decisions that are appropriate rather than necessary. However only time and legal challenge will tell what effect this will have on the council.

Remove the “vicinity” test.

- 4.5 *Remove the “vicinity” test to increase the opportunities for local residents or their representative groups to be involved in licensing decisions, without regard to their immediate proximity to premises.*
- 4.6 This will have a large impact on the council, as anyone will be able to make a representation regardless of where they live or the impact the licence will have upon them. It will open the debate on licence applications and will increase the number of representations we deal with.

Health bodies a responsible authority

- 4.7 *Make Health Bodies a responsible authority to enable more involvement of local health bodies in licensing decisions by designating health bodies as a responsible authority*
- 4.8 Making the Primary Care Trust a responsible authority would not impact on the council, but will allow the PCT to be automatically consulted upon any policy change, and if they can directly link a premises to people visiting the hospital they could request a review of the licence.

Introduce a Late Night Levy

- 4.9 *Repeal the unpopular power to establish Alcohol Disorder Zones and allow licensing authorities to use a simple adjustment to the existing fee system to pay for any additional policing needed during late-night opening.*
- 4.10 It is difficult to tell at the moment if there would be an appetite to set such a levy until the detail is known. Hopefully the process is not so complicated and the levy set so low as to make this unworkable. Further information on the Late Night Levy is available on the Home Office website.

- 4.11 It is not clear yet who would make the decision to introduce a late night levy. As this amendment is in the Act, rather than an amendment to the Licensing Act, the responsibility would not automatically fall to the Licensing Committee as a function of the Licensing Act 2003. All decisions default automatically to Executive Board, unless the legislation states that it is a council function. This information would be in the regulations.

Changes to Temporary Event Notices

- 4.12 *Environmental Health to be able to object to TENs. These changes allows environmental health teams the ability to object to a temporary event notice as well as the police. All objections (police and environmental health) will be able to be made on the basis of all the licensing objectives in the Licensing Act 2003 rather than just crime and disorder*
- 4.13 This will increase the number of temporary event notices that are rejected and increase the administrative burden placed on the council, without an increase in fees. However it will stop problem premises from using TENs to provide live music and so reduce the number of disturbances to residents.
- 4.14 *Allow Licensing Authorities to apply conditions to TENs - under the Act, licensing authorities will be able to impose conditions on a temporary event notice if there have been objections, and the temporary event notice relates to a premises that has a premises licence. The conditions must be consistent with the activities described on the TEN, and the conditions already applied to the premises licence. The licensing authority will provide a "statement of conditions" and will have to send this to the police and environmental health body as well as the premises user.*
- 4.15 This is a welcomed change and will stop licensed premises from using TENs to get around conditions on their licence. Previously TENs superseded the premises licence, which allowed heavily conditioned premises to provide occasional events without any conditions.
- 4.16 *A new type of TEN. There will be two types of temporary event notices – standard and late. A late TEN is given within 5 days of the event but no earlier than 9 days before. If an objection is given for a late TEN a counter notice will be provided and the event cannot lawfully take place. Premises users will only be able to give 10 late TENs if they are a personal licence holder and 2 if not.*
- 4.17 At the moment the council has no discretion to accept TENs if they are submitted within 10 days of the event. Local authorities have been asking for this discretion since the implementation of the Licensing Act and this is one of the major causes of upset to organisers of local events, especially when the events are low risk and mostly to raise money for charitable causes. However introducing a new type of TEN may lead to more complexity, rather than reducing the burden.

- 4.18 *Increase the duration of TENs. Provisions will also enable premises users, in any calendar year, to hold a single event under a temporary event notice for up to seven days (instead of 4), use a single premises for an aggregate 21 days (instead of 15) and to give a limited number of temporary event notices later than the existing process permits.*
- 4.19 Although this will have little effect on the council it may make a big difference to people applying for temporary event notices.
- 4.20 *Change the way a Licensing Authority acknowledges TENs. Licensing authorities will not have to return one copy of the TEN, but instead a written acknowledgement.*
- 4.21 This will make very little difference to local authorities or the premises users. In Leeds we provide a copy of the TEN plus an acknowledgement that the premises user can use to display.
- 4.22 *Extend the objection period for TENs. The objection period for police and environmental health will be extended from 2 days to 3.*
- 4.23 It is believed this will be welcomed by the police but shouldn't impact on the licensing authority or the premises user.

Underage Sales

- 4.24 *Introduce tougher sentences for persistent underage sales. This increases the maximum fine from £10,000 to £20,000. Although this might increase the deterrent to people who may sell alcohol to children, it will not affect the council. It is rare that the maximum fine is given for underage sales.*

Suspension of licence on non-payment of fees

- 4.25 *Enable licensing authorities to suspend licenses due to non-payment of fees.*
- 4.26 This will have a positive impact on the licensing authority. At the moment the amount outstanding in individual annual fees may not be worth pursuing as a civil debt through the courts and we have to wait a number of years until the debt has accumulated before we are able to take this course. Although each individual fee is small, the accumulation of unpaid fees to the council is large. This change will lead to instant action if an annual fee is unpaid after 21 days. Should a premises continue trading after their licence has been suspended they may be liable, on summary conviction, to a fine not exceeding £20,000 and/or six months in prison.

Early Morning Restriction Orders

- 4.27 *Extend Early Morning Restriction Orders so they can be applied flexibly between midnight and 6am*

- 4.28 Early morning restriction orders allow councils to effectively zone their city centres. Should a particular hotspot area occur, making an early morning restriction order may enable the area to be better managed by the police. It is difficult to tell at the moment if there is an appetite to make such an order in Leeds. It would depend on the detail provided by regulations, and the process involved.

Advertising of applications

- 4.29 *At the moment all applications are advertised by a site notice and a newspaper advert, arranged by the applicant. Under the Act, applications will have to be advertised in 'a manner which is prescribed and is likely to bring the application to the attention of the persons who are likely to be affected by it by both the applicant and the licensing authority.*
- 4.30 We expect that this will mean that local authorities have to advertise applications on the website. As all licensing application details are available through the council's Public Access system this will not be an additional burden to the council.

Statement of Licensing Policies

- 4.31 *Statement of Licensing Policies will have to be reviewed every 5 years rather than every 3 years.*
- 4.32 Although welcomed, it is disappointing that the Act does not allow licensing authorities to review their policies as and when required. Because of the five cumulative impact policies and a need to review these regularly, Leeds City Council is likely to keep to a regular review period in any case.

Fees based on cost recovery

- 4.33 *A late amendment to the Act enables local authorities to increase licensing fees so that they are based on full cost recovery. It will enable councils to include costs not just for the application process but for all its general expenses in relation to licensing including enforcement activities.*
- 4.34 This is obviously a very welcome change, and long overdue. The Licensing Act fees were reviewed by the Elton Report many years ago and found to be insufficient to cover the council's costs. The fees are not even in line with fees charged under other regimes. For example an SIA Door Supervisor licence costs £245 and is renewed every three years. It follows broadly the same application process as a Personal Licence under the Licensing Act. The fee for a personal licence is £37 and is renewed after ten years.

Increase in Relevant Offences

- 4.35 These changes simply fill loopholes in the existing offences. Leeds City Council has licensed 5,000 people to sell alcohol and only a handful of applications have been refused due to relevant offences, so this change will have little to no impact on the council.

Changes to be effected by updating the S182 Guidance to Licensing Authorities

- 4.36 Increase the weight licensing authorities will have to give to relevant representations and objection notices from the police.
- 4.37 Simplify Cumulative Impact Policies to allow licensing authorities to have more control over outlet density.
- 4.38 Enable licensing authorities to have flexibility in restricting or extending opening hours to reflect community concerns or preferences.
- 4.39 Applicants to give greater consideration to the local area when making their application.
- 3.42 Trigger automatic licence reviews following persistent underage sales.

5.0 Next Steps

- 5.1 None of the alcohol provisions in the Act came into force immediately upon Royal Assent. The Act includes a commencement provision for the government to commence any or all of the provisions when it so chooses.
- 5.2 Measures are normally commenced in either April or October each year, so the earliest any of these provisions will be introduced is likely to be 6 April 2012, with more complex proposals which require more detailed secondary legislation likely to be commenced later.
- 5.3 Some of the alcohol provisions introduced in the Act require substantive changes to secondary legislation prior to commencement and it is expected that there will be further consultation.
- 5.4 The Home Office will have to make substantial revisions to the statutory guidance issued under section 182 of the Licensing Act 2003 before the first provisions are commenced. The amendments to the statutory guidance will also include a number of other changes the government committed to making in its response to the 'Rebalancing the Licensing Act' consultation.
- 5.5 The Home Office is seeking input as secondary legislation and guidance is developed. Leeds City Council has offered to be part of this process.

6.0 Corporate Considerations

6.1 Consultation and Engagement

- 6.1.1 As these are changes made to national legislation, and this report is purely advisory, there has not been a wider consultation. However briefing notes have been provided to senior officers.
- 6.1.2 The Home Office consulted upon these changes and Licensing Committee endorsed a consultation response from Leeds City Council in 2010.

6.2 Equality and Diversity / Cohesion and Integration

6.2.1 There are no concerns for equality and diversity.

6.3 Council Policies and City Priorities

6.3.1 This consultation will have a serious impact on the Council's Licensing Act 2003 Statement of Licensing Policy, which will need to be amended in advance of the normal three yearly review.

6.4 Resources and Value for Money

6.4.1 The changes to the legislation will necessitate an overhaul of the Statement of Licensing Policy which has a cost implication.

6.4.2 The ability to set fees based on cost recovery, and to suspend licences on the non-payment of annual fees will enable the licensing authority to increase revenue.

6.5 Legal Implications, Access to Information and Call In

6.5.1 The changes to the legislation will necessitate retraining of Licensing Committee and licensing officers to mitigate the risk of legal challenge.

6.6 Risk Management

6.6.1 As this report is purely advisory there are no risks inherent in this process. However the amendments to the Licensing Act and the introduction of a late night levy do have a risk of legal challenge. Training for Licensing Committee and licensing officers will mitigate some of the risk. A robust Statement of Licensing Policy will support these changes.

7.0 Conclusions

7.1 The Government has made changes to the Licensing Act and introduced new powers through the Police Reform and Social Responsibility Act 2011 which will be commenced in 2012.

8.0 Recommendations

8.1 That Licensing Committee note the content of this report

LICENSING COMMITTEE WORK PROGRAMME 2011/12- LAST UPDATED 3 Nov 2011 (hg)

ITEM	DESCRIPTION	NOTES	TYPE OF ITEM
Items Currently Unscheduled			
WYTSS	Test purchasing and other measures tackling under age sales		B
Regular Renewal of CRBs for Licence Holders	Review, timetable to be agreed having regard to necessary public consultation	Des Broster	
NVQ/VRQs for drivers	Review ongoing arising from the Working Group	Des Broster	DP
SEVs	Training ongoing from January 2012. SEV applications to be considered w/c 11 June 2012		
Casino	Training ongoing from January 2012 Casino Stage 1 application process w/c 9 July 2012		
City Centre Policing Update	Discussion on city centre premises, licensing and policing (June/July 2012)	WYP	B
TPHL Policy Review – ongoing review of the policies/conditions	Timetable for the reviews was agreed Feb 11, the policies/conditions will return to the Committee at the conclusion of the necessary consultation period (to include driver licences nationality & immigration status checks)	Des Broster (Sept 2011 – Jan 2012)	DP

ITEM	DESCRIPTION	Officer	TYPE OF ITEM
Meeting date: 17 May 2011 - cancelled			
Meeting date: June 2011 – HELD. Casino application pack/Annual Gov arrangements/procedure /appeals			
Meeting date: 26 July 2011 – HELD SEVS policy/HC Trade Forum constitution			
Meeting date: 16 August 2011 – HELD Leeds Festival EMP update			
Meeting date: 13 September 2011 – HELD WYP presentation, City Centre night time economy			
Meeting date: 18 October 2011 – HELD De-regulation of regulated ents, Casino Advisory Panel;			

LICENSING COMMITTEE WORK PROGRAMME 2011/12- LAST UPDATED 3 Nov 2011 (hg)

ITEM	DESCRIPTION	Officer	TYPE OF ITEM
Meeting date: 15 November 2011			
Leeds Festival De-Brief	Report on multi-agency feedback following the Leeds Festival 2011	Nicola Raper/Steve Holder	B
Police Reform & Social Responsibility Bill	Update on the progress of the Police Reform Bill	Sue Holden	B
TPHL Operational matters	Information report on operational matters during 2010/11	Des Broster	DP
De-regulation of regulated entertainment	Report on response to consultation on the de-regulation of regulated entertainment	Sue Holden	B
Meeting date: 20 December 2011			
Meeting date: 17 January 2012			
Planning & Licensing		Chris Sanderson & Sue Holden	B
Leeds PCT	Final Alcohol Action Plan	Brenda Fullard	B
Large Casino Application Pack		Sue Holden	
Meeting date: 14 February 2012			
City Centre policing Update	Discussion on city centre premises, licensing and policing	WYP	B
Transport & the night time economy	Discussion on transport matters and strategy and impact on the night time economy	Andrew Hall	B

LICENSING COMMITTEE WORK PROGRAMME 2011/12- LAST UPDATED 3 Nov 2011 (hg)

ITEM	DESCRIPTION	Officer	TYPE OF ITEM
Meeting date: 14 March 2012			
Meeting date: 13 April 2012			
Meeting date: 15 May 2012			

Key:

RP – Review of existing policy

PM – Performance management

SC – Statutory consultation

DP – Development of new policy

B – Briefings

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