

## Licensing Committee

Tuesday, 24th July, 2012

**PRESENT:** Councillor S Armitage in the Chair

Councillors N Buckley, R Downes, J Dunn,  
T Hanley, G Hussain, G Hyde, A Khan,  
P Latty, C Townsley and G Wilkinson

- 27 Exempt Information - Possible Exclusion of the Press and Public**  
**RESOLVED** – That the public be excluded from the meeting during the consideration of the following parts of the agenda designated as exempt 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 public were present there would be disclosure to them of exempt information so designated in Appendix A to the report referred to in Minute No. 33 under the terms of Access to Information Procedure Rule 10.4(3) and on the grounds that several licensed premises are identified within the Appendix and open discussions on the contents would be prejudicial to the good working relationships established between the licensing authority, West Yorkshire Police and the premises and could additionally prejudice their business interests. As a result, withholding the information within appendix A was considered to outweigh the public interest benefit of its release.
- 28 Late Items**  
No formal late items of business were added to the agenda, however the Chair noted and agreed to a request from Councillor Charlwood to table information obtained from the Object website relating to SEV applications at the meeting. (minute 36 refers)
- 29 Declaration of Disclosable Pecuniary and other Interests**  
No disclosable pecuniary interests or other interests were declared.
- 30 Apologies for Absence**  
Apologies for absence were received from Councillors Bruce, Charlwood, Gettings and Selby. The Chair requested that a letter be sent to Councillor Gettings wishing him a speedy recovery from his recent accident.
- 31 Minutes**  
**RESOLVED** – That the minutes of the previous meeting held 26<sup>th</sup> June 2012 be agreed as a correct record
- 32 Matters Arising**  
Minute 14 Alpha Radar – The Committee noted two matters,  
a) A petition had been received from Alpha Hire and Hackney Welfare Society containing 255 signatories relating to the concerns of some hackney carriage and private hire drivers over the use of powers to issue immediate suspensions to drivers including those considered to be plying for hire. Members noted that the relevant Policy had been approved in 2007 and had

been discussed on numerous occasions since. Officers reported that a response to the petition and issues raised in the accompanying letter from Alpha Hire and Hackney Welfare Society would be presented to the August Committee meeting

- b) Receipt of further legal advice relating to what action could be taken over the communications and newsletters produced by Alpha Radar and what support the Council could offer to Committee Members who wished to pursue the matter

Minute 17 letter of condolence – the clerk to confirm that a letter of condolence had been sent to the widow of Mr Yousaf

Minute 21c) CRB checks – noted assurances that a report would be presented in due course on the uptake of the three yearly Drivers Licence and giving consideration to whether those drivers suitable for a three year drivers licence could also deal with their three yearly CRB check (if that policy was adopted) at the time of their licence renewal

### **33 Policing and the Night Time Economy**

The Chief Officer, Democratic & Central Services, submitted a report by way of introduction to a presentation from West Yorkshire Police (WYP) on issues relating to policing and the night time economy. WYP had submitted statistical information on the performance of some of the licensed premises within the city centre. This was contained at Appendix A of the report and was designated as exempt.

The Committee welcomed Sergeant R Fullilove, Leeds District Licensing Officer, Chief Inspector S Palmer, and Mr T Gorbet of Luminar Leisure. Sgt Fullilove recalled a previous presentation on the operation of the Matrix system used by WYP to monitor premises in the city centre when the Committee had requested that a city centre operator be invited to report on their experience of managing a city centre premises, liaison with WYP and the Matrix system.

Mr T Gorbet, Regional Director of Luminar Leisure addressed the meeting and provided Members with an outline of the licensed history of the Leeds Oceana premises and the incidents which had seen that premises feature at the top of the WYP Matrix system. Mr Gorbet detailed the management measures now implemented at the premises which had successfully addressed the problems which included:

- The introduction of a self imposed Operating Plan and closer liaison with WYP
- The introduction of incident mapping (when/where and why incidents occurred) and employment of an incident manager
- Replacement of the Door Team and more effective deployment of doorstaff throughout the premises using the information gleaned through incident mapping
- The search ratio of patrons had increased to 1:6.
- Amendment to the dispersal policy to stagger closing times throughout the premises which benefited from a 2,500 capacity spread throughout 7 rooms on 3 floors.

Further discussions also highlighted the changes made to the drinks charging policy and the management and promotion of the Under 18's night. Mr Gorbet stated he regarded the measures as being a common sense approach to managing a large capacity venue, and had not incurred great cost. He also noted that footfall had actually increased and that the number of accrued Matrix points had now reduced from 130 to 36, whilst retaining the same DPS and same hours of operation

The Committee commended the management team on their effort to tackle the problems at the premises, to work with WYP and reduce the points on the Matrix. Members felt the Matrix system had had an obvious and positive impact on the running of the venue. It was agreed that a meeting between Mr Gorbet and officers should take place where the matters raised could be used to create a case study for future reference with practical suggestions for other premises which may experience similar difficulties.

The Committee, noting the remainder of the presentation would deal with issues raised in Appendix A of the report

**RESOLVED –**

- a) To note the comments made during the open discussions and to thank Mr Gorbet for his presentation, and
- b) To enter into closed session to discuss the contents of appendix A

**34 Closed Session - Policing and the Night time Economy (10.4 (7))**

Sgt Fullilove and Ch Ins Palmer presented the information contained within Appendix A and discussed the nature of problems experienced by licensed premises in the city centre and those premises featured in the Matrix system (Councillor Hanley withdrew from the meeting for a short while at this point)

**RESOLVED –**

- a) To note the contents of the report and Appendix 1 and the comments made during the discussions with representatives of West Yorkshire Police
- b) To enter into open session to consider the remaining business on the agenda

(Councillor Khan withdrew from the meeting for a short while at this point)

**35 Appeals Under the Licensing Act 2003**

The Committee considered the report of the City Solicitor providing an update on the outcome of recent appeals heard in Leeds Magistrates Court against the decisions of the Licensing Sub Committees. Members attention was directed to those appeals where the magistrates had supported the City Centre Cumulative Impact Policy (Area 1) and those where the appeal had been compromised – due to new evidence or a change in circumstances.

The Legal Adviser also provided further detail on the case and outcome of an appeal relating to the Shell Pool Bridge premises and reported that the Council was now seeking a Judicial Review of the award of costs against the Council. Members noted with interest that there had been an appeal in respect of a decision taken by East Hampshire Licensing Authority (which had considered similar issues and evidence), but that Shell UK had lost that

appeal and was now reportedly seeking a Judicial Review of the Magistrates decision.

Members also discussed the possibility that different sub committees may take different approaches to the city centre CIP and the possible impact this could have on any future appeals to the Magistrates Court. Members noted the report that a firm of Leeds solicitors published an article on their website containing advice to applicants on how to deal with applications in CIP areas. The Committee agreed that a copy of that article should be made available to Members and that discussions on the approach to the CIP and how to critically examine requests to depart from it should be included within the next licensing training sessions.

**RESOLVED** – That the contents of the report be noted and that a copy of the article providing advice to applicants within CIP areas be sent to Members

### **36 Working Groups for Licensing Act and Sex Establishment Policy Reviews**

The Head of Licensing and Registration submitted a report setting out the background to proposals to establish two Working Groups to deal with a review of the Council's own Licensing Act 2003 Statement of Licensing Policy and a review of the Sex Establishment Statement of Licensing Policy. The timetable for undertaking the reviews was included within the report and Members were requested to consider the membership of the Working Groups. The Committee noted that Members of the previous SEV Working Group may be invited to attend future meetings of the new SEV Working Group

**RESOLVED** – That the contents of the report be noted and the memberships of the Working Groups be as follows

- a) Sexual Entertainment Venue Working Group – Councillors Bruce, Charlwood, Khan, Downes and Townsley
- b) Licensing Act 2003 Statement of Licensing Policy Working Group – Councillors Armitage, G Hussain, G Hyde, Dunn and P Latty

### **37 Gambling Act 2005 - Large Casino - Formulation of Advisory Panel**

The Head of Licensing and Registration submitted a report on the formulation and membership of the Advisory Panel which will provide a detailed appraisal of each of the Large Casino Stage 2 applications. A schedule of the proposed membership was attached at Appendix 1 for the Committees approval.

The Committee noted the Panel comprised of independent advisors from the legal, commercial and casino sectors and also included representatives who could relate to the social, equality and health sectors. Officers reported that the Panel would be Chaired by Mr T Bridges – the recently appointed LCC Chief Economic Development Officer

**RESOLVED** – That the contents of the report be noted and approval be given to the membership of the Advisory Panel

### **38 Licensing Work Programme**

**RESOLVED** – That the content of the Licensing Work Programme, with the additions made at this meeting, be noted

**39 Date and Time of Next Meeting**

**RESOLVED** – To note the date and time of the next meeting as Tuesday 14<sup>th</sup> August 2012 at 10:00 am