



## LICENSING COMMITTEE

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MEETING TO BE HELD IN CIVIC HALL, LEEDS ON  
TUESDAY, 24TH JULY, 2012 AT 10.00 AM

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### MEMBERSHIP

#### Councillors

S Armitage - Cross Gates and Whinmoor;  
K Bruce - Rothwell;  
Buckley - Alwoodley;  
R Charlwood - Moortown;  
R Downes - Otley and Yeadon;  
J Dunn - Ardsley and Robin Hood;  
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;  
G Wilkinson - Wetherby;

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Agenda compiled by:  
Tel No:  
Governance Services  
Civic Hall  
LEEDS LS1 1UR

Helen Gray  
247 4355

# A G E N D A

Item No	Ward/Equal Opportunities	Item Not Open		Page No
1			<p><b>APPEALS AGAINST REFUSAL OF INSPECTION OF DOCUMENTS</b></p> <p>To consider any appeals in accordance with Procedure Rule 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><b>EXEMPT INFORMATION - POSSIBLE EXCLUSION OF THE PRESS AND PUBLIC</b></p> <p>1 To highlight reports or appendices which officers have identified as containing exempt information, and where officers consider that the public interest in maintaining the exemption outweighs the public interest in disclosing the information, for the reasons outlined in the report.</p> <p>2 To consider whether or not to accept the officers recommendation in respect of the above information.</p> <p>3 If so, to formally pass the following resolution:-</p> <p><b>RESOLVED</b> – That the press and public be excluded from the meeting during consideration of those parts of the agenda designated as containing exempt information on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the press and public were present there would be disclosure to them of exempt information</p>	

Item No	Ward/Equal Opportunities	Item Not Open		Page No
3			<p><b>LATE ITEMS</b></p> <p>To identify items which have been admitted to the agenda by the Chair for consideration</p> <p>(The special circumstances shall be specified in the minutes)</p>	
4			<p><b>DECLARATION OF DISCLOSABLE PECUNIARY AND OTHER INTERESTS</b></p> <p>To disclose or draw attention to any disclosable pecuniary interests for the purposes of Section 31 of the Localism Act 2011 and paragraphs 13 -18 of the Members' Code of Conduct. Also to declare any other significant interests which the Member wishes to declare in the public interest, in accordance with paragraphs 19 -20 of the Members' Code of Conduct.</p>	
5			<p><b>APOLOGIES FOR ABSENCE</b></p>	
6			<p><b>MINUTES</b></p> <p>To approve the minutes of the last meeting held on 26<sup>th</sup> June 2012</p>	3 - 10
7		10.4(3)	<p><b>POLICING AND THE NIGHT TIME ECONOMY</b></p> <p>To receive a presentation from representatives of West Yorkshire Police on issues relating to policing and the night time economy</p> <p>Please note that Appendix A of the report is regarded as exempt under the provisions of Access to Information Procedure Rule 10.4 (3)</p>	11 - 14

Item No	Ward/Equal Opportunities	Item Not Open		Page No
8	Various;		<p><b>APPEALS UNDER THE LICENSING ACT 2003</b></p> <p>To consider the report of the City Solicitor providing an update on the outcome of recent appeals against the decisions of the Licensing Sub Committees</p> <p>(Report attached)</p>	15 - 24
9			<p><b>WORKING GROUPS FOR LICENSING ACT AND SEX ESTABLISHMENT POLICY REVIEWS</b></p> <p>To consider the report of the Head of Licensing and Registration on proposals to support the reviews of the Councils' own Licensing Act 2003 Statement of Licensing Policy and Sex Establishment Licensing Policy.</p> <p>(Report attached)</p>	25 - 30
10			<p><b>GAMBLING ACT 2005 - LARGE CASINO - FORMULATION OF ADVISORY PANEL</b></p> <p>To consider the report of the Head of Licensing and Registration on the formulation and membership of the Advisory Panel which will provide a detailed appraisal of each of the Large Casino Stage 2 applications</p> <p>(Report attached)</p>	31 - 36
11			<p><b>LICENSING WORK PROGRAMME</b></p> <p>To note the contents of the Licensing Work Programme</p> <p>(schedule attached)</p>	37 - 38
12			<p><b>DATE AND TIME OF NEXT MEETING</b></p> <p>To note the date and time of the next meeting as Tuesday 14<sup>th</sup> August 2012 at 10.00 am</p>	

## **CONFIDENTIAL AND EXEMPT ITEMS**

The reason for confidentiality or exemption is stated on the agenda and on each of the reports in terms of Access to Information Procedure Rules 9.2 or 10.4(1) to (7). The number or numbers stated in the agenda and reports correspond to the reasons for exemption / confidentiality below:

### **9.0 Confidential information – requirement to exclude public access**

9.1 The public must be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that confidential information would be disclosed. Likewise, public access to reports, background papers, and minutes will also be excluded.

### **9.2 Confidential information means**

- (a) information given to the Council by a Government Department on terms which forbid its public disclosure or
- (b) information the disclosure of which to the public is prohibited by or under another Act or by Court Order. Generally personal information which identifies an individual, must not be disclosed under the data protection and human rights rules.

### **10.0 Exempt information – discretion to exclude public access**

10.1 The public may be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that exempt information would be disclosed provided:

- (a) the meeting resolves so to exclude the public, and that resolution identifies the proceedings or part of the proceedings to which it applies, and
- (b) that resolution states by reference to the descriptions in Schedule 12A to the Local Government Act 1972 (paragraph 10.4 below) the description of the exempt information giving rise to the exclusion of the public.
- (c) that resolution states, by reference to reasons given in a relevant report or otherwise, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

10.2 In these circumstances, public access to reports, background papers and minutes will also be excluded.

10.3 Where the meeting will determine any person's civil rights or obligations, or adversely affect their possessions, Article 6 of the Human Rights Act 1998 establishes a presumption that the meeting will be held in public unless a private hearing is necessary for one of the reasons specified in Article 6.

10.4 Exempt information means information falling within the following categories (subject to any condition):

- 1 Information relating to any individual
- 2 Information which is likely to reveal the identity of an individual.
- 3 Information relating to the financial or business affairs of any particular person (including the authority holding that information).
- 4 Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or officer-holders under the authority.
- 5 Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
- 6 Information which reveals that the authority proposes –
  - (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
  - (b) to make an order or direction under any enactment
- 7 Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime

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# Agenda Item 6

## Licensing Committee

Tuesday, 26th June, 2012

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

Councillors K Bruce, Buckley,  
R Charlwood, R Downes, J Dunn,  
B Gettings, T Hanley, G Hussain, G Hyde,  
A Khan, P Latty, B Selby, C Townsley and  
G Wilkinson

### 14 Chairs Opening Remarks

Councillor Armitage welcomed all present to the meeting, including representatives of the trade who attended. Councillor Armitage reported the circumstances of the recent death of Mr Yousaf, a Leeds Private Hire Driver, and led the Committee in a moments silence as a mark of respect. The Chair directed that a letter of condolence be sent to Mr Yousaf's widow

Councillor Armitage also noted receipt of a request from Mr P Landau, Unite the Union Leeds, to make a verbal submission to the Committee on the Law Commission consultation (minute 19 refers). It was agreed that Mr Landau should be invited to address the Committee at the conclusion of the formal business on the agenda

### 15 Late Items

The Chair accepted one Late Item of business onto the agenda relating to the decisions of the Sexual Entertainment Venue Sub Committees which had been held 11<sup>th</sup> to 15<sup>th</sup> June 2012 (minute 24 refers)

### 16 Declarations of Interest

There were no declarations of interest

### 17 Minutes

Minute 6 Alpha Radar – It was noted that an update would be provided to Members in due course

**RESOLVED** – That the minutes of the meeting held 25<sup>th</sup> May 2012 be agreed as a correct record

### 18 Proposed Designated Public Places Order (DPPO) Harehills

The Director of Environment & Neighbourhoods submitted a report on proposals to create a Designated Public Places Order to cover the Harehills area of East Leeds. The report included research showing the history and evidence of alcohol related incidents of anti social behaviour and disorder in the locality. Copies of the advertisement text and locality map setting out the proposed area were attached to the report as Appendix 2 and Appendix 3 respectively.

B Yearwood and Inspector Harrison of Gipton & Harehills Neighbourhood Policing Team attended the meeting and highlighted the following key issues

- Local consultation revealed the problems associated with adult drinkers in the Harehills Lane area in terms of anti social behaviour and littering
- The number of licensed premises in the locality (10 public houses and 23 off licence premises)

(Councillor Bruce joined the meeting at this point)

- The powers currently available to the police did not adequately deal with all the issues, as existing powers were directed at younger people or concentrated on dispersal. Members noted that dispersal measures were not suitable to tackle residents in their in their own locality.

In considering the evidence, the Committee noted the proposal had the support of local ward councillors and residents and were satisfied that the consumption of alcohol in the locality had led to nuisance and incidents of disorder in the area proposed to be covered by the DPPO

**RESOLVED**

- a) That a Designated Public Place Order be made in respect of the Harehills area as proposed in Appendices 2 and 3 of the submitted report
- b) That the Director of Environment and Neighbourhoods be authorised to advertise the making of the Order, to procure the required signage and carry out any further steps necessary to bring the Order into force.

(Councillor Hanley joined the meeting at this point)

**19 Law Commission Consultation Paper "Reforming the Law of Taxi & Private Hire Services"**

The Committee considered the report of the Head of Licensing and Registration on issues contained in the Law Commission consultation paper entitled "Reforming the Law of Taxi and Private Hire Services". The report contained proposals for a draft response to be issued to Members by 16<sup>th</sup> July 2012 for their comments by 31<sup>st</sup> July 2012, in order to make the final submission to the Law Commission by the given deadline of 10<sup>th</sup> September 2012. It was noted that an email had been despatched to the Committee containing direct links to the Law Commission website in order for Members to access the full consultation document and Executive Summary.

Members broadly supported a suggestion that the final response should be considered at a formal Committee meeting prior to its submission. Furthermore, officers should make arrangements to publicise the consultation on the Council website with links to the Law Commission website to enable the public to respond directly and advise all Members of Council of the consultation to encourage their constituents to participate in the process.

**RESOLVED** – To note the contents of the report and

- a) Agree that a draft response to the Consultation will be sent to Members by 16<sup>th</sup> July 2012 for their comments to be submitted back to officers by 31<sup>st</sup> July 2012 for inclusion in the final response
- b) That the proposed final response be presented to Committee on 14 August 2012 for approval
- c) That officers be requested to make arrangements to publicise the Consultation with Members of Council and on the Council website



**20 Review of the requirement for all existing licensed Taxi & Private Hire drivers and applicants to undertake NVQ/VRQ assessment**

The Committee considered the report of the Head of Licensing and Registration on the issues arising from the review of the requirement for all existing licensed Hackney Carriage (HC) and Private Hire (PH) drivers and new applicants to the trade to undertake NVQ/VRQ assessments. The report sought authority for officers to undertake a three month public consultation on the proposals to amend the Policy relating to the NVQ/VRQ requirement.

(Councillors Bruce and Khan withdrew from the meeting at this point)

Members' attention was directed to the findings of the NVQ/VRQ Working Group (WG) which had been established by the Licensing Committee to assess future training for drivers in the light of decreased Government funding for the NVQ/VRQ training. The WG had determined that training was beneficial for the professionalism of the trade and safety of the travelling public and had identified elements of the NVQ/VRQ package which were regarded as essential for any future training package. Members were asked to consider the costs and delivery of the proposed training programme and to recommend who the proposed requirement should apply to.

Members discussed the following:

- The need for the training package to be clear and relevant, bearing in mind the significance of the legislation governing the trade, such as the Equality Act 2010
- The WG acknowledgement that the Council could not resource assessments offered by the NVQ/VRQ; rather a training package would be devised based on the relevant and essential elements identified by the Committee

(Councillor Khan resumed his seat in the meeting at this point)

- New applicants would be required to achieve the proposed Certificate of Attainment prior to the grant of a Licence
- Concerns amongst some drivers that existing drivers who were under suspension but who had been driving for a long time were required to undergo training under the current policy and this increased the length of their suspension. Members supported the response that in the interests of public safety, PH drivers who had been found to be plying for hire were required to undergo appropriate remedial training. The proposals before Members suggested that any driver with a substantiated customer service related complaint against them should undertake the full training package, but there was also room to consider whether a driver in breach of certain conditions could undertake just the relevant part of the training

(Councillor Bruce resumed her seat in the meeting at this point)

- The need to ensure that all aspects of the trade were involved in the consultation, including small and lone Operators
- Recognition that many of the skills identified in the essential training elements were skills which were beneficial to the PH and HC trades and could be transferred to other professions

Members discussed the suggestion that the full Committee should formally meet with trade representatives in order to ensure they engaged with the

consultation. The Committee noted the existing communication arrangements between TPHL and the trades and made suggestions including

- Information on the consultation should be made available at the TPHL offices for drivers who attended appointments
- All Members of Council should receive information so that they can advise their constituents of the consultation
- Information on the consultation should be included within the monthly mail out to the trades

**RESOLVED –**

- a) That the contents of the report and discussions be noted
- b) That the existing NVQ/VRQ requirement on all existing drivers or new applicants in the first year of their licence be withdrawn with immediate effect
- c) That the findings of the NVQ/VRQ Working Group be noted and officers be authorised to undertake public consultation on the following recommendations of the Working Group:
  - I. That officers be requested to re-design the training course to mirror those elements of the nationally recognised vocational qualification considered essential by the Working Group as far as realistically possible (as detailed in Appendix A of the report)
  - II. To note that the cost of the training and testing programme will be met by those applying for a Hackney Carriage or Private Hire driver licence and those referred for training who are existing licence holders
  - III. That the requirement to undertake the re-designed programme would apply to those applicants whose application was received after the Licensing Committee decision to adopt the new training programme
  - IV. That existing drivers who had not achieved the NVQ/VRQ would only need to meet the new training requirement in the event of a substantiated complaint or conditions breach
  - V. That existing drivers who had already attained the NVQ/VRQ would be exempt from the requirement to undertake the new course
  - VI. That a Leeds City Council Certificate of Attainment will be granted to successful applicants on completion of the course
- d) To note that a further report will be presented to the Licensing Committee on 16<sup>th</sup> October 2012 for consideration of the proposed Policy, setting out the results of the public consultation and providing full details on resourcing and costs prior to a final recommendation being made to Executive Board
- e) That officers be requested to implement a plan to ensure widespread publicity for, and involvement in, the public consultation on the training package proposals

**21 Introduction of three yearly Criminal Records Bureau checks on Taxi and Private Hire Drivers and Private Hire Operators**

The Head of Licensing and Registration submitted a report on the recommendations concerning the frequency of CRB checks for licensed drivers contained in DfT best practice guidance. The report set out the potential financial impact on licensed drivers and the potential resource implications for the TPHL Section. A full three month consultation on the recommendations was proposed with the results of the consultation reported back to Licensing Committee prior to a final recommendation being made to Executive Board.

Members were advised that current Policies required new Hackney Carriage (HC) and Private Hire (PH) drivers to undertake a CRB check at the point of application. Existing drivers were only required to undertake a further CRB check in certain circumstances, such as information received relating to convictions. Therefore a review of the whole Policy was felt necessary, with full public consultation, in order to introduce a three yearly CRB check requirement in accordance with the DfT guidance. The comments submitted by LCC Internal Audit were noted by the Committee.

Members commented that a three yearly check was a reasonable approach, given that other public service providers were required to do so. Members further discussed:

- the costs to LCC of the predicted workload of 2000 annual CRB checks to be processed by TPHL
- the costs to the drivers who will be required to fund their own checks
- discussed the existing policy and whether there had been any interest from the trade in the issue of three yearly drivers licences to relevant drivers and whether the three yearly CRB check could be tied into those drivers renewals.

**RESOLVED –**

- a) That approval be given to undertake an immediate three month public consultation on the proposal to review the Policies in order to incorporate the 3 yearly CRB check as recommended in DfT best practice guidance
- b) To note that a report will be presented to the Licensing Committee meeting scheduled for 16<sup>th</sup> October 2012 setting out the results of the consultation, the costs to the Council (including processing the additional CRB checks) and the likely costs to drivers, to inform the final decision on the matter
- c) That a further report be requested on the uptake of the three yearly Drivers Licence and giving consideration on whether those drivers suitable for a three yearly Drivers Licence could also deal with their three yearly CRB check at the time of their licence renewal

**22 Gambling Act 2005 Statement of Licensing Policy**

The Head of Licensing and Registration submitted a report on the outcome of the three yearly review of the Gambling Act 2005 Statement of Licensing Policy. It was noted that the Policy had been amended in 2011 to incorporate information on the Large Casino licence. Two responses to the public consultation undertaken as part of the Review had been received but these did not raise issues which required revisions to be made.

**RESOLVED –** That the contents of the report and the results of the public consultation be noted

**23 Licensing Work Programme**

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

**24 Late Item - Results from the Sexual Entertainment Venue Applications**

The Head of Licensing and Registration submitted a report on the outcome of seven applications for Sex Establishment Licences determined by the Sexual

Entertainment Venue Sub Committees. Copies of the Decision Notices relating to each venue were included within the report.

The report was accepted as a late item of business by the Committee to facilitate discussions as the decisions had attracted wide public interest; however the Decision Notices had only recently become available as the hearings had taken place during the week commencing 11 June 2012.

The Chair reported the intention to bring forward the proposed review of the SEV Statement of Licensing Policy as adverse comments had been received from some sections of the community about the appropriateness of the case by case approach set out in the policy since the decisions had been made public. The Committee noted the process undertaken, including the results of the full public consultation, prior to the adoption of the current Policy by the Executive Board but equally noted that there some members of the public who had not responded to the consultation but may now wish to do so during a further review of the Policy.

The Committee discussed the following:

- The nature of objections received to the SEV applications, noting that only one city centre resident made an objection to one of the applications. Similarly, West Yorkshire Police made one observation to one application
- The city centre location of the seven venues, noting that ward councillors had not submitted a formal representation during the process
- The powers available to the sub committees when determining the applications, noting that the Council had not set a limit on the number of venues in the approved Policy

(Councillor Townsley left the meeting at this point)

- The approach to be adopted whilst the current Policy remains in place
- Comments relating to the appropriateness of location and Leeds' aim to be a child friendly city, balanced against the amended operating hours and conditions on the external appearance of the venues now imposed through the new Licences

Members discussed the need to encourage representations to the review consultation in order to draw a wider response and provide evidence for the approach to be adopted by the Council in future

**RESOLVED –**

- a) That the contents of the report and the Decision Notices be noted
- b) The Committee also noted the views expressed that the SEV Statement of Licensing Policy may not reflect the needs of the City. Therefore, the Licensing Committee requested that the timetable to review the Policy be amended and officers bring forward the a full review of the Policy, including full public consultation, within the next 12 months

**25 Submission on behalf of Unite The Union, Leeds regarding the law Commission Consultation Paper "Reforming the Law of Taxi and Private Hire Services**

Mr P Landau was permitted to address the meeting on the consultation document referred to in minute 19 above. Mr Landau highlighted the united stance of the Unite Leeds, GMB and RMT unions on behalf of the HC trade in response to the consultation and referred to their concerns relating to

- The impact of the proposals on the HC trade
- The congestion that could occur if local authorities lost the right to impose local conditions
- The impact on the quality, safety and standards of the fleet

Mr Landau concluded by inviting the Chair of the Committee to attend a meeting organised by Unite Leeds with representatives of the Law Commission, the unions and the Deputy leader of LCC

**RESOLVED** – To note the contents of the submission and to thank Mr Landau for his report. It was also noted that a copy of the joint submission from Leeds Unite, the GMB and RMT was available for Members of the Committee

**26 Date and Time of Next Meeting**

**RESOLVED** – To note the date and time of the next meeting as Tuesday 24<sup>th</sup> July 2012 at 10.00 am

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## Report of The Chief Officer Democratic and Central Services

### Report to the Licensing Committee

Date: 24<sup>th</sup> July 2012

### Subject: POLICING AND THE NIGHT TIME ECONOMY - PRESENTATION FROM WEST YORKSHIRE POLICE

Are specific electoral Wards affected? If relevant, name(s) of Ward(s):	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number: Appendix A is exempt under the provisions of Access to Information Procedure Rule 10.4 (3)	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

### Summary of main issues

The Committee will receive a presentation from officers of West Yorkshire Police on issues relating to policing and the night time economy in Leeds pertinent to the work of the Licensing Committee and its' Sub Committees

### Recommendations

1. The Committee is requested to consider and discuss the information presented by West Yorkshire Police as appropriate.

#### 1 Purpose of this report

- 1.1 This report is submitted by means of introduction to a presentation from officers of West Yorkshire Police on issues relating to policing and the night time economy in Leeds pertinent to the work of the Licensing Committee and its' Sub Committees

#### 2 Background information

- 2.1 The Committee received presentations from West Yorkshire Police in September 2011 and February 2012 and previously discussed matters relating to the outcome of recent appeals, the city centre Cumulative Impact Policy and the implementation of the "matrix system" which measures and monitors the performance of city centre licensed premises.

### **3 Main issues**

- 3.1 West Yorkshire Police will be represented at the meeting by Sgt R Fullilove of Leeds District Licensing Team, Chief Inspector S Palmer and a representative of a city centre licensed premises to highlight current issues in the city centre and discuss the positive impact of the Matrix System on the performance of licensed premises and the close liaison undertaken between licensed premises and the police.
- 3.2 West Yorkshire Police have provided a copy of the latest version of the Matrix spreadsheet which is attached to this report at Appendix 1 for Members' information. The information contained within the appendix is regarded as exempt under the provisions of Access to Information Procedure Rule 10.4 (3) as it is felt that, if the information relating to the premises was made public, this could have a detrimental impact on the financial or business affairs of the individual premises.

### **4 Corporate Considerations**

- 4.1 This report is submitted purely as an introduction to the presentation from West Yorkshire Police And there are no corporate consideration implications

#### **4.2 Consultation and Engagement**

- 4.2.1 None

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

- 4.3.1 None

#### **4.4 Council policies and City Priorities**

- 4.4.1 None

#### **4.5 Resources and value for money**

- 4.5.1 None

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

- 4.6.1 None

#### **4.7 Risk Management**

- 4.7.1 None

### **5 Recommendations**

- 5.2 The Committee is asked to receive the presentation from West Yorkshire Police and consider and discuss the contents as appropriate

### **6 Background documents<sup>1</sup>**

- 6.1 none

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<sup>1</sup> The background documents listed in this section are available for inspection on request for a period of four years following the date of the relevant meeting. Accordingly this list does not include documents containing exempt or confidential information, or any published works. Requests to inspect any background documents should be submitted to the report author.



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## Report of City Solicitor

## Report to Licensing Committee

**Date: 24 July 2012**

**Subject: Appeals under the Licensing Act 2003**

Are specific electoral Wards affected? If relevant, name(s) of Ward(s): Please see Appendix 1	<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: 10.4.5 Appendix number: 1	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

## Summary of main issues

1. This report relates to appeals which have been lodged against decisions of the Licensing Sub-committees under the provisions of the Licensing Act 2003. It outlines the current position in relation to each appeal and the predicted hearing date if known.
2. The report identifies the outcome of appeals in relation to Players Bar on Albion Street and the Cocktail Bar Call Lane (both of which raised issues of cumulative impact) Sainsbury's Street lane and Shell UK (Pool Bridge)

## Recommendations

3. That Members note the contents of this report and request further updates as matters are dealt with.

## **1 Purpose of this report**

- 1.1 This report outlines for Members information the appeals which have been lodged against decisions of the Licensing Sub-committees made under the Licensing Act 2003 and the outcome of recent appeals.

## **2 Background information**

- 2.1 Decisions of the Licensing Sub-committees can be the subject of an appeal to the Magistrates' Court under Section 181 of the Licensing Act 2003. Schedule 5 to the Act sets out the detail of who may appeal each decision. The applicant can appeal against a partial or full refusal of a grant or variation. The applicant for any review and the respondent licence holder may appeal any review decision. Responsible Authorities or Interested Parties who made relevant representations in relation to grants, variations, or reviews may also appeal. In the cases referred to in this report, each of the appeals has been lodged by the applicant for the grant or variation of the licence.
- 2.2 On appeal, the Magistrates' Court can:
- Dismiss the appeal;
  - Substitute any other decision which could have been made by the Licensing Authority for the decision actually made by the Sub-committee; or
  - Remit the case back to the council to dispose of in accordance with the direction of the Court.
- 2.3 In making the decision, the Magistrates stand in the shoes of the Licensing Authority and must take into account the council's own licensing policy and the section 182 Guidance issued by the Secretary of State.
- 2.4 Recent case law, R (On the application of Hope and Glory Public House Ltd) v City of Westminster Magistrates Court [2011], indicates that the Court can only substitute its own decision or remit the case where it is satisfied that the decision of the sub-committee was wrong. Otherwise it must dismiss the appeal. The appellant bears the burden of persuading the Magistrates' Court that the decision of the Licensing Sub-committee was wrong. The fact that a different decision could legitimately have been made on the same facts does not necessarily mean that the decision was wrong. In making their decision, the Magistrates are entitled to take into account any fresh information arising since the subcommittee dealt with the matter. That might in itself suggest a different outcome to the decision.
- 2.5 In most cases it is unusual for the court to order costs against the Licensing Authority since it is clear that the sub-committee would have acted in good faith when making the decision on the basis of the information before them.

## **3 Main issues**

- 3.1 A number of appeals have been lodged recently against decisions of the Licensing Subcommittee and these are set out in the table at Appendix 1. There is no single reason why the number of appeals has increased. The appeals lodged raise a number of different issues, including the importance of the Cumulative Impact Policy, whether garage premises are excluded premises under section 176 of the Licensing Act, and issues relating to the appropriateness and correct wording of conditions. There has been no single sub-committee which has had more decisions appealed and there has been no change in approach to decisions.
- 3.2 In the appeals relating to Players Bar on Albion Street and a proposed Cocktail Bar on Call Lane the sub-committee refused the applications on grounds of cumulative impact. In the Players appeal an extension of existing hours was refused whilst in the Call Lane case it was an application for a new licence that was rejected. Both venues were in the city centre CIP area. In both cases the court upheld the decision of the sub-committee to refuse licences and dismissed the appeals, ordering the appellant to pay costs to the council.
- 3.3 The appeal relating to Sainsbury's on Street lane raised issues on the need for and wording of certain conditions relating to noise and litter. Following discussions between the venue and the planning and environmental health services agreement was reached and the licence was issued with amended conditions.
- 3.4 In the Shell UK appeal the issue was s176 Licensing Act 2003 which defines excluded premises. Premises which are primarily a garage are excluded premises so that any licence granted under the Act does not have effect to authorise alcohol sales. The sub-committee considered statistical evidence on volume of sales and concluded that the premises were primarily a garage, favouring the police interpretation of the figures. Unusually the Court ordered the costs of the appeal to be paid by the council although they accepted that the police had put forward their interpretation in good faith. The decision to award costs is being challenged by the Council in the High Court.

## **4 Corporate Considerations**

### **4.1 Consultation and Engagement**

4.1.1 This report does not raise any issues of consultation and engagement.

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

4.2.1 This report does not raise any issues relating to Equality and Diversity, Cohesion and Integration.

### **4.3 Council Policies and City Priorities**

4.3.1 In making their determinations, the Sub-committees have regard to the council's Statement of Licensing Policy. The Magistrates hearing the appeal must also have regard to the same policy.

### **4.4 Resources and Value for Money**

4.4.1 Where an appeal is lodged then the council is obliged to respond to that appeal. It is possible for the council to be awarded its costs of defending the appeal. Costs are normally awarded where the appeal is dismissed save in exceptional circumstances.

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

4.5.1 This report is potentially exempt as a number of the cases listed in Appendix 1 are the subject of ongoing proceedings and therefore discussion of the appendix may raise matters to which a claims to legal professional privilege could be upheld.

#### **4.6 Risk Management**

4.6.1 The ability of the council to successfully defend appeals is influenced by the quality of decision making. That, in turn, relies upon Members being given appropriate training, having the correct information provided to them in reports and having access to timely and accurate advice where required.

### **5 Conclusions**

5.1 There has been an increase in appeals under the Licensing Act 2003. This increase does not relate to the activities of any particular sub-committee or any particular type of decision.

5.2 The decisions of the courts do not indicate any need to change the information given to members or for additional training for Members beyond that currently offered.

### **6 Recommendations**

6.1 Members note the content of this report.

### **7 Background documents**

7.1 None

## LIVE CASES

APPELLANT	WARD	SUMMARY OF APPEAL	DATE	OUTCOME
Shell UK, Pool Bridge	Adel and Wharfedale	<p>Under section 176 of the Licensing Act 2003 any premises licence granted to an excluded premises ceases to have effect. The garage / petrol station can be an excluded premises depending upon whether it is used primarily as a petrol station or as a corner shop. This can be assessed in different ways involving an analysis of trading figures at the premises. In this particular case, based upon the information provided, the Sub-committee concluded that these were excluded premises and declined to issue a licence.</p> <p>On appeal the magistrates misunderstood the police evidence and stated that the police conceded their figures were misleading and had misled the committee. In fact the police were saying that it was Shell's figures that were misleading. However an appeal against that would be difficult and since a number of other garages do have licences we have reluctantly decided not to take the matter further. We are challenging the costs decision.</p>	14 and 15 May 2012	<p>Licence granted by Court. Costs awarded to appellant of £19 000.</p> <p>Costs decision being appealed.</p>
Shell UK, Royds Beck, Wortley	Wortley	<p>The same issues are raised as in the Pool Bridge case above.</p> <p>Offer made to settle by granting licence with both parties paying their own costs</p>	18 July 2012	

APPELLANT	WARD	SUMMARY OF APPEAL	DATE	OUTCOME
Yorkshire County Cricket Club (Headingley Stadium)	Headingley	<p>Yorkshire County Cricket Club previously applied for a licence to hold outdoor music events at Headingley Stadium in the closed season. The application attracted significant opposition from Planning, Environmental Health, local ward Members and residents. A licence was granted but was subject to conditions requiring the event to finish at 9pm and to keep below a decibel level of 65db. Application was made to vary the licence when the cricket club established that they could not host the sort of events they wished to with those restrictions. On variation, the Subcommittee revised the terminal hour for the licence from 21:00hours to 23:00hours (outside planning hours) but felt that the stadium was correctly classified as an urban and rural stadium and therefore maintained the 65db level as recommended in the Code of Practice on Environmental Noise Control at Concerts.</p> <p>A planning application is to be submitted to deal with the discrepancy between the licensing hours and the planning consent on the basis that they could not use any licence granted without resolving the planning situation. The appeal has been adjourned pending a planning decision</p>	tbc	
Brewdog Ltd	City and Hunslet	<p>This was an application for the grant of a new licence in a CIP and hotpsot area behind the Corn Exchange. It was refused on the basis of the Cumulative Impact Policy.</p> <p>The venue is keen to reach agreement that will allow them to open and has offered shorter hours and removal of music from the licence. They also say they operate in other CIP areas in the UK but it has been established that they have not been granted a new licence in any CIP area but transfers of existing licences</p>	6/7 September	



APPELLANT	WARD	SUMMARY OF APPEAL	DATE	OUTCOME
Macy's	Headingley	<p>This was an application for the grant of a licence for a New York / European style deli, which proposed to sell a limited range of alcohol with foods and for takeaway purposes. The application attracted opposition from residents, ward Members and the Environmental Protection Team on the basis of cumulative impact.</p> <p>The Subcommittee determined that the Cumulative Impact Policy did not apply as the premises were not alcohol led. They therefore resolved to grant a licence but restrict the hours and impose strict conditions on the licence to ensure the promotion of the prevention of public nuisance objective and to prevent the premises from becoming alcohol led in future.</p> <p>The main point of the appeal is the hours as it now transpires they want to have a restaurant style operation in future and have the planning consent for that till 11pm. If the licence is conditioned to prevent it being alcohol led it may not be necessary to restrict the hours.</p> <p>Negotiations have resulted in an offer of settlement which has been accepted</p>	26/27 July 2012	
Terence Benson (Slip Inn Morley)	Morley North	<p>Appeal against revocation of licence. Cllrs of the view that if there was a complete change of management (not offered on review) that the premises could be allowed to re-open with improved conditions.</p> <p>Management now changed and police feel revocation not 'necessary'</p> <p>Negotiations on conditions close to settling case</p>	20 July 2012	

<b>APPELLANT</b>	<b>WARD</b>	<b>SUMMARY OF APPEAL</b>	<b>DATE</b>	<b>OUTCOME</b>
Robert Miezi (Afrolatino Roundhay Road)	Gipton and Harehills	Appeal against refusal of variation to extend hours and activities	18 July 2012 (first Hearing)	
Longsky Leisure Ltd (D'Fusion)	City	Appeal against revocation of licence	11 and 12 Oct 2012	

### **COMPLETED CASES**

<b>APPELLANT</b>	<b>WARD</b>	<b>SUMMARY OF APPEAL</b>	<b>DATE</b>	<b>OUTCOME</b>
Bluedene Ltd (Players Bar, Albion Street)	City and Hunslet	Application to extend the trading hours for Players Ltd, the Cube, Albion Street from 2am to 3am. The premises fall within the Cumulative Impact Policy Area and are in a police hotspot area. Members refused the application due to the Cumulative Impact Policy.	10 February 2012	Appeal dismissed. Costs to LCC of £3000
McDonalds, Colton Retail Park	Temple Newsam	Application for variation of premises licence to extend hours. Licence for the restaurant until midnight and drive-through until 1am. Variation to allow restaurant and drive-through from 23:00 to 05:00, 7 days per week. Application refused on representations from residents and the Environmental Protection Team on the grounds of nuisance, noise and litter..	23 and 24 February 2012	Appeal dismissed.
Sainsburys, Street Lane	Roundhay	Application for a new premises licence for off sales between 7am and 11pm. The application was granted with conditions imposed relating to noise and litter. After discussions involving Environmental Protection and Planning, it has been agreed that the noise conditions are more appropriately dealt with by way of detailed planning conditions as a noise attenuation report has been submitted for an increase to trading hours and litter conditions amended.		Appeal settled by negotiation

<b>APPELLANT</b>	<b>WARD</b>	<b>SUMMARY OF APPEAL</b>	<b>DATE</b>	<b>OUTCOME</b>
Cocktail Bar Ltd, Call Lane	City and Hunslet	This was an application for the grant of a new licence on the busiest part of Call Lane. It was refused on the basis of the Cumulative Impact Policy. Evidence of ongoing problems obtained from WYP and Environmental Protection.	29 June 2012	Appeal dismissed. Appellant to pay costs of £2166 to LCC

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Report author:	Susan Holden
Tel:	51863

## Report of the Head of Licensing and Registration

### Report to Licensing Committee

**Date:** 24th July 2012

**Subject:** Working Groups for Licensing Act and Sex Establishment Policy Reviews

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. Major changes to the Licensing Act 2003 came into effect on the 25th April. As a consequence the council's Statement of Licensing Policy requires review and amendment.
2. Licensing Committee decided at the June meeting to bring forward the review of the Sex Establishment Statement of Licensing Policy.

### Recommendations

3. That Licensing Committee considers the contents of the report and agrees the membership of the two working groups.

## **1.0 Purpose of this report**

- 1.1 This report is a follow on report from May's Licensing Committee where members decided that a working group was an appropriate method of member involvement for the Licensing Act 2003 Statement of Licensing Policy and the June meeting where members decided to bring forward the review of the Sex Establishment Licensing Policy.
- 1.2 This report outlines the proposed timescales for both policy reviews and a tentative program of work to aid members in setting working group membership.

## **2.0 Background information**

- 2.1 The Police Reform and Social Responsibility Act 2011 received Royal Assent in September 2011 and brought a number of changes to the Licensing Act 2003 which were designed to give power back to local communities and to make it easier for Licensing Authorities to deal with problem premises and the problems associated with late night drinking.
- 2.2 These changes made fundamental changes to the way licence applications are determined and therefore there is a need to review the Statement of Licensing Policy.
- 2.3 The Policing and Crime Act 2009 made changes to the Local Government (Miscellaneous Provisions) Act 1982 which brought lap dancing clubs into the same licensing regimes as sex shops and sex cinemas. The seven lap dancing clubs currently operating in Leeds applied for a new sex establishment licence and a licensing sub committee heard and made determinations on these seven licences in line with the Licensing Policy approved by Executive Board in November 2011.
- 2.4 In response to the consultation on the original policy in 2011, the council undertook to review the council's policy on sex establishments 18 months after implementation. The representation made in response to the applications indicate that the policy may not reflect the views of the city and an earlier consultation is indicated.

## **3.0 Main issues**

### **3.1 Licensing Act 2003 Statement of Licensing Policy**

- 3.2 The main issues that may be considered by a working group during the review of the policy are:
  - Minor amendments to the policy to reflect the changes, i.e. removal of the definition of interested parties, role of the licensing authority as a responsible authority, etc
  - Review of the cumulative impact policies
  - Policy decision on Late Night Levy and Early Morning Restriction Orders
  - Provision of local information to assist applicants
  - Measures to reduce alcohol related crime and disorder

- 3.3 Proposed timescale
- |   |                 |
|---|-----------------|
| First meeting of the working group to scope the review                        | Aug 2012        |
| Meetings with members, area committees, stakeholders, responsible authorities | Sep to Jan 2013 |
| Draft of new policy   | Feb 2013        |
| Public Consultation   | Apr to Jun 2013 |
| Consideration of responses  | Jul 2013        |
| Approval process commences  | Sep 2013        |
| Full council  | Nov 2013        |

3.4 Late night levy, early morning restriction orders and locally set fees will all require their own consultation and approval process. The detail of these processes is expected by way of secondary legislation due October 2012 and spring 2013.

3.5 Sex Establishment Statement of Licensing Policy

3.6 The issues that the working group may like to consider in the review of the Sex Establishment Policy could be:

- o Location
- o Number of premises
- o Setting a cap
- o Method of consultation
- o Further research
- o Conditions

- 3.7 Proposed timescale:
- |  |                 |
|--|-----------------|
| First meeting of the working group to scope the review | Aug 2012        |
| Meetings with interested parties                       | Sep to Dec 2012 |
| Draft of new policy                                    | Dec 2012        |
| Public Consultation                                    | Jan to Mar 2013 |
| Consideration of responses                             | Apr 2013        |
| Approval process commences                             | May 2013        |
| Executive Board  | Jun 2013        |
| (Potential call in)                                    | (Jul 2013)      |
| (Potential return to Exec Board)                       | (Sep 2013)      |

**4.0 Corporate Considerations**

**4.1 Consultation and Engagement**

4.1.1 All licensing consultation follow the same consultation process which includes a 12 week postal consultation. In addition officers and members may decide to undertake more directed consultation with area committees, local community safety officers, residents groups and local business owners.

4.1.2 In addition there is a requirement under the Licensing Act 2003 to consult with:

- a. The chief officer of police
- b. the fire authority
- c. such persons as the licensing authority considers to be representative of holders of licences issued by that authority

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

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

- 4.2.1 All of Entertainment Licensing's work is assessed for the impact on equality, diversity, integration and cohesion every three years as per the Council policy. In addition all new policies are screened during the consultation process.

## **4.3 Council Policies and City Priorities**

- 4.3.1 This report discusses the impact on the Licensing Act 2003 Statement of Licensing Policy and the Sex Establishment Statement of Licensing Policy and the options that are open to the council.

## **4.4 Resources and Value for Money**

- 4.4.1 The review and consultation on the Statement of Licensing Policy will have an additional impact on resources, as this is an unplanned amendment on a policy that was only set last year. However we have taken advice from the Home Office and have been told that we will need to amend our Licensing Policy, but that the scale of the consultation should be commensurate with the changes.
- 4.4.2 Additionally the review of the Sex Establishment Licensing Policy has been brought forward. A review that was to commence in approximately 12 months, will commence in August in order to be in place by September 2013.

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

- 4.5.1 There are no legal implications for this report, as the decision to be made by the Licensing Committee relates to their involvement in the review of licensing policies. The amended policies will be assured by Legal Services before approval.

## **4.6 Risk Management**

- 4.6.1 Licensing Committee could decide not to be involved until such time that the draft policy is placed before Licensing Committee just before consultation and before starting the approval process but there is a risk that the process would be delayed should the Committee decide to make changes to the policy at such late stage.

## **5 Conclusions**

- 5.1 The Police Reform and Social Responsibility Act 2011 and the resulting changes to the section 182 Guidance have meant that the council's Statement of Licensing Policy will require reviewing and amending.
- 5.2 The current approval of sex establishment licence applications has highlighted the need for an early review of the sex establishment policy to ensure it still meets the needs of the city.



5.3 Licensing Committee has already agreed to form working parties to progress the review of the policies. This report highlights the potential scope of the reviews.

## **6 Recommendations**

6.1 That Licensing Committee considers the contents of the report and agrees the membership of the two working groups.

## **Background Papers**

None

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Report author: Susan Holden
Tel: 51863

## Report of the Head of Licensing and Registration

### Report to Licensing Committee

**Date:** 24th July 2012

**Subject:** Large Casino – Formulation of Advisory Panel

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 Gambling Act 2005 provided Leeds City Council with the opportunity to grant a large casino premises licence under a two stage process which will determine a licence on the basis of greatest benefit to the city.
2. In order to assist with the process Licensing Committee agreed in principal to appoint an Advisory Panel to provide a detailed appraisal of each of the stage 2 applications.
3. This report presents the membership of the Advisory Panel for approval.

### Recommendations

4. That Licensing Committee considers the contents of the report and approves the membership of the advisory panel.

## **1.0 Purpose of this report**

- 1.1 This report provides details of the proposed Advisory Panel membership for approval prior to the commencement of Stage 2 of the Large Casino Premises licence process.

## **2.0 Background information**

- 2.1 The Gambling Act 2005 changed the legislation governing the licensing of casinos significantly. Under the Act seventeen new casino licences were to be granted, each of which to be significantly larger than existing casinos. The DCMS formed the Casino Advisory Panel (CAP) to recommend where the new casinos should be located.
- 2.2 In April 2008 Parliament approved eight small and eight large casino licences in line with CAPs original recommendations. Leeds was awarded the right to issue a large casino licence.
- 2.3 Since 2008 the council has been preparing the two stage process under which it will determine which application will provide the best benefit to the city. This work has included updating the Gambling Act 2005 Statement of Licensing Policy and producing a detailed application pack which included the methodology to be used at both stages of the process. This work was completed in January 2012.

## **3.0 Main issues**

### Stage 1 Update

- 3.1 The council commenced the application process for the large casino in January 2012 and subsequently received five stage 1 applications from the following applicants:
- London Clubs Ltd, Alea Casino, Clarence Dock - Premises Licence
  - Rushbond plc, Majestic, City Square - Provisional Statement
  - Leeds United Football Club, West Stand, Elland Road - Provisional Statement
  - Grosvenor Casinos, Quarry Hill - Provisional Statement
  - Global Gaming Ventures, Eastgate - Provisional Statement
- 3.2 One representation was received during the standard notice period and this was for the London Clubs Leeds Ltd premises licence application.
- 3.3 In June the council received a further application for a provisional statement from London Clubs Leeds Ltd at the Alea Casino site.
- 3.4 The applications from Rushbond, Leeds United, Grosvenor Casinos and Global Gaming Ventures did not receive any representations, and therefore under the terms of the Gambling Act automatically passed through stage 1 of the process without the need for determination.

- 3.5 The two London Clubs Leeds Ltd applications were considered at a hearing of the licensing sub-committee on 16th July 2012. Officers will provide a verbal update at the meeting.

### Stage 2

- 3.6 Following the conclusion of stage 1 and any appeal period, the council will advise each successful applicant of the commencement of stage 2. At this stage applicants will provide information as required by the council's application pack in order to demonstrate how their application will provide the best benefit to the city.

### Advisory Panel

- 3.7 At its meeting in October 2011, Members decided to use an Advisory Panel to evaluate the Stage 2 applications, undertake negotiations and provide Licensing Committee with an evaluation report before it meets to determine which application provides the greatest benefit to the city.
- 3.6 At its meeting in January 2012, Members gave final approval to the Stage 2 process, including the general roles required on the Advisory Panel.
- 3.7 Following this approval, officers consulted with relevant Directors and Chief Officers to identify suitable internal advisors and undertook external procurement for specialist advisors where in-house expertise was not available, subject to final approval by Licensing Committee.
- 3.8 The proposed Advisory Panel membership is provided at Appendix 1.
- 3.9 The panel comprises senior advisors who have the relevant experience and expertise required to assess the large quantity of technical information required during the stage 2 process and to assist Licensing Committee during the meeting.

## **4.0 Corporate Considerations**

### **4.1 Consultation and Engagement**

- 4.1.1 The use of the Advisory Panel was widely consulted upon during the update to the Gambling Policy and the subsequent application pack consultation. Each authority who has been given the ability to award one of the new casino licences has used or is planning to use an advisory panel to provide technical expertise to the Licensing Committee during determination.

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

- 4.2.1 The Gambling Act Statement of Licensing Policy underwent a Equality, Diversity, Integration and Community Cohesion Impact Assessment in June 2010. In addition the large casino insert into the Gambling Policy underwent Impact Screening in October 2011.

### **4.3 Council Policies and City Priorities**

- 4.3.1 This report recommends the use of an advisory panel to inform and assist Licensing Committee in the determination of a large casino premises licence. In addition to considering the report provided by the Advisory Panel, Members will also consider the council's Gambling Act 2005 Statement of Licensing Policy which was approved in January 2012.

### **4.4 Resources and Value for Money**

- 4.4.1 The use of an Advisory Panel provides a level of assurance that the proposed development is credible and deliverable which reduces the risk of Members determining in favour of an application which does not provide the benefits expected.

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

- 4.5.1 The Advisory Panel includes the use of external legal advisors who will provide independent legal advice to the Advisory Panel. The council's Legal Services will provide advice to the Licensing Committee.
- 4.5.2 The information provided in the Stage 2 applications will be held confidentially as is required by the Gambling Act 2005. The information provided will be commercially sensitive and therefore only those involved in the evaluation and determination processes will have access to the stage 2 applications.

### **4.6 Risk Management**

- 4.6.1 Licensing Committee could decide not to approve the membership of the Advisory Panel. This would lead to delays in the commencement of Stage 2 which, in turn, may affect the quality of the Stage 2 applications, especially as other council's are progressing in their processes at the same time. Currently Leeds City Council is the only council to be at this stage at this time with the other 15 council's having either completed the process, or are yet to commence stage 1.

## **5 Conclusions**

- 5.1 Licensing Committee approved the use of an Advisory Panel at the meeting in October 2011 and this report details the proposed membership of the Panel.

## **6 Recommendations**

- 6.1 That Licensing Committee considers the contents of the report and approve the membership of the advisory panel.

## **Background Papers**

Large Casino Application Pack  
Equality Impact Assessment - GA2005 Policy June 2010  
Large Casino Insert Statement of Licensing Policy October 2011

**Proposed Advisory Panel Membership**

Role	Name	Job Title
Chair	TBC	Chief Economic Development Officer, Economic Development, Leeds City Council
Economic Advisor	Tom Holvey	Economic Policy Advisor, Leeds City Council
Economic Support		Economic Intelligence Unit Leeds City Council
Employment, Training and Skills Advisor	Alice Winter	Head of Employment Leeds, Leeds City Council
Financial Advisor	Bhupinder Chana	Principal Finance Manager, Leeds City Council
Social, Equality and Health Advisor	Dianne Lyons	Chief Executive, Citizens Advice Bureau
Social, Equality and Health Support	Dr Ian Cameron (staff)	NHS Leeds
Commercial Advisor	Chris Gomersall	Head of Property Services, Leeds City Council
Commercial Support		DTZ
Legal Advisors	Vincent King	Partner, Cobbetts
	Marian Griffiths	Director, Cobbetts
Casino/Gambling advisors	D J Smith	Managing Director, New World Gaming
	Martin Watson	Associate, New World Gaming

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LICENSING COMMITTEE WORK PROGRAMME 2012/13- LAST UPDATED 13 June 2012 (hg)

ITEM	DESCRIPTION	NOTES	TYPE OF ITEM
<b>Items Currently Unscheduled</b>			
<b>TPHL Policy Review – ongoing review of the policies/conditions</b>	Review timetable was agreed Feb 11, they will return to Committee at the conclusion of the necessary consultation period (to include driver licences nationality & immigration status checks)	D Broster (Sept 2011 – Jan 2012)	DP
<b>Sexual Entertainment Venues – policy review</b>	Review of the Statement of Licensing Policy for Sexual Entertainment Venues	S Holden (Oct 2013)	DP

ITEM	DESCRIPTION	Officer	TYPE OF ITEM
<b>Meeting date: FRIDAY 25 MAY 2012 held.</b> Annual Gov arrangements/s182 Guidance/Policy WG/SEV Training			
<b>Meeting date: 26 JUNE 2012 HELD</b> NVQ/VRG/Law Commission consultation/CRB renewals/GA2005 Policy/Harehills DPPO			
<b>Meeting date: 24 JULY 2012</b>			
LA2003	Review of Statement of Licensing Policy (Licensing Act 2003)	S Holden	DP
Large Casino	Report on the Large Casino Advisory Panel	S Holden	B
Appeals	Update report on appeals outcomes	G Marshall	B
City Centre Policing Update	Discussion on city centre premises, licensing and policing (June/July 2012)(Feb 2013)	WYP	B
<b>Meeting date: 14 AUGUST 2012</b>			
Code of Practice	Revised code of practice for the Determination of Licensing Matters	G Marshall	PM
Enforcement & Liaison	Update on the work of the Entertainment Licensing Enforcement & Liaison Section	S Kennedy	B
Law Commission Consultation	Government proposals to reform the legal framework relating to HC & PH vehicles	J Mulcahy	B/SC
Leeds Festival 2012	Report on the progress towards this years event	N Raper	B
<b>Meeting date: 11 SEPTEMBER 2012</b>			

**LICENSING COMMITTEE WORK PROGRAMME 2012/13- LAST UPDATED 13 June 2012 (hg)**

ITEM	DESCRIPTION	Officer	TYPE OF ITEM
<b>Meeting date: 16 OCTOBER 2012</b>			
CRB renewals	Report on outcome of consultation regular renewals of CRBs for Licence Holders	D Broster	DP
NVQ/VRQs for drivers	Report on outcome of consultation on review ongoing arising from the recommendations of the Working Group	D Broster	RP
<b>Meeting date: 13 NOVEMBER 2012</b>			
<b>Meeting date: 18 DECEMBER 2012</b>			
<b>Meeting date: 15 JANUARY 2013</b>			
<b>Meeting date: 12 FEBRUARY 2013</b>			
Enforcement & Liaison	Update on the work of the Entertainment Licensing Enforcement & Liaison Section	S Kennedy	B
City Centre Policing Update	Discussion on city centre premises, licensing and policing	WYP	B
<b>Meeting date: 12 MARCH 2013</b>			
<b>Meeting date: 9 APRIL 2013</b>			
<b>Meeting date: 14 MAY 2013</b>			

Key: RP – Review of existing policy      DP – Development of new policy      PM – Performance management      B – Briefings      SC – Statutory consultation