

Licensing Committee

Tuesday, 12th February, 2013

PRESENT: Councillor in the Chair

Councillors N 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

79 Chairs' Opening Remarks

In opening the meeting the Chair paid tribute to Councillor Suzi Armitage who had recently passed away following a long illness.

The Chair said Suzi was a friend and colleague and would be sadly missed

The Committee, Officers and members of the public stood and observed a minute's silence as a mark of remembrance.

80 Late Items

No formal late items of business were added to the agenda. The Committee did, however permit the submission of two items of supplementary information:

- (i) The minutes of an additional meeting of the Licensing Committee held on 25th January 2013, for comment and approval (Minute No. ?? refers
- (ii) Large Casino Late Application, submission of additional information by the applicant, Global Gaming Ventures (GGV) (Minutes No. refers)

81 Declaration of Disclosable Pecuniary and other Interests

There were no declarations of interest

82 Apologies for Absence

Apologies for absence were received from Councillor K Bruce

83 Minutes

RESOLVED - The minutes of the previous meeting held on 15th January 2013 and an additional meeting held on 25th January 2013 were accepted as a true and correct record

84 Presentation - Policing and The Night Time Economy

In absence of West Yorkshire Police, this item was deferred until the next meeting

85 Update on Enforcement Activity (July to December 2012) - Entertainment Licensing Liaison and Enforcement Team

The Head of Licensing and Registration submitted a report providing information on the activities of the Entertainment Licensing Section Liaison & Enforcement Team

undertaken in partnership with other agencies to promote the licensing objectives and licensing compliance.

Mr S Kennedy, Principal Liaison & Enforcement Officer, Entertainment Licensing presented the report and responded to Members and comments.

In brief summary the main issues discussed included:

- Formal action taken against a premises selling late night refreshments in the Armley area
- Attendance at Outdoor Events (Compliance visits)
- Leeds Alcohol Management Board
- Leeds Pubwatch - The launch of a Website which facilitated the sharing of information with Pubwatch Members and Agencies
- Complaints Investigated by Entertainment Licensing Enforcement

Commenting on the Formal Action taken against a premises selling late night refreshments, Councillor Hanley requested further details about the alleged offence.

In responding Mr Kennedy reported that the premises were operating outside their permitted hours of use. A number of test purchases had been carried out confirming use was taking place outside permitted hours.

Councillor Charlwood referred to the Complaints Investigated by Entertainment Licensing Enforcement in particular City Centre Bars and “refusal of entry to premises by groups of males”, Councillor Charlwood sought further details.

Mr Kennedy said the refusal of entry to particular groups was deemed to be discriminatory under the Equality Act. Officers had since met with premises management teams who had agreed to review their entry policies and amend wording to address concerns.

RESOLVED – That the contents of the report be noted

86 Delegated decisions taken by Taxi and Private Hire Licensing during 2012

The Head of Licensing and Registration submitted a report which provided statistical information on delegated decisions taken by Officers of Leeds City Council Taxi and Private Hire Licensing Section during the period January to December 2012.

Mr J Mulcahy, Head of Licensing and Registration presented the report and responded to Members and comments.

In brief summary the main issues discussed included:

- Reasons for suspension of a drivers licence
- Plying for hire
- Group 2 medicals for drivers

Councillor Selby commenting on the reasons for the suspension of a licence, referred to the category “Plying for Hire” 63 offences in 2011, the figure dropping to

15 in 2012, this was a good improvement he said, but was there a reason for the lower figure in 2012?.

Mr Mulcahy said that there had been more operations carried out in 2011 but it was true that officers had given feedback that considerably more Private Hire drivers were now refusing to take un-booked fares when approached during test purchase operations. This showed that previous operations were having a positive impact in this area.

Councillor Khan referred to the category “required to produce Group 2 medical”, 14 suspensions for 2012 but none for the previous years, what was the reason behind this?

Mr Mulcahy reported that the policy requiring drivers to produce a medical certificate was a recent introduction

Councillor Hussain asked if there was a compensation scheme for drivers whose licence had been suspended for lack of a medical certificate but who had been subsequently able to produce the required documentation?

Mr Mulcahy confirmed that any costs or compensation were properly considered as part of the appeals process through the Magistrates and Crown Courts.

Councillor Hussain referring to the suspension of a licence, asked if monitoring was undertaken in terms of ethnicity

Mr Mulcahy said that a drivers’ ethnicity was not considered as part of the suspension process

RESOLVED –

- (i) That the contents of the report be noted
- (ii) That further update reports be produced and submitted to the Licensing Committee on a six monthly basis

87 Update on applications for new Premises Licences or Variations to Existing Premises Licences under the Licensing Act 2003 between September and December 2012

The Head of Licensing and Registration submitted a report setting out details of applications received by the Entertainment Licensing Section under the Licensing Act 2003 for new premises Licences and for variations to existing Premises Licences.

Mr S Holder, Principal Licensing Officer, Entertainment Licensing, presented the report and responded to Members and comments.

In brief summary the main issues discussed included:

- Applications for new and varied premises licence
- New developments within the City Centre and implications for cumulative impact areas

RESOLVED –

- (i) That the contents of the report be noted
- (ii) To note the review of cumulative impact areas within the City Centre as part of the review of the licensing policy

88 Large Casino Late Applications

The Head of Licensing and Registration submitted a report outlining the circumstances around the submission of a late application for a large casino premises licence.

It was reported that the Council had published an invitation to make applications for the Large Casino. The application period had commenced on 24th January 2012. The latest date for making applications was specified as being 26th April 2012. All applications made in that period were treated as having been made on that date. Global Gaming Ventures (GGV) had submitted, at that time, an application for a provisional statement for a large casino in the Eastgate development in Leeds city centre. That application was made within the relevant period. The application passed through stage 1 unchallenged and was currently being considered at stage 2. On 23rd January 2013 GGV submitted another application for a provisional statement again for a large casino in the Eastgate development but with a different plan, incorporating the premises proposed in the initial stage 1 application but also including an interim casino building which GGV proposed to operate if it was successful in being awarded the licence, until such time as the permanent casino building was constructed in the relevant phase of the Eastgate development.

This application was made almost 11 months after the advertised closing date.

Members were advised that the Authority was about to close stage 2 and make an evaluation of the benefits offered by each applicant. As the authority should not start stage 2 until stage 1 was completed, then the current stage 2 process would be suspended until such time as the late application also reached stage 2. That could take some time, the existing applications having taken almost 12 months to reach the stage they were currently at and the delay may adversely affect the benefits offered. In addition the Head of Licensing and Registration made the point that other late applications could be made after this one and if accepted, we would need to go through this process each time. The Applicant had submitted written representations and made verbal submissions to supplement these at the meeting.

Mr Hagan, Solicitor for the Applicant, suggested to Members that the relevant questions in relation to the decision were whether it was fair to the other applicants to allow a late application, specifically whether they were prejudiced by it and whether accepting the application would delay the process.

Members carefully considered all that had been put before them. However they were not persuaded that this late application should be permitted.

Although regulation 7(2) does give a discretion it had to be seen and exercised against the background and context of the overall legislative provisions.

The scheme of the legislation is that the two stages in the process should be undertaken sequentially in order to grant a licence or provisional statement to the application which has firstly passed the regulatory tests and secondly brings the greatest benefit.

The provisions requiring the authority to set and publish a closing date for applications and to complete stage 1 before commencing stage 2 were significant and clearly indicated the sequential nature of the process.

Members did not consider themselves bound by the previous decision to accept a late application. They reached a different conclusion on the facts. In that case the application was made after the closing date but before stage 1 had formally closed and stage 2 had commenced. There was a clear benefit in that situation in that there would be a better stage 2 process likely to result in greater benefits.

Leeds was granted the right to issue this licence in 2008 and had commenced the application process in January 2012. The process was now at a very advanced stage.

Importantly, there is a clear public interest in having an effective process which delivers the greatest benefit. Any delay would undermine the delivery of benefits.

At some point the public interest requires a decision to be made and benefits delivered which outweighs the public interest in allowing new, better further or enhanced applications which might potentially enhance the offer. In the judgement of the Committee, at this time and at this stage in the process that point has been reached.

For these reasons Members declined to exercise their discretion to permit this late application.

RESOLVED – To not accept the late stage 1 application submitted by Global Gaming Ventures

89 Work Programme

Members considered the Licensing Committees' Work Programme for the 2012/13 Municipal Year

RESOLVED – That the Work Programme be noted

90 Date and Time of the Next Meeting

RESOLVED – To note that the next meeting of the Licensing Committee will take place on Tuesday 12th March 2013 at 10.00am in the Civic Hall, Leeds