



## LICENSING COMMITTEE

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MEETING TO BE HELD IN CIVIC HALL, LEEDS ON  
TUESDAY, 13TH AUGUST, 2013 AT 10.00 AM

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### MEMBERSHIP

#### Councillors

K Bruce - Rothwell;  
N Buckley - Alwoodley;  
R Charlwood (Chair) - Moortown;  
R Downes - Otley and Yeadon;  
J Dunn - Ardsley and Robin Hood;  
B Gettings - Morley North;  
T Hanley - Bramley and Stanningley;  
M Harland - Kippax and Methley;  
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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# 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		Item 8 Appendix B 10.4(3, 7)	<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 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 13-16 of the Members' Code of Conduct.</p>	
5			<p><b>APOLOGIES FOR ABSENCE</b></p>	
6			<p><b>MINUTES OF THE PREVIOUS MEETING</b></p> <p>To approve the minutes of the last meeting held on 23<sup>rd</sup> July 2013</p> <p>(Copy attached)</p>	3 - 8
7			<p><b>DELEGATED DECISIONS TAKEN BY TAXI AND PRIVATE HIRE LICENSING - 1ST JANUARY TO 30TH JUNE 2013</b></p> <p>To consider a report by the Head of Licensing and Registration which provides an update on the delegated decisions taken by officers at Taxi and Private Hire Licensing. The report covers the period 1<sup>st</sup> January to 30<sup>th</sup> June 2013.</p> <p>(Report attached)</p>	9 - 16

Item No	Ward/Equal Opportunities	Item Not Open		Page No
8	Harewood; Wetherby	Appendix B 10.4(3, 7)	<p><b>THE LEEDS FESTIVAL 2013 UPDATE</b></p> <p>To consider the report of the Head of Licensing and Registration advising Members of the progress of the multi-agency meetings and the Event Management Plan for the Leeds Festival 2013 to be held in the grounds of Bramham Park throughout August Bank Holiday weekend</p> <p>Please note that Appendix B of the report is designated as exempt under the provisions of Access to Information Procedure Rule 10.4 (3 and 7)</p> <p>(Report attached)</p>	17 - 40
9			<p><b>WORK PROGRAMME</b></p> <p>To note and comment on the contents of the Licensing Work programme</p> <p>(Copy attached)</p>	41 - 44
10			<p><b>DATE AND TIME OF NEXT MEETING</b></p> <p>To note the date and time of the next meeting as Tuesday 10<sup>th</sup> September 2013 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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# Public Document Pack Agenda Item 6

## Licensing Committee

Tuesday, 23rd July, 2013

**PRESENT:** Councillor R Charlwood in the Chair

Councillors K Bruce, N Buckley, R Downes,  
B Gettings, T Hanley, M Harland,  
G Hussain, G Hyde, A Khan, P Latty,  
B Selby, C Townsley and G Wilkinson

**22 Exempt Information - Possible Exclusion of the Press and Public**

**RESOLVED** – That, the public be excluded from that part of the meeting where consideration is given to that part 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. Appendix A of the report entitled ‘Late Night Levy’ (Minute No 27 refers) is designated as exempt in accordance with paragraphs 10.4 (3,7) of Schedule 12A(3) of the Local Government Act 1972 on the grounds that it contains information relating to the financial or business affairs of any particular person (including the authority holding that information) and information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime. As such, on this occasion, it is deemed that the benefit of keeping the information confidential is greater than that of allowing public access to it.

**23 Declaration of Disclosable Pecuniary Interests**

There were no declarations of interest

**24 Apologies for Absence**

Apologies for absence were received from Councillor Dunn

**25 Minutes**

**RESOLVED** – That the minutes of the previous meeting held on 25<sup>th</sup> June 2013 be agreed as a correct record

**26 Application for a Motor Tricycle to be included on the Approved List of vehicles licensed as "Novelty" Private Hire vehicles**

The Head of Licensing and Registration submitted a report on an application received for a motor tricycle to be included on the Approved List of vehicles licensed as “novelty” Private Hire vehicles. The report set out the relevant legislation and proposals for appropriate pre-conditions and conditions upon the grant of a licence for a Private Hire vehicle, Private Hire Operator and Private Hire driver. Responses received to the consultation undertaken on the application were contained at Appendix I of the report.

Members of the Committee had the opportunity to view the vehicle type prior to the meeting. The Committee discussed matters relating to the suitability and safety of the vehicle, particularly the proposed restrictions to the hours of

use of the vehicle in Leeds City Centre due to concerns regarding the suitability of the vehicle in the night time economy. Members received assurances that this vehicle was intended for use for pre-booked tourist runs, and not for standard private hire journeys.

**RESOLVED -**

- a) That having considered all the elements of the vehicle application, the observations of Officers and the appropriateness of the proposed policy, pre-conditions and conditions measured against the legal requirements of Section 48 of the Local Government (Miscellaneous Provisions) Act 1976; Members determined to approve the application to issue a Private Hire motor tricycle licence
- b) Members determined that the legislative test of 'suitable in type, size and design for use as a Private Hire vehicle .... and safe' within the Act is only met in respect of this vehicles' proposed usage as presented to the Council in this application. The vehicle and Operator licence approval will not extend to the use of the vehicle in the context of standard Private Hire bookings or in the city centre or the night time economy.
- c) Having approved the application; Members considered and approved the pre-conditions to licensing such a vehicle and the Private Hire vehicle conditions placed upon that licence as set out in Appendix E of the submitted report
- d) Having approved the application; Members considered and approved the proposed pre-conditions attached to the grant of an Operator licence and approve the Private Hire Operator conditions placed upon that licence as set out in Appendix F of the submitted report
- e) Having approved the application; Members considered and approved the Private Hire driver conditions as set out in Appendix H of the submitted report
- f) Having approved the pre-conditions and conditions necessary for the licensing of such a vehicle, Operator and driver; Members then determined that the policy should be returned to Licensing Committee in 5 years' time for review.
- g) That the proposed generic policy in respect of 'Novelty Vehicle' (which would apply to this application) be approved in principal and Officers be directed to prepare a report for the consideration by the Executive to approve these policies as detailed in Appendix J of the submitted report

**27 Late Night Levy**

The Head of Licensing and Registration submitted a report on the Late Night Levy, introduced in the Police Reform and Social Responsibility Act 2011 to allow licensing authorities to charge a Levy to persons who are licensed to sell alcohol late at night in the authority's area as a means of raising financial contribution towards the costs of policing the late-night economy. The report presented information to enable the Licensing Committee to make decisions relating to the design of a potential late night Levy.



The Committee had previously established a Working Group (WG) to consider the current Statement of Licensing Policy and the implementation of a Late Night Levy. The findings of the WG were included in the report, which concluded that, subject to reaching agreement with West Yorkshire Police on how the money raised would be spent on improving the late night economy in the Leeds district, a Levy could be of benefit to Leeds and the design of such a Levy should be explored further

Chief Inspector S Palmer and Sergeant R Fullilove attended the meeting on behalf of West Yorkshire Police to discuss those matters contained within Appendix 1 of the report.

(Councillor Khan withdrew for a short while at this point and Councillor Gettings left the meeting)

Additionally, the Committee commented on the following matters:

- The conclusion of the WG that 00:30 until 06:00 hours would be the appropriate time-frame for a Levy in Leeds
- The good working relationships already established between WYP and city centre licensed premises and the impact of a Levy on existing voluntary schemes supported by those premises (such as the taxi marshalling and street wardens schemes)
- the governance arrangements for the implementation of the Late Night Levy, particularly the mechanism for overseeing the spending of the Levy

**RESOLVED**

- a) That the Licensing Committee note and approve the conclusion of the Working Group that a Levy may be of benefit to the district and should be considered further
- b) That the information presented in the submitted report and the comments made by Members be noted in respect of the potential design for a Levy which would include:
  - The late night supply period
  - Exemptions and reductions to be offered
  - The proportion to be offered to the Police
- c) To note that, having considered the two options put forward by the Working Group, the Licensing Committee preferred Option B as outlined in paragraph 3:36 of the submitted report
- d) That the matter now be referred to the Executive so that the design of and consultation on the Levy can be approved and that the consultation with affected parties may begin.
- e) To note that a final decision on whether to implement the Levy, the design of the Levy and the start date for implementation will be made after the conclusion of the consultation; having regard to the costs of policing and other arrangements for the reduction or prevention of crime and disorder in connection with the supply of alcohol between midnight and 6am.
- f) To receive a report back in due course on the outcome of discussions regarding the governance arrangements for the implementation of the Late Night Levy, particularly the mechanism for overseeing the spending of the Levy

**28 Licensing Authority Consultation Response - the Leeds Site Allocations Plan**

The Head of Licensing and Registration submitted a report on the consultation being undertaken by the Council on the Leeds Site Allocations Plan, seeking comments from the Committee in order to inform the response of the Licensing Authority to those parts of the Plan relevant to the remit of the Committee

A copy of the full Leeds SAP had been made available to all Members of Council some time ago, and Members of the Committee had previously received a briefing on the pertinent parts of the document. Included at Appendix A was a copy of the draft response of the Licensing Authority for the Committee to comment on

**RESOLVED** - That the contents of the report, Appendix and comments made by Members be noted and be included as the Licensing Authority response to the Site Allocations Plan consultation

**29 Update on applications received under the Licensing Act 2003 and Gambling Act 2005 between January and May 2013**

The Head of Licensing and Registration submitted a report providing an update on the applications received by the Entertainment Licensing Section under both the Licensing Act 2003 and the Gambling Act 2005 for new Premises Licences and variations to existing Licences

The report detailed the number and nature of applications received and processed by the Section, and highlighted the Temporary Event Notice applications. Members noted a reduction in the number of applications requiring consideration by a Sub Committee hearing; which could be attributed to the multi-agency approach now taken during the early part of the application process. It was also reported that the LGA had identified Leeds as a “best practice” authority in terms of engagement in the public health arena.

(Councillor Downes left the meeting at this point)

Additionally, comments made in respect of the proliferation of shisha bars in vacant premises were noted, and officers noted a request for a report to be presented to a future meeting on the powers available to the Authority to deal with such premises.

**RESOLVED** –

- a) That the contents of the report and the comments made by Members be noted
- b) To note the intention to present a report on the powers available to the local authority to deal with shisha bars to a future meeting

**30 Update on Enforcement Activity (January to June 2013) Entertainment Licensing Liaison and Enforcement Team**

The Committee considered the report of the Head of Licensing and Registration providing an update on the activities of the Entertainment Licensing Section Liaison and Enforcement Team during the period January to June 2013 which highlighted the success of partnership working and joint

operations undertaken, the new powers in respect of the scrap metal trade and new powers for the licensing authority to make formal representations to applications

In responding to a query about a specific premise in Leeds 8, it was agreed that officers would report directly to the ward Member

**RESOLVED** – That the contents of the report and the comments made by Members be noted

**31 Licensing Work Programme**

**RESOLVED** – That, subject to inclusion of those additional matters identified at this meeting, the contents of the Licensing Work programme be noted

**32 Date and Time of Next Meeting**

**RESOLVED** - To note the date and time of the next meeting as Tuesday 13<sup>th</sup> August 2013 at 10:00 am

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Report author: Kate Coldwell

Tel: 3781563

**Report of**    **Head of Licensing and Registration**

**Report to**    **Licensing Committee**

**Date:**        **13 August 2013**

**Subject:**    **Delegated Decisions taken by Taxi and Private Hire Licensing: 1<sup>st</sup> January to 30<sup>th</sup> June 2013**

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 This report updates the previous statistical information that was provided to Members in February 2013 regarding delegated decisions taken by officers at Taxi and Private Hire Licensing.
- 2 This report contains information on decisions taken from 1<sup>st</sup> January to 30<sup>th</sup> June 2013.

## Recommendations

3. That Members note the information in this report.

### 1 Purpose of this report

- 1.1 At their meeting in February 2013, Members requested that further update reports regarding delegated decisions taken by officers be produced and submitted to the Licensing Committee on a six monthly basis.

### 2 Background information

- 2.1 The report in February 2013 gave information on delegated decisions taken throughout 2012. This report gives information on delegated decisions taken from 1<sup>st</sup> January to 30<sup>th</sup> June 2013. Information on delegated decisions from 2012 has been reproduced for comparison purposes.

2.2 All decisions taken are done so with regard to council policy, conditions and application criteria approved by Licensing Committee. A full list is available under Background Documents.

### 3 Main issues

#### 3.1 Number of Licences

3.1.1 Leeds currently has the following numbers of licences in place: -

- 967 Hackney Carriage Drivers
- 537 Hackney Carriage Vehicles
- 4794 Private Hire Drivers
- 3695 Private Hire Vehicles
- 89 Private Hire Operators

#### 3.2 Number of Decisions Taken

3.2.2 The application, renewal, refusal, suspension and revocation of licence figures for 2012 and 1<sup>st</sup> January to 30<sup>th</sup> June 2013 are set out in the table below.

	Applications	Refusals	Suspensions	Revocations
2012	794	16	74	37
2013	293	5	52	14

3.2.3 When considering the above information it is important to note that there is no direct correlation between the number of suspensions and revocations in any one year. For example, the number of licences revoked in any one year will include a proportion which were suspended in the previous year with a final decision being made on revocation in the following year.

3.3 Decisions taken 1<sup>st</sup> January – 30<sup>th</sup> June 2013

3.3.1 So far in 2013, five licences were refused and fourteen licences were revoked. The reasons for refusal and revocation are set out in the table below.

Categories	Refusals		Revocations	
	2012	2013	2012	2013
Dishonesty	1		2	1
Drugs	6	2	1	
Violence	4	2	4	1
Sexual	1	1	1	5
Fire arms				
Murder				
Driving disqualification			7	1
Plying for hire	1		16	3
Fail to comply with conditions	1			
Fail to disclose convictions			1	1
Inappropriate behaviour	1			
No right to work in UK				
Medical reason				
Extended criminal history				
Info disclosed at discretion of Chief Constable: impropriety involving a female child				
Employment tribunal				
Pervert the course of justice	1		2	
Major motoring convictions			2	2
Operating a private hire vehicle without a licence			1	
<b>TOTAL</b>	<b>16</b>	<b>5</b>	<b>37</b>	<b>14</b>

3.3.2 In relation to suspensions, so far 52 drivers have been suspended in 2013. The reasons for suspensions are set out in the table below.

<b>Reason for suspension</b>	<b>2012</b>	<b>2013</b>
Dishonesty offence	2	1
Drug offence	3	3
Violent offence	4	3
Sexual offence	4	5
Fire arms offence	1	0
Murder	0	0
Driving disqualification	14	11
Plying for Hire	15	9
Fail to comply with conditions	5	0
Fail to disclose convictions	1	6
Inappropriate behaviour	2	4
No right to work in UK	1	1
Medical reason	0	8
Required to produce Group 2 medical	14	0
DVLA licence expired	2	1
Ongoing police investigation	4	0
Repeated complaints	1	0
Failure to produce DVLA licence	1	0
<b>Total</b>	<b>74</b>	<b>52</b>

3.3.4 Members will note that two of the largest categories of suspension for 2013 relate to disqualification and plying for hire. This illustrates the point that there are few cases which turn solely on the exercise of discretion. Members will also note the number of suspensions relating to offences of violence and dishonesty which directly relate to the 'fit and proper person' test and touch on the key aspect of the licensing scheme namely the safety of the travelling public.



3.4 Complaints Received 1<sup>st</sup> January – 30<sup>th</sup> June 2013

3.4.1 So far in 2013, 225 public complaints have been received. The complaint categories are set out in the table below.

<b>Complaint Category</b>		<b>2013</b>
Driver behaviour	Rudeness	5
	Property	1
	Disability	3
	Over charging	12
	Standard of driving	67
	Inappropriate behaviour	32
	Property	1
Environmental	Parking nuisance	25
	Noise nuisance	2
Plying for hire		13
Breach of licensing conditions		17
Criminal complaint		10
Defective vehicle		7
Operator		27
Unlicensed vehicle		1
Unlicensed driver		2
<b>Total</b>		<b>225</b>

3.4.2 Members will note that the largest categories of complaint relate to standard of driving and inappropriate behaviour. Complaints regarding the standard of driving most commonly relate to the use of mobile phones whilst driving and speeding. In the majority of cases, licensed drivers are given verbal warnings, a record of which is placed on their licensing file. Complaints regarding inappropriate behaviour cover a range of issues from smoking in a licensed vehicle to making inappropriate comments/ actions of a sexual nature.

3.4.3 Each complaint is dealt with on its own merits however complaints regarding racial, sexual or disability discrimination directly relate to the 'fit and proper person' test and touch on the key aspect of the licensing scheme namely the safety of the travelling public.

### 3.5 Appeals Received 1<sup>st</sup> January – 30<sup>th</sup> June 2013

3.5.1 So far in 2013, 23 appeals have been received. The reason for the appeal and the outcome are set out below;

Type of Appeal	Volume	Court	Result
Against conviction	1	LMC	Dismissed
Against conviction and sentence	3	LCC	Dismissed
		LCC	Withdrawn for training no costs against Council
		LCC	Withdrawn
Against refusal	1	LMC	Dismissed
Against revocation	7	LMC	Remain suspended
		LMC	Withdrawn
		LMC	Dismissed x 4
		LMC	Allowed in part
Against sentence	1	LCC	Withdrawn
Against suspension	6	LMC	Dismissed x 2
		LMC	Withdrawn x 3
		LMC	Upheld
Refusal to renew	1	LMC	Dismissed
<b>Total</b>	<b>20</b>		

## 4 Corporate Considerations

### 4.1 Consultation and Engagement

4.1.3 The information contained in this report has not been the subject of consultation with the trade as it is statistical information only.

### 4.2 Equality and Diversity / Cohesion and Integration

4.2.1 Equality and Cohesion Screening Assessments are carried out on the policies agreed at Licensing Committee which are used to inform decision making. These are available as Background Documents.

### 4.3 Council policies and City Priorities

4.3.1 The Taxi & Private Hire Licensing policies contribute to the following aims:

**Best Council Plan 2013 -17**

**Towards being an Enterprising Council**

**Our Ambition and Approach**

**Our Ambition** is for Leeds to be the best city and Leeds City Council to be the best council in the UK – fair, open and welcoming with an economy that is both prosperous and sustainable so all our communities are successful.

**Our Approach** is to adopt a new leadership style of civic enterprise, where the council becomes more enterprising, business and partners become more civic, and citizens become more actively engaged in the work of the city.

### **Our Best Council Outcomes**

Make it easier for people to do business with us

### **Our Best Council Objectives**

Promoting sustainable and inclusive economic growth – Improving the economic wellbeing of local people and businesses. With a focus on:

- Helping people into jobs,
- Boosting the local economy
- Generating income for the council

Ensuring high quality public services – improving quality, efficiency and involving people in shaping their city. With a focus on;

- Getting services right first time
- Improving customer satisfaction

4.3.2 The Taxi & Private Hire Licensing policies contribute to priorities:

- Reduce crime levels and their impact across Leeds
- Effectively tackle and reduce anti-social behaviour in communities

## **4.4 Resources and value for money**

4.4.1 As this is a statistical report there are no resource or value for money issues to consider.

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

4.5.1 As this is a statistical report there are no legal implications or access to information issues to consider. This report is not subject to call in.

## **4.6 Risk Management**

4.6.2 The decisions taken by officers can be challenged by appeal through the Magistrates' Court and further appeal to the Crown Court.

## **5 Conclusions**

5.1 That decisions taken by officers have regard to council policy, conditions and criteria approved by Licensing Committee and that every case has been judged proportionately on its own merits.

## **6 Recommendations**

6.1 That Members note the information in this report.

## **7 Background documents**

Taxi and Private Hire Vehicle Licensing: Best Practice Guide – Department for Transport March 2010

Approved Policies: -

- Medical Exemptions
- Plying for Hire

Conditions: -

- Private Hire Driver
- Hackney Carriage Vehicle inc. Wheelchair Accessible Vehicles, Vehicle Age Criteria & Livery, Signs and Markings
- Private Hire Vehicle inc. Wheelchair Accessible Vehicles, Vehicle Age Criteria & Livery, Signs and Markings
- Private Hire Operator

Application Criteria: -

- Driving Standards Agency (DSA) Test
- Group II Medical
- English Comprehension
- Convictions Criteria
- Criminal Records Bureau Vetting
- Local Knowledge Test
- Private Hire Vehicle proprietors inc rental companies
- Executive Private Hire Driver
- Executive Private Hire Vehicle
- Executive Private Hire Operator
- Stretched Limousine Private Hire Driver
- Stretched Limousine Private Hire Vehicle
- Stretched Limousine Private Hire Operator
- Hackney Carriage Proprietor

Equality and Cohesion Screening Documents

**Report of the Head of Licensing and Registration**

**Report to the Licensing Committee**

**Date: 13 August 2013**

**Subject: Leeds Festival 2013 Update**

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s):      Wetherby and Harewood		
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?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, Access to Information Procedure Rule number: 10.4 (3 & 7)		
Appendix number: Appendix B		

**Executive Summary**

- 1.0** The Leeds Festival is an annual event held within the grounds of Bramham Park from Friday 23 August to Sunday 25 August, held under the authorisation of a premises licence issued under the Licensing Act 2003.
- 2.0 Purpose of this Report**
- 2.1 This report advises Members of the progress of the multi-agency meetings and the Event Management Plan for the 2013 annual festival.
- 3.0 Recommendations**
- 3.1 The Licensing Committee is required to consider this report and take such steps it considers appropriate to promote the licensing objectives as detailed in paragraph 11.1 of this report and the recommendations as detailed at 11.3.
- 4.0 Background Information**
- 4.1 The premises licence for the Leeds Festival was considered and approved by the members of the Licensing Committee on the 28 April 2006.
- 4.2 The Licence is held for Bramham Park and allows the festival to take place every August Bank Holiday.

- 4.3 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.
- 4.4 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.
- 4.5 Following a number of successful variation applications the premise licence permits the activities as detailed in Appendix A.

## **5.0 Main Issues**

- 5.1 The draft Event Management Plan for the 2013 Event was received by the Licensing Authority and Responsible Authorities on the 1<sup>st</sup> February 2013. As in previous years a summary of key changes following the 2012 event were circulated to Members of the Licensing Committee and Ward Members.
- 5.2 A further copy of the summary of changes is provided with this report for Members attention at Appendix B. It should be noted that the contents of the Event Management Plan and the document containing the summary of changes are potentially exempt information under Access to Information Procedure Rule 10.4(3) and (7) as these include information relating to the financial or business affairs of any particular person and it contains information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.
- Members are asked to consider exclusion of the press and public from the hearing if these matters contained within the summary of changes are to be discussed.
- 5.3 The maximum capacity for the event site is 89,999 in total. The intention being that the event capacity would increase by 5,000 each year until the 89,999 capacity is reached in 2014. The Event Management Plan for 2013 is set for a capacity of 70,000. The Event Management Plan will be amended subject to consultation and agreement with responsible authorities if ticket sales exceed this number.
- 5.4 To ensure the widest circulation of information the Leeds Festival management team have held meetings with the Parish/Town Councils in the area surrounding the site and maintain regular contact.
- 5.5 The first multi-agency meeting was held on the 11 February 2013 and these meetings have continued on a bi monthly basis. The last meeting will be held on the 6 August 2013. Officers will provide Members of the Licensing Committee with a verbal update at the committee meeting.

## **6 Corporate Considerations**

### **6.1 Consultation and Engagement**

6.1.1 The application for a premises licence considered in 2006 underwent the full 28 day consultation process including a newspaper advertisement and public notices displayed around the site for the required 28 day notice period and full liaison with the Ward Members and responsible authorities. Mr. Benn continues to consult with community representatives through the Parish Councils and local residents on all aspects of the impact of the event.

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

6.2.1 At the time of writing this report there were no implications for equality and diversity. Any decision taken by the Licensing Committee will be in accordance with the four licensing objectives as prescribed by the Licensing Act 2003.

### **6.3 Council Policies and City Priorities**

6.3.1 When determining applications under the Licensing Act 2003 the Licensing Authority must have regard to the relevant legislation, guidance issued by the Home Office, the council's own statement of licensing policy and any associated local area guidance.

6.3.2 Applicants are expected to have had consideration to the relevant policy and any local area guidance when completing their applications and the licensing authority will refer to the policy/local area guidance when making its decision.

6.3.3 The application was granted in 2006 with regard to the Council's Licensing Act 2003 Statement of Licensing Policy, and the event will operate in accordance with the licensing objectives as set out in the current Statement of Licensing Policy 2011-2013.

6.3.4 The licensing regime contributes to the following aims:

#### Best Council Plan 2013-17

- Improve the quality of life for our residents, particular those who are vulnerable or in poverty. Make it easier for people to do business with us; and
- Achieve the savings and efficiencies required to continue to deliver frontline services.

#### Best Council Objectives

- Building a child friendly city – improving outcomes for children and families
- Promoting sustainable and inclusive economic growth – improving the economic wellbeing of local people and businesses
- Ensuring high quality public services – improving quality, efficiency and involving people in shaping their city

## **8.0 Resources and Value for Money**

8.1 There are no resource implications to the licensing authority. The premises licence is subject to an annual maintenance fee as prescribed under the Licensing Act 2003.

## **9.0 Legal Implications**

9.1 There are no legal implications known to the Council.

9.2 There is no provision for the premises licence to be open for consideration at this point of time given that the licence and subsequent revisions to the terms of the licence have been previously approved. Instead Members should consider whether and how to approve the Event Management Plan as required under condition 2 of the licence.

## **10.0 Risk Management**

10.1 Preparation for the event is subject to a number of multi-agency meetings.

10.2 Any matters arising during the planning of the 2013 event having an implication on the premises licence and objectives of the Licensing Act will be brought back before the Licensing Committee.

## **11.0 Options Available To Members**

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

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

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

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

- a) Give delegated authority to the head of Licensing and Registration to approve the Event Management Plan prior to the start of the event.

and

- b) Give delegated authority to the head of Licensing and Registration to approve any minor amendments to the Event Management Plan prior to the start of the event.

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



## **12.0 Conclusions**

- 12.1 This report advises Members that the multi-agency process has not highlighted any issues in respect of the 2013 event and that information is being supplied within the agreed time scales.

## **13.0 Recommendations**

- 13.1 The Licensing Committee is required to consider this report and take such steps it considers appropriate to promote the licensing objectives as detailed in paragraph 11.1 of this report and the recommendations as detailed at 11.3.

## **14.0 Background Papers**

Home Office Guidance issued under s182 Licensing Act 2003

Leeds City Council Statement of Licensing Policy – Licensing Act 2003

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## Part A Schedule 12 Licensing Act 2003

Initial licence from:

28th April 2006

Current Licence effective from:

### Part 1 – Premises details

#### Postal address of premises, or if none, ordnance survey map reference or description

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

Telephone number: 0207 009 3000

#### 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 the licence authorises the carrying out of licensable activities

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

Alcohol is sold for consumption on and off the premises

#### The opening hours of the premises

Everyday 00:01 - 00:00

## Part 2

### **Name, (registered) address, telephone number and email (where relevant) of holder of premises licence**

Mr Melvin Benn  
Festival Republic Ltd  
35 Bow Street  
London  
WC2E 7AU

Email Address: mbenn@festivalrepublic.com

### **Registered number of holder, for example company number, charity number (where applicable)**

Registered business number: 02948536

### **Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol**

Anne-Maria O'Sullivan  
115 Sudbourne Road  
London  
SW2 5AF

### **Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol**

Personal licence number: PERS2980

Licensing authority: London Borough Of  
Lambeth

Licence issued under the authority of Leeds City Council

Mr John Mulcahy  
Head of Licensing and Registration Service  
Licensing and Registration Service

## 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**

#### Sale by retail of alcohol

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 21st August to 03:00 hrs on Monday 26th August 2012

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 19th August to 23:00hrs on Tuesday 27th August 2012

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.

Provision of late night refreshment

Location of activity: Both indoors and outdoors

Performance of a play

Location of activity: Both indoors and outdoors

Exhibition of a film

Location of activity: Both indoors and outdoors

Performance of live music

Location of activity: Both indoors and outdoors

Performance of recorded music

Location of activity: Both indoors and outdoors

Performance of dance

Location of activity: Both indoors and outdoors

Entertainment similar to live music, recorded music or dance

Location of activity: Both indoors and outdoors

Provision of facilities for making music

Location of activity: Both indoors and outdoors

Provision of facilities for dancing

Location of activity: Both indoors and outdoors

Provision of facilities for anything similar to making music or dancing

Location of activity: Both indoors and outdoors

**Conditions consistent with the operating schedule relating to the licensing objectives**

**General – All four licensing objectives**

10. The Premises Licence Holder shall comply with the terms and requirements of the Event Management Plan each year.
11. 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.
12. 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**

13. 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.



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LICENSING COMMITTEE WORK PROGRAMME 2013/14- LAST UPDATED 31/07/13 (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 February 2011. Policies have been split into Groups 1, 2 and 3 and will return to Committee at the conclusion of the necessary consultation period (Group 1 Oct '12. Group 2 Jan '13)	D Broster	DP

ITEM	DESCRIPTION	Officer	TYPE OF ITEM
<b>Meeting date: TUESDAY 4 JUNE 2013. HELD. Annual Governance arrangements, Annual Report</b>			
<b>Meeting date: 25 JUNE 2013. HELD. SEV policy, Law Commission interim statement, Executive PH policies</b>			
<b>Meeting date: 23 JULY 2013. HELD. Enforcement Activity Update, Trike PH applications, ELS Activity Update, Site Allocation Plan, Late Night Levy</b>			
<b>Meeting date: 13 AUGUST 2013</b>			
<b>TPHL Decision Making process</b>	To receive a six monthly update on the decision making process in respect of suspensions and revocations undertaken by the Taxi and Private Hire Licensing Section	D Broster	PM
<b>The Leeds Festival</b>	To note a report outlining the preparations for the Leeds Festival 2013	S Holder	B
<b>Meeting date: 10 SEPTEMBER 2013</b>			
<b>Scrap Metal Dealers Act 2013</b>	To receive a report setting out the implications of the Scrap Metal Dealers Act 2013 on the work of the Licensing Committee	S Holden	PM
<b>TPHL Monitoring proposals</b>	To receive a report considering proposals for data collection in respect of HC and PH applicants and licence holders	D Broster	PM
<b>Meeting date: 15 OCTOBER 2013</b>			
<b>WYP Presentation</b>	Policing and the Night time Economy		B
<b>Late Night Levy</b>	To receive a report back on the outcome of discussions regarding the governance arrangements for the implementation of the Late Night Levy, particularly the mechanism for overseeing the spending of the Levy	S Holden/WYP	PM
<b>Shisha Smoking issues</b>	To receive a report from LCC Health and Safety Team on shisha smoking in Leeds and the Service's remit on enforcing smoking regulations	S Rockliffe/R McCormack	B

**LICENSING COMMITTEE WORK PROGRAMME 2013/14- LAST UPDATED 31/07/13 (hg)**

ITEM	DESCRIPTION	Officer	TYPE OF ITEM
<b>Meeting date: 12 NOVEMBER 2013</b>			
<b>Meeting date: 17 DECEMBER 2013</b>			
<b>Disclosure and Barring Service</b>	To receive an update	D Broster	B
<b>Three Yearly Licences</b>	To receive a report on the findings of the Working Group established by the Committee	D Broster	PM/DP
<b>Meeting date: 14 JANUARY 2014</b>			
<b>TPHL – update on the Decision Making process suspensions/revocations</b>	To receive a six monthly update on the decision making process in respect of suspensions and revocations undertaken by the Taxi and Private Hire Licensing Section for the period June to November 2013	D Broster	PM
<b>Update on Enforcement Activity</b>	To receive a report providing an update on the enforcement activity undertaken by the Entertainment Licensing Enforcement & Liaison Team for the period June – November 2013	S Kennedy	PM
<b>ELS – update on activity</b>	To receive a six monthly update on the activity and applications processed by the Entertainment Licensing Section June to Nov 2013	N Raper	PM
<b>Meeting date: 11 FEBRUARY 2014</b>			
<b>Meeting date: 11 MARCH 2014</b>			
<b>Meeting date: 8 APRIL 2014</b>			

**LICENSING COMMITTEE WORK PROGRAMME 2013/14- LAST UPDATED 31/07/13 (hg)**

ITEM	DESCRIPTION	Officer	TYPE OF ITEM
<b>Meeting date: 13 MAY 2014</b>			

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

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