

Report of the Head of Licensing and Registration

Report to Licensing Committee

Date: 14 January 2014

**Subject: Entertainment Licensing Section – Update Report
July – December 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 provides Members with an update of matters appertaining to the Entertainment Licensing Section between July and December 2013. The Section deals with a variety of licences and registrations. This report provides an overview of the applications received, including reviews and appeals, liaison and enforcement initiatives and action, policy development and a summary of national statistics collated by the Home Office.

Recommendations

2. That Licensing Committee note the contents of the report.

1 Purpose of this report

- 1.1 To inform the Licensing Committee of matters appertaining to the Entertainment Licensing Section during the last six month period, including licence reviews, prosecutions, applications and policy development.

2 Background information

- 2.1 Entertainment Licensing deals with various licences, permits and authorisations under various pieces of legislation.

- 2.2 The main functions of the Section are
- Licensing Act 2003 - sale/supply of alcohol and regulated entertainment
 - Gambling Act 2005 - gambling facilities including the large casino
 - Local Government (Miscellaneous Provisions Act) 1982 – adult retail shops, cinemas, and sexual entertainment venues.
- 2.3 The Council has statement of licensing policies for each of these three main functions.
- 2.4 Application, inspection and enforcement procedures must be followed in accordance with the relevant legislation.
- 2.5 As a general rule any application that attracts adverse representation will be heard before a Licensing Sub Committee, with the exception of licences for sexual entertainment venues where all new and renewal applications are brought before Members.
- 2.6 Applications made under the Licensing and Gambling Acts must be granted in the absence of such representations.

3 Main issues

Licensing Act 2003

- 3.1 The Councils Licensing Act 2003 Statement of Licensing Policy 2011-2013 identifies five areas of the Leeds district that are subject to Cumulative Impact Policies (CIPs): City Centre, Woodhouse/Hyde Park corridor, Headingley, Horsforth and Chapel Allerton.
- 3.2 The existing Policy has been subject to a review and is scheduled for approval before Full Council in January 2014. At the time of bringing the initial draft policy to Licensing Committee on the 14th May 2013, Members were advised of a new proposal to establish local area licensing guidance for areas of particular issue, for example South Leeds where health data identifies a shorter life expectancy due to alcohol, obesity and smoking.
- 3.3 A CIP would not be appropriate in this instance as health is not a licensing objective, but the purpose of the guidance is to highlight issues in that area and encourage applicants to trade responsibly by including in to their application control measures to mitigate existing problems. Such measures may include the secure storage and supervision of alcohol, CCTV, restricted advertising of alcohol, maximum volume of beers and ciders, 'check 25' proof of age scheme and display of alcohol/health harm posters. These measures will in turn also reduce any impact on the licensing objectives in preventing crime & disorder, public nuisance and protection of children from harm.
- 3.4 The local area guidance for South Leeds was implemented and applicants are now encouraged to have regard to the suggested control measures when completing their applications.

3.5 During this reporting period the licensing authority received the following number of licence applications and variations. This table excludes applications made in any of the CIP areas and also those in South Leeds, which can be found at paragraphs 3.6 and 3.7.

Premises licence applications and variations (excl. CIP areas and South Leeds):

Total number of applications	40
Applications with no representations	25
Applications with representations agreed prior to a hearing	3
Applications withdrawn	3
Hearings	5
Applications granted at hearing	5
Applications refused at hearing	0
Appeals	1
Pending hearings	4

3.6 The following table sets out the applications received in the Cumulative Impact Areas:

	Area 1 City	Area 2 Headingley/ Hyde Park	Area 3 Woodhouse	Area 4 Chapel Allerton	Area 5 Horsforth
Total number of applications	39	4	0	5	1
Applications with no representations	21	2	0	1	0
Applications with reps agreed prior to hearing	14	0	0	0	1
Applications withdrawn	0	0	0	1	0
Hearings	3 All granted	2 Both granted	0	2 Both granted	0
Appeals	0	0	0	0	0
Pending Hearings	1	0	0	1	0

3.7 The following table sets out the applications received in South Leeds:

Total number of applications	12
Applications with no representations	6
Applications with representations agreed prior to a hearing	0
Applications with control measures agreed	3
Hearings	1
Applications granted at hearing	1
Applications refused at hearing	0
Appeals	0
Pending hearings	2

Temporary Event Notices

3.8 The following sets out the number of Temporary Event Notices served on the authority:

Normal Temporary Event Notices:

Total Number Received:	531
Accepted:	483
In process:	41
Objections/ Withdrawn:	7
Hearings	0
Counter Notice	0

Late temporary event notices:

Total Number Received:	141
Accepted:	125
In process:	8
Invalid/Objection/Counter Notice Served:	8

Licensing Act: Reviews and Appeals

3.9 The following review applications have been dealt with during this reporting period:

Slip Inn, Morley, Leeds 27

3.10 On the 23 January 2013 a review was brought by the police due to anti-social behaviour and crime & disorder at the premises. The licensing subcommittee revoked the licence and an appeal was lodged.

- 3.11 Agreements were reached between the police and licence holder resulting in the police having no further concerns over the management of the premises. The revocation was rescinded and appeal withdrawn

Shokar Mini Market, Middleton Road, LS10

- 3.12 On the 29 April 2013 a review as brought by the police due to unlawful activities being carried on at the premises, including supplying stolen property and controlled substances. The licensing subcommittee revoked the licence and an appeal was lodged.
- 3.13 Agreements were reached between the police and licence holder including the removal of a named individual from the licence, the same individual not to have any association with the business, and the doorway between the licensed premises and upstairs accommodation to be removed. The licence was subsequently re-instated and appeal withdrawn.

Call Lane Social, Call Lane, LS1 - Area 1, City Centre Cumulative Impact Policy

- 3.14 In June 2013 application was made to increase the size of these premises to include the 1st floor. This attracted representation from the police and the application was refused by the subcommittee.
- 3.15 An appeal was lodged but then withdrawn upon agreements being reached between the police and applicant. The licence was issued with conditions restricting the use of the new area and additional door staff.

Hyde Park Newsagents, 7 Hyde Park Road, LS6, and News & Booze, Eldon Terrace, LS2.

- 3.16 On the 18 November 2013 reviews were brought by the police on the grounds that unlawful activities had been carried out at the premises, namely the provision of counterfeit goods and products on which on UK duty had been paid. The licensing subcommittee decided to suspend one licence for 28 days and the other for 7 days.

Mezz Club, Assembly Street, LS1.

- 3.17 On the 9 December 2013 application was brought by the police resulting from an irresponsible promotion night held at the premises.
- 3.18 The review was supported by representation of the Licensing Authority and members of the public. The licensing subcommittee decided to suspend the licence for three months to allow the sale of the property together with other measures preventing the existing management from having any involvement with the premises.

Licensing Act: Policy development and projects

- 3.19 Members will be aware that the current Licensing Act 2003 Statement of Licensing Policy has been subject to review. A report was presented to the Licensing

Committee in December 2013 and the new policy is set to be approved before the full Council in January 2014.

- 3.20 The policy still provides reference to the five CIPs, although there has been a change in the City Centre CIP where a green, amber and red system has been introduced. The red zone identifies the Call Lane area of the City where there is an evident concentration of licensed premises and associated problems with antisocial behaviour and crime and disorder. In the remaining areas each application will be considered on its own merits depending on the style of operation and other facilities in the locality.
- 3.21 Furthermore, the policy sets out that where an application is received for any of the CIP areas (Areas 2 – 5), the licensing authority, in their capacity as a responsible authority, will consider making representation. Applications for Area 1, City Centre, will be addressed on a case by case basis in association with the police. Any application for the 'red' zone however will probably attract representation.
- 3.22 Further to the consultation on the policy, a request has been made for Otley to be designated as a cumulative impact area. Further work is being carried out with the area representatives and a report will come before the Licensing Committee in the future.
- 3.23 Members will be aware from the December meeting that the licensing authority and relevant agencies are looking at introducing a local voluntary scheme to reduce the strength of alcohol. This is to support the work being carried out, particularly around the bus station/New York Street area of the city centre where there are evident problems with street drinking and antisocial behaviour. An expression of interest has been made in respect of this Scheme to the Home Office which is looking to support Local Authority Action Areas by way of providing assistance in consultation and publicity.
- 3.24 Members will also be aware that the matter regarding the Late Night Levy was referred to Scrutiny by the Executive to Scrutiny Board (Resources and Council Services). A report was taken back to Executive Board on the 18th December 2013 with a recommendation that alternative schemes be initially explored including a Business Improvement District.

Gambling Act 2005

- 3.25 The current Gambling Act 2005 Statement of Licensing Policy is effective from January 2013 to December 2015.
- 3.26 During this reporting period the licensing authority has not received any applications for new or variations to premises licences under this Act.
- 3.27 There have been concerns for the growth of betting office premises nationally. In Leeds there are presently 104 betting premises licensed compared to 105 in 2012, 106 in 2010, and 99 in 2008.

- 3.28 The ward with the most betting premises is City & Hunslet with 24 premises, followed by Gipton & Harehills (10), Crossgates & Whinmoor (5), and Armley (5). All other wards have between 1 and 4 premises.
- 3.29 Members will be aware that a provisional statement for a large casino premises licence was granted to Global Gaming Ventures Limited for the site at Eastgate, now known as Victoria Gate. Dialogue is continuing with GGV Ltd and it is understood that the development is set to be completed around 2016.

Local Government (Miscellaneous Provisions) Act 1982 - Licensing of Sex Establishments (including adult shops, cinemas and sexual entertainment venues, i.e. lapdancing)

- 3.30 The current Statement of Licensing Policy – Licensing of Sex Establishments, was approved by Executive Board and came into effect on the 1st September 2013.
- 3.31 Notable changes to the previous policy included reference to Leeds' aspirations to be a child friendly city, enhanced reference to locations and a reduction in numbers to four premises.
- 3.32 Applications for renewal of the existing six sexual entertainment venue licences were considered by the specialist subcommittee of the Licensing Committee, and were held during the week of the 18th November 2013.
- 3.33 The decisions were as follows:
- Liberte of 10 York Place and Purple Door of 5 York Place – both applications approved for expiring 30th September 2014.
 - Silks of Sovereign Place - application approved until 30th June 2014 given the redevelopment of the area.
 - Deep Blue of 36 Wellington Street, Red Leopard of 164-176 The Headrow, and Wildcats of 149-155 The Headrow – applications refused and the premises to cease trading from 4am Friday 13th December 2013.
- 3.34 An update on this matter may be provided at the meeting.

Scrap Metal

- 3.35 A report was brought to the Licensing Committee in September 2013 which informed Members of the new Scrap Metal Dealers Act 2013 and the licensing regime, proposed fee, and the delegation process, as notably this Act is an executive function.
- 3.36 The Scrap Metal Dealers Act came into effect on the 1st October 2013, and from 1st December 2013 all dealers required the relevant licence in the form of either a collectors or a site licence.
- 3.37 At the time of writing this report the 71 collectors and 25 site licences had been issued.

- 3.38 Where an applicant has a relevant criminal offence as specified by the Act, they will be invited to interview. The interview panel will be made up of licensing officers, legal representation and the relevant agencies, typically the West Yorkshire or British Transport Police.
- 3.39 Three applicants have been through the interview process. Following their representation it was decided to approve the applications subject to certain conditions which confined the collection times and also the retention time for metals before they are disposed.
- 3.40 A forthcoming change to the Act will make this a Council Function, as opposed to an Executive Function, which will provide for applicants to be interviewed before a Licensing subcommittee.

Enforcement

- 3.41 In accordance with the Hampton Principles, inspections and enforcement must be risk based and proportionate.
- 3.42 Entertainment Licensing has a dedicated Liaison & Enforcement Team that engages in partnership working with other agencies to identify and address problem premises, respond to complaints, contribute to action planning meetings and instigate legal action where other measures have failed. In addition the Team take part in operations involving Trading Standards, HM Revenues & Customs, UK Borders Agency etc., where in addition to licensing matters, other offences such as counterfeit goods and immigration may be identified.
- 3.43 During this reporting period the team have attended the outdoor events during the summer season, including: Party & Opera in the Park, Cocoon and the Mint Festival at Temple Newsam, Leeds Pride, Leeds Reggae Concert, Chapel Allerton Arts Festival, Leeds Festival.
- 3.44 The team were also involved in a large multi-agency operation on the opening night of the Leeds Arena.
- 3.45 Since the full enactment of the Scrap Metal Dealers Act 2013 on the 1st December 2013 the team has been involved in several multi-agency days of action looking at, amongst other things, scrap metal collectors. Overall there has been a high compliance rate of properly registered mobile scrap metal dealer collectors. The Section has drawn up an information sharing agreement with identified partners to support and further develop this closer partnership working. The agreement is currently with partners for formal signatures.
- 3.46 Liaison has been held with the Council's Events Team and the police to put in place measures to negate a repeat of problems experienced at last year's Christkindlemarkt. These included closure of the beer tent between 4 and 5pm, beer served in pint instead of 2 pint steins, training provided to all bar staff and meetings were held throughout the duration of the event.

3.47 The team have also carried out a number of visits with the Health & Safety Team, police and HM Revenue and Customs to illegal shisha smoking premises, resulting in formal prosecution action being brought by the Health & Safety Team against three premises where smoking was witnessed. There were no breaches found under the Licensing Act 2003 at the time of the visits.

3.48 During this reporting period the following formal actions have been taken:

- Prosecution for unauthorised sale of alcohol at a premises in Leeds 8. A not guilty plea has been entered and the case is listed for hearing at Leeds Magistrates' Court in February 2014.
- Prosecution for the unauthorised provision of late night refreshment from a takeaway in LS6. A not guilty plea has been entered and the case is listed for hearing at Leeds Magistrates' Court, date to be confirmed.
- Prosecution for the unauthorised provision of late night refreshment from a takeaway in LS6. In this instance the premises were trading beyond the hours of the existing licence. Listed for hearing at Leeds Magistrates' Court on 10th December 2013.
- Formal caution of a Personal Licence holder who failed to notify the authority of a relevant offence conviction.
- Formal caution of a Designated Premises Supervisor found to be providing alcohol from a licensed premises in the LS21 area beyond licensed hours.
- Formal caution of a Designated Premises Supervisor found to be providing alcohol from a licensed premises in the LS13 area beyond licensed hours.
- The team has supplied evidence to the Security Industry Authority which resulted in the conviction of senior management personnel of a security company.

National Statistics

3.49 The Home Office recently released statistics they have gathered from around the country in respect of the number of licences issued during 2012/13 under the Licensing Act 2003 and associated functions.

3.50 In summary, the findings are:

- Leeds is 3rd in terms of the number of premises licences issued (2,405) behind Westminster (3,118) and Birmingham (2,929).
- The number of Personal Licences are 5,846, setting us 2nd behind Birmingham (7,170)
- We have the most registered clubs coming with 224, setting us first and Kirklees 2nd (218) and Birmingham 3rd (183)

- We are the 3rd largest authority for late night refreshment with 375 premises. Birmingham were the largest with 469, then Newcastle Under Lyme with 443.
- Despite being promoted as a 24 hour city, we are actually 23rd with only 72 premises licensed to sell alcohol 24 hours a day, and this includes the majority of our larger supermarkets. The top 3 are Blackpool with 792, Westminster with 200 and Brighton and Hove with 142.
- We are amongst a group of four authorities with the most CIPs. Leeds, Newcastle, Newham and Plymouth all have 5.
- We held the most hearings with 172. Westminster was next with 148 and Bristol 135.
- We ranked 68th in terms of the number of reviews, having only 5 during 2012/13. The most were heard by Sandwell (39), Hammersmith and Fulham (27) and the Wirral (26).

The contributory factor to this low number is the liaison work carried out with licence holders, and action planning meetings which often result in positive outcomes negating the need for a review.

- We were 3rd for the number of Temporary Event Notices with 1,563 received. Westminster came top with 2,525 followed by the Wiltshire Unitary Authority on 2,270, but we were ranked 43rd on the list of counter notices given following police objection with 1. Greenwich topped that table with 21, followed by Chiltern on 19 and Southwark on 14.

4 Corporate Considerations

4.1 Consultation and Engagement

4.1.1 New premises licence applications and full variations to existing licences are subject to a 28 day consultation period.

4.1.2 The consultation period is advertised by the display of a site notice at the premises and an advert in a local newspaper.

4.2 Equality and Diversity / Cohesion and Integration

4.2.1 The council has adopted a Statement of Licensing Policy which sets out the principals the council will use to exercise its functions under the Licensing Act 2003. There is a similar policy adopted under the Gambling Act 2005 and the Local Government (Miscellaneous Provisions) Act 1982 (Sex Establishments). The policies are developed with matters of equality, diversity and human rights taken into consideration. Policies are regularly reviewed in line with the legislation. The council has completed equality, diversity, cohesion screening and impact assessments with regards to the consultation process undertaken during the review of each policy.

4.3 Council Policies and City Priorities

- 4.3.1 When determining an application under the Licensing Act 2003 the Licensing Authority must have regard for the Licensing Act 2003, and the Statement of Licensing Policy which sets out the principles the council will use to exercise its functions under the Licensing Act 2003. Applicants are expected to read the policy before making their application and the council will refer to the policy when making its decision.
- 4.3.2 When determining an application under the Gambling Act 2005, the Licensing Authority must aim to permit the use of premises for gambling in so far as the authority thinks its:
- In accordance with any relevant Licensing Conditions and Codes of Practice
 - In accordance with the Gambling Commission Guidance to Local Authorities
 - Reasonably consistent with the three licensing objectives
 - In accordance with the Gambling Act 2005 Statement of Licensing Policy
- 4.3.3 When determining an application under the Local Government (Miscellaneous Provisions) Act 1982 for the licensing of sex establishments, Members will be guided by the Statement of Licensing Policy (Sex Establishments) which seeks to promote licensing within the overall context of the Vision for Leeds 2011-2013:
- Leeds will be fair, opening and welcoming
 - Leeds' economy will be prosperous and sustainable
 - All Leeds' communities will be successful

This policy provides specific reference to Leeds as a Child Friendly City.

- 4.3.4 The licensing regimes contribute to the following aims:

By 2030, Leeds will be fair, open and welcoming

- Local people have the power to make decisions that affect them
- There is a culture of responsibility, respect for each other and the environment
- Our services meet the diverse needs of our changing population
- Everyone is proud to live and work

By 2030, Leeds' economy will be prosperous and sustainable

- Opportunities to work with secure, flexible employment and good wages

By 2030, all Leeds' communities will be successful

- Communities are safe and people feel safe

- 4.3.5 The licensing regime contributes to the following city priorities:

Best city... for communities:

- 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 Licence compliance underpins the licensing regime and Entertainment Licensing ensures compliance through liaison with licensed premises and multi-agency partners.

4.5 Legal Implications, Access to Information and Call In

- 4.5.1 All information provided in this report is publicly accessible and there is no legal implication to the recommendations of this report.

4.6 Risk Management

- 4.6.1 As this is an advisory report there are no risks associated.

5 Recommendations

- 5.1 That members note the contents of the report.

Background Papers¹

None

¹ ¹ The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.