

Report of the Chief Officer Elections and Regulatory

Report to Licensing Committee

Date: 6th April 2021

Subject: Licensing Act 2003

Regulation 28 Report to Prevent Future Deaths

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
Confidential or exempt information may be discussed at the meeting on 6 th April 2021	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, Access to Information Procedure Rule number: 10.4(1), 10.4(2), 10.4(7)		
Appendix number:		

Summary of Main Issues

A Premises Licence issued under the Licensing Act 2003 is held by Festival Republic for the Bramham Park Estate, Leeds 23. The Premises licence authorises licensable activities during the course of the annual Leeds Festival held over August Bank Holiday weekend.

Following the Inquest into a fatality at the 2019 Festival, Leeds City Council has been served with a Regulation 28 Report to Prevent Future Deaths by the Senior Coroner for the Coroner area of West Yorkshire.

The report requested that the council provide the Senior Coroner with a response by the 12th March 2021, since extended to 23rd April 2021. A working group of the Licensing Committee has been established and has met to consider the contents of the report. The Licensing committee when it met on 2nd March 2021 also considered the report and decided to bring the matter back to the Licensing Committee meeting on 6th April 2021.

1.0 Best Council Plan Implications (see the [latest version of the Best Council Plan](#))

The licensing regime contributes to Best City Priorities 2019/20:

- Culture
- Safe, Strong communities
- Inclusive Growth

2.0 Resource implications

2.1 No resource implications for the licensing authority are identified.

3.0 Recommendations

3.1 Members of the Licensing Committee are asked to:

3.2 Consider additional information and recommendations from the working group meetings and additional information provided by the organiser of the festival.

3.3 To agree:

- A response to be provided to the Senior Coroner
or
- Agree that the Chair of the Licensing Committee respond to the Senior Coroner in relation to the Regulation 28 report, on behalf of the Licensing Committee, by 23rd April 2021.

4.0 Purpose of this Report

4.1 This report is to provide Members with detail of the Regulation 28 Report to Prevent Future Deaths, received following the inquest into a fatality at the 2019 Leeds Festival.

4.2 If Members consider it necessary for the public to be excluded from any part of the meeting to allow further detailed discussion, this can be considered under the Access to Information Procedure Rules 10.4(1) information relating to an individual, 10.4(2) information likely to reveal the identity of an individual, 10.4 (7) information relating to any action to be taken in connection with the prevention, investigation or prosecution of crime, and in all the circumstances the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

5.0 Background Information

5.1 The Premises Licence for the Leeds Festival was considered and approved by the Licensing Committee on the 28 April 2006.

5.2 The Licence granted to Festival Republic Ltd., is held for Bramham Park and allows the Festival to take place each August Bank Holiday weekend.

5.3 The Licence is subject to the following conditions:

- 1) The Premises Licence Holder shall comply with the terms and requirements of the Event Management Plan each year.

- 2) 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.
- 3) The Event Management Plan and any revisions to the Event Management Plan must be approved by the Licensing Authority prior to the Festival
- 4) 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.

5.4 The Committee reserve the right to determine how the final Event Management Plan (EMP) for the Festival should be agreed with the facility for the final EMP to be agreed by the Committee or officers under delegated authority.

6.0 Main Issues

6.1 The last occasion that the Festival took place was over the August Bank Holiday weekend in 2019. The 2020 Festival did not proceed due to the Covid-19 pandemic.

6.2 During the 2019 Festival there was an incident involving a female of 17 years of age, and despite all best efforts by the medical services, it resulted in a fatality.

6.3 An Inquest was held at Wakefield Coroner's Court, which concluded on the 13th January 2021. The Senior Coroner, after hearing the circumstances of death has set out his concerns in a Regulation 28 Report to Prevent Future Deaths (the report) which has been served on Leeds City Council, the licensing authority for Leeds Festival, as well as the organisers of the event.

6.4 A working group has been established to consider the contents of the report. The working group membership includes Members of the Licensing Committee with contributions from representatives of Leeds Safety Advisory Group, Safer Leeds, West Yorkshire Police, Health & Safety, Public Health, Yorkshire Ambulance Service, Childrens & Families, Legal Services and Entertainment Licensing.

6.5 The first meeting of the working group took place on the 9th February 2021 from which it was agreed to ask the Senior Coroner for an extension to the original deadline of the 12th March 2021, to allow for further information to be gathered and presented, including from the organisers of the event.

6.6 It was subsequently confirmed that an extension to the response had been granted until the 23rd April 2021.

6.7 A further meeting of the working group took place on the 22nd February and a report was brought before Licensing Committee on the 2nd March last. That report asked the Licensing Committee to agree:

- that the Chair of the Licensing Committee respond to the Senior Coroner in relation to the Regulation 28 report, on behalf of the Licensing Committee and Leeds City council, by 23rd April 2021, or
- that the matter be brought back before the Licensing Committee in April 2021.

6.8 Members agreed to the second option to enable the working group to meet again and for the matter to be brought back to the Licensing Committee on 6th April 2021 for further consideration.

7.0 Corporate Considerations

7.1 Consultation and Engagement

7.1.1 The application for the Premises Licence in 2006 was subject to the statutory consultation process as prescribed by the Licensing Act 2003.

7.1.2 Each year the licence holder provides an Event Management Plan through the Safety Advisory Group which is approved by the Licensing Committee before the annual Festival taking place.

7.2 Equality and Diversity/Cohesion and Integration

7.2.1 There are no identified 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 and the Council's Statement of Licensing Policy (Licensing Act 2003).

7.3 Council policies and the Best Council Plan

7.3.1 The licensing regime contributes to Best City Priorities 2019/20:

- Culture
- Safe, Strong communities
- Inclusive Growth

7.4 Climate Emergency

7.4.1 There are no implications for the climate emergency in relation to this report.

7.5 Resources, Procurement and Value for Money

7.5.1 There are no implications to the licensing authority identified at the time of this report.

7.6 Legal Implications, Access to Information and Call In

7.6.1 The licensing regime must be carried out in accordance with the Licensing Act 2003. The Regulation 28 report requests that the response sent to the Senior Coroner sets out what action, if any, the local authority intends to take and if no action an explanation for this. The report and response would then be published by the Senior Coroner.

7.7 Risk Management

7.7.1 The Event Management Plan is taken through the Safety Advisory Group process. Any legal implications for the premises licence will need to be considered.

8.0 **Conclusions**

8.1 A working group involving key services has been established to consider the content of the Regulation 28 Report to Prevent Future Deaths.

9.0 **Recommendations**

9.1 Members of the Licensing Committee are asked to:

9.2 Consider additional information and recommendations from the working group meetings and additional information provided by the organiser of the festival.

9.3 To agree:

- A response to be provided to the Senior Coroner
or
- Agree that the Chair of the Licensing Committee respond to the Senior Coroner in relation to the Regulation 28 report, on behalf of the Licensing Committee and, by 23rd April 2021.

10.0 **Background Papers**

Premises Licence number PREM/02193/012 (public register copy)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.