

Licensing Act 2003 Regulation 28: Report to Prevent Future Deaths

Date: Tuesday, 21st November 2023

Report of: Chief Officer Elections and Regulatory

Report to: Licensing Committee

Will the decision be open for call in? Yes No

Does the report contain confidential or exempt information? Yes No

What is this report about?

Following the Inquest into a fatality at the 2022 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 East.

Leeds City Council has a duty to respond to the Regulation 28: Report for the Prevention of Future Deaths ("the Report").

Recommendations

Licensing Committee is asked to:

- a) Note the content of the Regulation 28: Report to Prevent Future Deaths, received from the Senior Coroner for the Coroner area of West Yorkshire East, attached as Exempt Appendix A;
- b) Consider the content of the draft response on behalf of Leeds City Council, attached as Exempt Appendix B; and
- c) Authorise the Chair, on behalf of the Licensing Committee, to respond to the Senior Coroner in relation to the Regulation 28 report.

Why is the proposal being put forward?

Leeds City Council has a duty to respond to the Regulation 28: Report for the Prevention of Future Deaths (“the Report”).

The Report included an original response date of the 13th November 2023. At the request of the authority the Senior Coroner has granted an extension to the 5th December 2023 to allow the Licensing Committee to meet, consider and approve the content of a response.

History

- 1) Leeds Festival is held over each August Bank Holiday weekend, attracting up to 89,999 attendees.
- 2) The premises licence is subject to a condition that an Event Management Plan (“EMP”) must be approved by the Licensing Authority each year.
- 3) The EMP sets out all arrangements for the event, including those which contribute to the promotion of the licensing objectives:
 - The prevention of crime and disorder;
 - The prevention of public nuisance;
 - Public safety; and
 - The prevention of children from harm.
- 4) The EMP is not held by the Licensing Authority, but is uploaded by the licence holder to Resilience Direct, a secure platform accessible by all blue light and relevant services who are also members of the Leeds Safety Advisory Group (SAG), co-ordinated by the Resilience & Emergencies Team.
- 5) In 2021 the Council was served with a Regulation 28: Report to Prevent Future Deaths following the inquest into a fatality during the 2019 Leeds Festival. In response to that report the Licensing Committee heard of improvements to be implemented by the licence holder, Festival Republic, for the welfare and safeguarding of young persons and festival attendees generally.
- 6) The Licensing Committee subsequently resolved “to authorise the Chair, on behalf of the Licensing Committee, to respond to the Senior Coroner in relation to the Regulation 28 report by 23rd April 2021”.
- 7) That response set out the improvements to be implemented by Festival Republic, including a review of educational and harm reduction messaging, additional welfare facilities in the arena and drugs advisory information points, a review of safe hub locations and medical provision, and additional covert police officers to work with existing security teams.
- 8) Unfortunately, the 2022 Festival did not pass without incident. During the Festival a young person was taken ill from substance intoxication and died in hospital.
- 9) Consequently, the Licensing Committee applied additional scrutiny to the future of the Festival. In response, Festival Republic introduced the following measures for 2023:
 - a. A ban on all campfires;
 - b. A new provision of AIR (Assistance, Information, Response) Hubs spread across campsites, offering welfare and support facilities;
 - c. Challenge 25 to replace Challenge 21 proof of age scheme;

- d. A robust system to provide a more accurate figure of the numbers of 16 and 17 year-olds in attendance;
 - e. Spiking Test Kits to be more widely advertised as available to purchase;
 - f. Improved provision of security and stewarding, particularly in campsite areas, to facilitate public engagement;
 - g. Improved engagement and information sharing with the Security Industry Authority to allow adequate time for the service to carry out their role;
 - h. A new medical provider for 2023, equipped with onsite x-ray facilities; and
 - i. Improvements to lighting and directional signage and the provision of quality stewarding, particularly on egress routes leading from the arena to campsites, car parks, pick up locations and public transport hubs.
- 10) The Coroner's inquest began on the 15th August 2023 and concluded on the 17th August 2023. At the behest of the Coroner, the Licensing Committee Chair attended to provide evidence on behalf of the Authority.
- 11) Shortly following the inquest the Authority was served with the Regulation 28 Report (copy at Exempt Appendix A).
- 12) A draft response for Members' consideration is attached at Exempt Appendix B.

What impact will this proposal have?

Wards Affected: Wetherby & Harewood

Have ward members been consulted? Yes No

What consultation and engagement has taken place?

- 13) Before it was granted in February 2006, the Premises Licence application was subject to consultation in accordance with the statutory requirements under the Licensing Act 2003.
- 14) The annual EMP is subject to detailed consultation through the Safety Advisory Group process.

What are the resource implications?

- 15) No resource implications for the licensing authority have been identified.

What are the legal implications?

- 16) The Authority is statutorily obliged to provide a response to the Regulation 28 Report.
- 17) The information contained in Exempt Appendices A and B has been designated as exempt from publication as they contain information which falls under the Access to Information Procedure Rules 10.4(1) "Information relating to any individual", and 10.4(2) "Information which is likely to reveal the identity of an individual", and 10.4(5) "Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings". All exclusions require that in all the circumstances of the matter the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

What are the key risks and how are they being managed?

18) There are no key risks identified.

Does this proposal support the council's 3 Key Pillars?

Inclusive Growth Health and Wellbeing Climate Emergency

Options, timescales and measuring success

19) The Licensing Authority is under a duty to respond the coroner's report by the 5th December 2023.

Appendices

- Appendix A - Regulation 28: Report to Prevent Future Deaths issued by the by the Senior Coroner for the Coroner area of West Yorkshire East, dated 21st August 2023.

Exempt under Access to Information Procedure Rule 10.4(1)

- Appendix B - Leeds City Council draft response to the report.

Exempt under Access to Information Procedure Rules 10.4(2) and 10.4(5)

Background papers

None