

Licensing Committee

Tuesday, 20th July, 2010

PRESENT: Councillor S Armitage in the Chair

Councillors J Dunn, R D Feldman,
T Hanley, G Hussain, V Morgan, B Selby,
C Townsley, D Wilson and G Wilkinson

IN ATTENDANCE Sgt R Fullilove – West Yorkshire Police
Mr B Patterson – West Yorkshire Police
Mr M Benn – Festival Republic

9 Late Items

The Chair noted receipt of one Late Item of business following the despatch of the agenda for the meeting. This related to the decision of full Council on 14th July 2010 to make changes to the governance arrangements for the Committee and as such the report was not available at the time the agenda was sent out. Members had received the report prior to the meeting and were requested to consider the report as a Late Item in order for the changes to take effect from 20th July 2010 as indicated by Council

RESOLVED – To accept the last item of business onto the agenda for the meeting (minute 18 refers)

10 Declarations of Interest

There were no declarations of interest

11 Apologies for Absence

Apologies for absence were received from Councillors Dobson, Downes, Mrs Feldman, Grayshon and G Hyde

12 Minutes

RESOLVED – That the minutes of the previous meeting held 22nd June 2010 be agreed as a correct record

13 Presentation by West Yorkshire Police

The Committee received a presentation from West Yorkshire Police (WYP) on the process undertaken by WYP when making representations on applications made under the Licensing Act 2003. Sgt R Fullilove and Mr B Patterson from the Leeds District Licensing Office attended the meeting and provided details on:

- The role of the Neighbourhood Policing Teams (NPT's)
- The role of the central licensing team based at Millgarth Police Station
- The liaison between divisional NPT's and the licensing team
- The number of applications notified to WYP (approximately 1900 per annum) and process by which these were scrutinised to determine whether a representation should be made

- The importance of good intelligence received from other parties - such as the public and local ward Councillors

Mr Patterson also highlighted the desire of WYP to be informed of the representations made by other Responsible Authorities as this would better inform WYP of all the issues related to a premise which may already be of interest. It was noted that no facility existed to link the LCC Entertainment Licensing and WYP computer systems.

Members discussed the following:

- Their concerns over the robustness of the evidence submitted by WYP and commented that, in respect of Reviews, there had been occasions when the WYP presentation at a hearing had undermined the strength of the written submission
- The importance of information being provided from local NPTs to the licensing team to better inform their submission
- The role of multi-agency meetings as forums for responsible authorities to share information about licensed premises. Members noted that some NPTs were represented at Area Committee or ward meetings, but not necessarily at tenants meetings where licensing related issues were more likely to be discussed by residents.
- Interim Reviews and the restricted amount of WYP evidence available to Members due to the 48 hour timeframe of that hearing and the likelihood of some evidence being used at a later date in court proceedings

Sgt Fullilove closed by reiterating that WYP would welcome information from local ward Members on problem premises within their wards and agreed to provide a direct e-mail address to Members of the Committee

RESOLVED – To thank Mr Patterson and Sgt Fullilove for the presentation and to note the discussions.

Councillors Dunn, Selby and Wilson withdrew from the meeting for a short time at this point before taking their seats at the commencement of the next item

14 Leeds Festival 2010 - Event Management Plan for the 2010 Event

The Assistant Chief Executive (Corporate Governance) submitted a report advising Members of the progress of the multi-agency meetings held so far and the progress of the Event Management Plan in respect of arrangements for the Leeds Festival 2010. The event is due to be held within the grounds of Bramham Park from 26th August to 30th August 2010. Appended to the report was a schedule providing a summary of the changes made to the 2009 EMP in preparation for the 2010 event.

Mr M Benn, Festival Republic Ltd, attended the meeting and discussed the following matters in respect of improvements made to the site with the Committee:

pick-up/drop-off point – these points now located within the same area to avoid confusion for drivers

Screens – management of the live feed to the screens had been improved to address the problem experienced last year when the system failed leading to a surge of attendees moving to better vantage points

Site layout – a new site design, including two new internal routes will be implemented in time for the 2010 event. This would support the revised Arena layout which had been amended to prevent a re-occurrence of the “bottleneck” effect experienced last year when large groups of attendees converged at one access point to the main arena

The Committee welcomed the improvements made to the EMP and further commented on the improvements made to the 2009 Traffic Management Plan which had addressed the problems created by sheer volume of traffic to the east of the city.

RESOLVED –

- a) To thank Mr Benn for his attendance and informative presentation
- b) To delegate authority to the Assistant Chief Executive (Corporate Governance) to approve the Event Management Plan and any minor amendments prior to the start of the event

15 Appeal against Licensing Committee decision to refuse a Premises Licence - Bargain Booze, 7 Cross Hills, Kippax

The Assistant Chief Executive (Corporate Governance) submitted a report on the outcome of an appeal against the decision of a Licensing Sub Committee to refuse an application for the grant of a new Premises Licence for Bargain Booze, Kippax.

The appeal was dealt with by the Magistrates Court on 30th April 2010 and was disposed of by consent between the parties. The Premises Licence was subsequently granted and the Magistrates Court awarded costs of £4700 against the Council.

The comments made by the Magistrates were highlighted in the report and Members went on to consider the following:

- The appeal matters raised by Mr Warke the appellant
- Difference between the Magistrates hearing and the Sub Committee hearing in terms of the weight of evidence
- Although a resident had attended the Sub Committee he would not attend the Magistrates hearing. Only Councillor Wakefield attended the Magistrates and his concerns were principally planning related
- The role of the legal adviser at Sub Committee hearings and the importance of robust advice
- Details of the costs procedure and entertainment licensing budget

RESOLVED – That the contents of the report be noted

16 Licensing Act 2003 - Three Year Review of the Statement of Licensing Policy

The Assistant Chief Executive (Corporate Governance) submitted a report on the consultation on the Council’s Statement of Licensing Policy in respect of the Licensing Act 2003. A copy of the Public Consultation report was included with the report.

Officers reported the Policy was now due for review with a view to adopting a revised Policy prior to January 2011. Initial consultation with partner agencies and ward members had been undertaken leading to proposals to revise the Cumulative Impact Policy areas. The public consultation period had now commenced on the revised Policy and would close on 1st October 2010.

It was noted that no Area Committees had presented any evidence to support a request for any additional CIP areas though the existing policies had been amended and in some cases extended.

RESOLVED – To note the contents of the report and the Consultation Document.

17 Licensing Act 2003 - Dealing with Representations

Further to minute 5 of the meeting held 22nd June 2010 the Assistant Chief Executive (Corporate Governance) submitted a report on the process applied by licensing officers when determining “relevant representations” under the Licensing Act 2003.

The report set out the relevant guidance and included statistics on the number of applications received in April 2010 and of those, the number of representations received and considered by officers and the number of applications put forward to a Sub Committee hearing for determination. To provide a fuller picture of the number of applications subject to representations deemed invalid by officers and consequently granted without a hearing, data was provided from April 2009 to June 2010 where 6 applications were noted.

Some Members expressed their continuing frustration on the number of occasions an applicant and responsible authority reached agreement just prior to a hearing. The Committee was advised there was no time limit or penalty to prevent this. Members also noted the development of the Public Access system, an electronic register on which the status of new applications may be tracked.

RESOLVED – That the contents of the report be noted.

18 LATE ITEM Changes to Licensing Arrangements - Consequential Governance Arrangements

The Assistant Chief Executive (Corporate Governance) submitted a report as a Late Item of business regarding the governance arrangements for the Licensing Committee following the decision of full Council on 14th July 2010 that certain functions previously carried out by the Licensing and Regulatory Panel should be undertaken by the Committee. Council had determined the changes should take effect from 20th July 2010 and Members agreed to consider the report as a Late Item in order for the changes and transitions to be implemented smoothly.

The report included amended Terms of Reference for the Committee; amended Terms of Reference for the Sub Committee and the revised officer delegation scheme.

Members referred to the ongoing situation regarding the Section Head of the Taxi & Private Hire Licensing and expressed their continuing dissatisfaction over the length of time the Section had been without a senior officer. The Chair noted Members' request for information and referred to the previous agreement made at the former Licensing and Regulatory Panel held on 22nd June 2010 that, on completion of the current personnel matter relating to the Taxi & Private Licensing Section, officers would be requested to report back to Panel Members on the process and the outcome (minute 6 refers)

RESOLVED –

- a) That the amended Terms of Reference for the Licensing Committee (as contained in Appendix 1) be noted
- b) That the revised Terms of Reference for the Licensing Sub Committees as detailed in Appendix 2 of the report be approved
- c) That approval be given for the delegation of functions to the Assistant Chief Executive (Corporate Governance) as detailed in Appendix 3 of the report
- d) That officers be requested to report back to Members on the process and outcome of the personnel matter relating to the Taxi & Private Hire Licensing Section, on completion of that matter

19 Work Programme

No new items of business were added to the schedule and Members were advised the "Update from the SEV Working Group" would not be available for the August Committee meeting.

RESOLVED - To note the contents of the Work Programme Schedule

20 Date and Time of Next Meeting

RESOLVED – To note the date and time of the next meeting as Tuesday 17th August 2010 at 10.00 am although Members did note there were no items of business scheduled for this meeting in the Work Programme