

Licensing Committee

Tuesday, 28th June, 2011

PRESENT: Councillor in the Chair

Councillors S Armitage, R Downes, J Dunn,
R D Feldman, B Gettings, T Hanley,
G Hyde, A Khan, B Selby, C Townsley,
D Wilson and G Wilkinson

1 Chairs Opening Remarks

The Chair welcomed all present to this, the first meeting of the Licensing Committee for the 2011/12 Municipal Year, particularly new Members of the Committee

2 Declarations of Interest

The following Members declared personal/prejudicial interests for the purpose of Section 81(3) of the Local Government Act 2000 and paragraphs 8 to 12 of the Members Code of Conduct:

Large Casino Application Pack – Councillor B Selby stated that as Chair of City Centre Plans Panel and member of the Licensing Committee he had taken advice on whether it was appropriate for him to be present during deliberations on the Large Casino as it was very likely that the planning application would be considered by a future City Centre Plans Panel. He reported that at this stage of the process, it was not necessary for him to declare an interest however he wished to make it clear that any decision he made regarding the Casino at this Committee would be based purely on licensing grounds. Similarly any decision he was party to at City Centre Plans Panel would be made on planning grounds (minute 9 refers)

3 Apologies for Absence

Apologies for absence were received from Councillors Bruce, P Latty, G Hussain and Townsley

4 Minutes

RESOLVED - To approve the minutes of the previous meetings held on 15th March and 28th March 2011 respectively as correct record

5 Licensing Committee - Annual Governance Arrangements

The Committee considered the report of the City Solicitor seeking to establish the governance arrangements for the Licensing Committee for the 2011/12 Municipal Year. The report included the Terms of Reference and the relevant Officer Delegation Schemes and sought to establish the membership of the Licensing Sub Committees.

RESOLVED –

- a) To note the Terms of Reference for the Licensing Committee contained within Appendix 1
- b) That five Sub Committee of three Members each be established in accordance with paragraph 3.6 of the submitted report

- c) To approve the membership of the Sub Committees as:
 - Sub Committee A Councillors Armitage, Bruce and Downes
 - Sub Committee B Councillors Dunn, Feldman and G Hussain
 - Sub Committee C Councillors Hanley Gettings and G Hyde
 - Sub Committee D Councillors Townsley, P Latty and Selby
 - Sub Committee E Councillors A Khan, Wilkinson and Wilson
- d) To approve the delegation of licensing functions to the Director of Resources as set out in Appendix 4 of the submitted report
- e) To approve the delegation of the function of making an Alcohol Disorder Zone to the Director of Environment & Neighbourhoods as set out in Appendix 5 of the submitted report

6 Licensing Procedure Rules and Code of Practice for Determining Licensing Matters

The City Solicitor submitted a report setting out the proposed Procedure Rules to govern the work of the Licensing Committee. A Code of Practice for determining licensing matters was also included.

The Legal Adviser highlighted the proposal to amend the procedures followed at hearings in response to feedback received from attendees at hearings. The change would allow an applicant to set out the application and their intended business case first, interested parties would then follow with their comments and the applicant would then be allowed to address the comments made.

Members were generally supportive of this amendment and went onto discuss:

- the need for the Chair to maintain control of the hearing to prevent cross examination, repetition and ensure the new facility for the applicant to reply is not abused
- the benefits to the interested parties in hearing the applicant outline their proposals at the start of the hearing
- the need to ensure timings for submissions were equal amongst the parties as required by the regulations

The Committee heard a recent example where one Sub Committee had varied the usual procedure to allow an applicant to speak first. This decision had been taken due to the lack of clarity in the application and the presence of public at the hearing. Members noted a concern that under the existing and proposed Procedure Rules, interested parties would not be allowed to respond to an applicant's submission, but it was generally agreed that the Chair would have discretion to allow this.

(Councillor Downes left the meeting at this point)

Members also supported a suggestion to review the success of the new order of submissions and report back to Committee in three months.

(Councillor Wilkinson joined the meeting at this point)

RESOLVED –

- a) That the Licensing Procedure Rules as set out in Appendix A of the report be approved and the contents of the associated information sheet (submitted as Appendix 2) be noted
- b) That the proposed change to the order of speeches as contained within the processes adopted at Licensing Sub Committees (attached as Appendix 3 of the report) be approved
- c) To note and have regard to the contents of the Code of Practice for the determination of licensing matters as attached at Appendix 4 of the report

7 "The Vine" Public House - Licensing Act 2003 Magistrates Court Appeal

The Committee considered the report of the City Solicitor on the outcome of an appeal to the Magistrates Court against the decision of a Licensing Sub Committee at a Review hearing in respect of The Vine public house. The report indicated that the appeal had been withdrawn by the appellant following acceptance of most of the conditions imposed on review and highlighted the following key issues

- importance for Members of identifying why a premises is underperforming when considering a review application
- need to impose conditions which are focused, necessary and proportionate
- need to give reasons for imposing conditions on a licence

The Committee welcomed the result of the appeal and the Chair thanked officers for their work on this case

RESOLVED – To note the contents of the report

8 "The Streets of Leeds" - Licensing Act 2003 Magistrates Court Appeal

The Committee considered the report of the City Solicitor on the outcome of an appeal to the Magistrates Court against a decision of a Licensing Sub Committee at a Review hearing in respect of The Streets of Leeds public house. The licence had been revoked on review and the decision of the Sub Committee was upheld by the Court. The report set out the circumstances of the review and the Magistrates decision.

Members noted that costs had been awarded to the Council in this instance however recovering those costs could be a difficult process

RESOLVED – To note the contents of the report

9 Large Casino Application Pack and Consultation

The Head of Licensing and Registration submitted a report on the draft application pack in respect of Leeds' Large Casino Premises Licence prior to a 4 week consultation with the casino industry. The report set out the work undertaken so far, consultation methodology and a timescale for the project. Relevant documents relating to Stage 1 and Stage 2 of the process were appended to the report, including guidance and application forms. The Terms of Reference for the proposed Advisory Panel to be established to assist the Committee were also included.

The Principal Project Officer presented the report and highlighted the following key points:

- Stage 1 – receipt and evaluation of applications, which will provide information on which sites are proposed and operators/developers are interested.

- that all interested operators will make applications at the same time and therefore all hearings will be held around the same time – June 2012 and will be in public at this stage.
- Each applicant has the right to make a representation on another application
- Planning permission is not required prior to making an application for the Large Casino premises licence
- Stage 2 evaluation requires the applicants to demonstrate benefits to the City and requires the Committee to consider procurement/planning issues as well as licensing matters in conjunction with the 3 principles previously agreed by Executive Board – financial; economic and social.
- The proposed establishment of an Advisory Panel of experts is proposed to assist the Committee, comprising of LCC officers and external specialists

(Councillor Downes re-joined the meeting at this point)

Members considered the following

- The differences between planning and licensing
- status of any public objections under the terms of the Gambling Act 2005 and the 3 licensing objectives that any representation must address.
- the proposed Advisory Panel and future reports that will be needed to procure and appoint the appropriate experts where in house expertise is not available.

(Councillor G Hyde withdrew from the meeting for a short while at this point)

The Principal Project Officer outlined the network established between the 16 Local Authorities which had been awarded the right to grant a Large Casino Licence. Best practice and experiences were shared in order to better inform the group. Leeds was in a good position to draw on others experience.

(Councillors Dunn and Hanley left the meeting at this point)

RESOLVED – The Committee considered the draft Application Pack and

- a) noted the contents of the report
- b) approved the draft Application Pack
- c) approved the consultation methodology
- d) instructed officers to commence a 4 week non-statutory consultation with the industry

10 Work Programme

RESOLVED – That the contents of the Licensing Work Programme be noted

11 Dates of Future Meetings

RESOLVED – To note the date and time of the next meeting as Tuesday 26th July 2010 at 10.00 am