

Licensing Committee

Tuesday, 18th October, 2011

PRESENT: Councillor S Armitage in the Chair

Councillors K Bruce, R Downes, J Dunn,
R D Feldman, B Gettings, G Hussain,
G Hyde, A Khan, P Latty, B Selby,
C Townsley, D Wilson and G Wilkinson

38 Late Items

No formal late items of business were added to the agenda however members were in receipt of the following

- De-regulation of Regulated Entertainment – schedule of the number of licences in the city and a breakdown of the nature of the last 100 complaints received since April 2011 (minute 42 refers)
- The Large Casino – Appendix 3 of the report with the proposed make up of the Advisory Panel (Minute 43 refers)

39 Declarations of Interest

There were no declarations of interest, however in relation to the report on the Large Casino, Councillor Selby stated that as he was Chair of City Centre Plans Panel and it was likely that future applications for planning permission for a Large casino would be considered by that Panel, he wished to make it clear that he would treat individual planning applications on their own merits and within the remit of the Plans Panel and similarly, he would consider any licensing applications in accordance with the Gambling Act 2005, the relevant Guidance and the LCC Statement of Licensing Policy and would not pre-determine any matter before him (minute 43 refers)

40 Apologies for Absence

Apologies for absence were received from Councillor Hanley

41 Minutes

RESOLVED – That the minutes of the previous meeting held on 13th September 2011 be agreed as a correct record

42 DCMS Consultation on the Deregulation of Regulated Entertainment

The Head of Licensing and Registration submitted a report on the Governments' proposals to reform those activities currently classed as "regulated entertainment" in Schedule One of the Licensing Act 2003. A copy of the full consultation document issued by the Department for Culture, Media and Sport was attached to the report and Members views on the proposals were sought in order to inform the Council's formal response to the consultation.

The Committee noted the officer comment that the de-regulation of both Live and Recorded Music was a cause for concern. It was felt that the Licensing Authority had provided a proactive service to the public and had been able to

perceive and prevent problems arising from licensable activities. Furthermore, from 2012 the Licensing Authority would be able to charge fees at levels to allow full cost recovery which include elements of enforcement. If the regulation and enforcement of noise generated by Live and/or Recorded Music was removed from the auspices of Premises Licences issued by the Licensing Authority, the enforcement would fall to LCC Environmental Protection Team – which is funded directly by Council Tax.

Members noted the volume of questions to consider in the document and considered discussions would be best progressed by considering and agreeing those proposals contained within the consultation which would not cause them concern relating to the following:

- Performance of plays
- Exhibition of Films
- Indoor sporting events
- Boxing and Wrestling
- Any performance of dance that may be classed as sexual entertainment

Members then dealt with the entertainment which they regarded as being the main sources of concern with regards to crime & disorder and public nuisance. The Committee noted the content of the schedule of complaints received since April 2011.

The Committee felt strongly that live and recorded music should not be de-regulated and noted one Member's comment that performances of dance, when associated with large capacity nightclubs and provision of alcohol, were also a cause for concern.

Members were concerned that removal of regulation of live/recorded music would place additional stress on EPT and supported the current arrangements whereby the Licensing Authority could enforce preventative measures. The Committee noted the comment in the consultation that the licensing act 2003 had had a detrimental impact on the provision of music in licensed premises, but also acknowledged local anecdotal evidence from licensees that the costs associated with live music performance – fees for the band etc - discouraged licensees from providing live music.

Q11 - 13 - Should events for less than 5000 patrons be de-regulated?

Members felt that a figure of 200 (current cut off point for "small premises") or 500 (as advocated by the police) would be more appropriate, bearing in mind the capacity of a number of Leeds' nightclubs

Q16 – 18 - events held after a certain time. Members required further information before being able to comment on this matter

Q19 Introduction of Code of Practice to mitigate potential risks from noise. Members were not supportive of this proposal

The Committee requested further information providing a view point on the proposals from officers of the relevant department's to better inform future discussions and agreed that this information would be provided to them prior to the next Committee meeting

RESOLVED –

- a) That the contents of the report and the consultation document be noted
- b) That the comments made by Members so far regarding each of the areas of regulated entertainment be noted and be used to provide the basis for the Council's formal response to the consultation
- c) To note that more detailed information containing proposed responses to the consultation from relevant departments be despatched to Members before the end of October in order to better inform the discussions at the next Committee meeting. Members unable to attend the November Committee meeting were requested to respond to the Principal Project Officer so that their comments can be reported to the meeting
- d) To note that a further report setting out the Council's formal response will be presented to the November Committee meeting for approval by Members prior to its submission to the DCMS

43 Large Casino - Application Process

The Head of Licensing and Registration submitted a report setting out the proposed process for the determination of the Large Casino Licence and seeking Members approval in principle for that process in order that the Gambling Act 2005 Statement of Licensing Policy can be finalised for approval by full Council and that the draft application pack can be developed for approval by the Committee in January 2012.

An up to date version of Appendix 3 (proposed composition of the Casino Advisory Board) was tabled at the meeting

The Principal Project Officer attended the meeting and highlighted the key issues for Members to note:

- The work undertaken so far to develop the draft application pack in conjunction with leading Counsel and the Department of City Development and having regard to the experience of the other local authorities who had been given the right to grant a casino Licence
- The experiences of the other Local Authorities
- The timescales for the Stage 1 application process and subsequent submissions of Stage 2 applications
- The role and composition of the proposed Casino Advisory Panel and the advantages of utilising such a Panel in terms of expertise, timescales and informed decision making

(Councillor Wilkinson joined the meeting at this point)

- The anticipated number of applications at Stage 1. Members commented on the likely amount of information to be supplied by applicants at Stage 2 of the process and the need for robust evaluation of those bids in order to negotiate improved bids and benefits for the city. Members recognised the need for training on matters set out in Appendix 1 of the report (Documents to form part of the Stage 2 Application)

RESOLVED –

- a) That the proposed process for determining the Large Casino licence as set out in the submitted report be approved in principle

- b) To note that the Gambling Act 2005 Statement of Policy can now be finalised for consideration the Executive Board and Scrutiny before approval by full Council and that the draft application pack can now be developed for approval by Licensing Committee in 2012

44 Licensing Work Programme

RESOLVED – To note the contents of the Licensing Work Programme

45 Date and Time of Next Meeting

RESOLVED – To note the date and time of the next meeting as Tuesday 15th November 2011 at 10:00 am