

Licensing Committee

Tuesday, 26th June, 2012

PRESENT: Councillor S Armitage in the Chair

Councillors K Bruce, Buckley,
R Charlwood, R Downes, J Dunn,
B Gettings, T Hanley, G Hussain, G Hyde,
A Khan, P Latty, B Selby, C Townsley and
G Wilkinson

14 Chairs Opening Remarks

Councillor Armitage welcomed all present to the meeting, including representatives of the trade who attended. Councillor Armitage reported the circumstances of the recent death of Mr Yousaf, a Leeds Private Hire Driver, and led the Committee in a moments silence as a mark of respect. The Chair directed that a letter of condolence be sent to Mr Yousaf's widow

Councillor Armitage also noted receipt of a request from Mr P Landau, Unite the Union Leeds, to make a verbal submission to the Committee on the Law Commission consultation (minute 19 refers). It was agreed that Mr Landau should be invited to address the Committee at the conclusion of the formal business on the agenda

15 Late Items

The Chair accepted one Late Item of business onto the agenda relating to the decisions of the Sexual Entertainment Venue Sub Committees which had been held 11th to 15th June 2012 (minute 24 refers)

16 Declarations of Interest

There were no declarations of interest

17 Minutes

Minute 6 Alpha Radar – It was noted that an update would be provided to Members in due course

RESOLVED – That the minutes of the meeting held 25th May 2012 be agreed as a correct record

18 Proposed Designated Public Places Order (DPPO) Harehills

The Director of Environment & Neighbourhoods submitted a report on proposals to create a Designated Public Places Order to cover the Harehills area of East Leeds. The report included research showing the history and evidence of alcohol related incidents of anti social behaviour and disorder in the locality. Copies of the advertisement text and locality map setting out the proposed area were attached to the report as Appendix 2 and Appendix 3 respectively.

B Yearwood and Inspector Harrison of Gipton & Harehills Neighbourhood Policing Team attended the meeting and highlighted the following key issues

- Local consultation revealed the problems associated with adult drinkers in the Harehills Lane area in terms of anti social behaviour and littering
- The number of licensed premises in the locality (10 public houses and 23 off licence premises)

(Councillor Bruce joined the meeting at this point)

- The powers currently available to the police did not adequately deal with all the issues, as existing powers were directed at younger people or concentrated on dispersal. Members noted that dispersal measures were not suitable to tackle residents in their in their own locality.

In considering the evidence, the Committee noted the proposal had the support of local ward councillors and residents and were satisfied that the consumption of alcohol in the locality had led to nuisance and incidents of disorder in the area proposed to be covered by the DPPO

RESOLVED

- a) That a Designated Public Place Order be made in respect of the Harehills area as proposed in Appendices 2 and 3 of the submitted report
- b) That the Director of Environment and Neighbourhoods be authorised to advertise the making of the Order, to procure the required signage and carry out any further steps necessary to bring the Order into force.

(Councillor Hanley joined the meeting at this point)

19 Law Commission Consultation Paper "Reforming the Law of Taxi & Private Hire Services"

The Committee considered the report of the Head of Licensing and Registration on issues contained in the Law Commission consultation paper entitled "Reforming the Law of Taxi and Private Hire Services". The report contained proposals for a draft response to be issued to Members by 16th July 2012 for their comments by 31st July 2012, in order to make the final submission to the Law Commission by the given deadline of 10th September 2012. It was noted that an email had been despatched to the Committee containing direct links to the Law Commission website in order for Members to access the full consultation document and Executive Summary.

Members broadly supported a suggestion that the final response should be considered at a formal Committee meeting prior to its submission. Furthermore, officers should make arrangements to publicise the consultation on the Council website with links to the Law Commission website to enable the public to respond directly and advise all Members of Council of the consultation to encourage their constituents to participate in the process.

RESOLVED – To note the contents of the report and

- a) Agree that a draft response to the Consultation will be sent to Members by 16th July 2012 for their comments to be submitted back to officers by 31st July 2012 for inclusion in the final response
- b) That the proposed final response be presented to Committee on 14 August 2012 for approval
- c) That officers be requested to make arrangements to publicise the Consultation with Members of Council and on the Council website

20 Review of the requirement for all existing licensed Taxi & Private Hire drivers and applicants to undertake NVQ/VRQ assessment

The Committee considered the report of the Head of Licensing and Registration on the issues arising from the review of the requirement for all existing licensed Hackney Carriage (HC) and Private Hire (PH) drivers and new applicants to the trade to undertake NVQ/VRQ assessments. The report sought authority for officers to undertake a three month public consultation on the proposals to amend the Policy relating to the NVQ/VRQ requirement.

(Councillors Bruce and Khan withdrew from the meeting at this point)

Members' attention was directed to the findings of the NVQ/VRQ Working Group (WG) which had been established by the Licensing Committee to assess future training for drivers in the light of decreased Government funding for the NVQ/VRQ training. The WG had determined that training was beneficial for the professionalism of the trade and safety of the travelling public and had identified elements of the NVQ/VRQ package which were regarded as essential for any future training package. Members were asked to consider the costs and delivery of the proposed training programme and to recommend who the proposed requirement should apply to.

Members discussed the following:

- The need for the training package to be clear and relevant, bearing in mind the significance of the legislation governing the trade, such as the Equality Act 2010
- The WG acknowledgement that the Council could not resource assessments offered by the NVQ/VRQ; rather a training package would be devised based on the relevant and essential elements identified by the Committee

(Councillor Khan resumed his seat in the meeting at this point)

- New applicants would be required to achieve the proposed Certificate of Attainment prior to the grant of a Licence
- Concerns amongst some drivers that existing drivers who were under suspension but who had been driving for a long time were required to undergo training under the current policy and this increased the length of their suspension. Members supported the response that in the interests of public safety, PH drivers who had been found to be plying for hire were required to undergo appropriate remedial training. The proposals before Members suggested that any driver with a substantiated customer service related complaint against them should undertake the full training package, but there was also room to consider whether a driver in breach of certain conditions could undertake just the relevant part of the training

(Councillor Bruce resumed her seat in the meeting at this point)

- The need to ensure that all aspects of the trade were involved in the consultation, including small and lone Operators
- Recognition that many of the skills identified in the essential training elements were skills which were beneficial to the PH and HC trades and could be transferred to other professions

Members discussed the suggestion that the full Committee should formally meet with trade representatives in order to ensure they engaged with the

consultation. The Committee noted the existing communication arrangements between TPHL and the trades and made suggestions including

- Information on the consultation should be made available at the TPHL offices for drivers who attended appointments
- All Members of Council should receive information so that they can advise their constituents of the consultation
- Information on the consultation should be included within the monthly mail out to the trades

RESOLVED –

- a) That the contents of the report and discussions be noted
- b) That the existing NVQ/VRQ requirement on all existing drivers or new applicants in the first year of their licence be withdrawn with immediate effect
- c) That the findings of the NVQ/VRQ Working Group be noted and officers be authorised to undertake public consultation on the following recommendations of the Working Group:
 - I. That officers be requested to re-design the training course to mirror those elements of the nationally recognised vocational qualification considered essential by the Working Group as far as realistically possible (as detailed in Appendix A of the report)
 - II. To note that the cost of the training and testing programme will be met by those applying for a Hackney Carriage or Private Hire driver licence and those referred for training who are existing licence holders
 - III. That the requirement to undertake the re-designed programme would apply to those applicants whose application was received after the Licensing Committee decision to adopt the new training programme
 - IV. That existing drivers who had not achieved the NVQ/VRQ would only need to meet the new training requirement in the event of a substantiated complaint or conditions breach
 - V. That existing drivers who had already attained the NVQ/VRQ would be exempt from the requirement to undertake the new course
 - VI. That a Leeds City Council Certificate of Attainment will be granted to successful applicants on completion of the course
- d) To note that a further report will be presented to the Licensing Committee on 16th October 2012 for consideration of the proposed Policy, setting out the results of the public consultation and providing full details on resourcing and costs prior to a final recommendation being made to Executive Board
- e) That officers be requested to implement a plan to ensure widespread publicity for, and involvement in, the public consultation on the training package proposals

21 Introduction of three yearly Criminal Records Bureau checks on Taxi and Private Hire Drivers and Private Hire Operators

The Head of Licensing and Registration submitted a report on the recommendations concerning the frequency of CRB checks for licensed drivers contained in DfT best practice guidance. The report set out the potential financial impact on licensed drivers and the potential resource implications for the TPHL Section. A full three month consultation on the recommendations was proposed with the results of the consultation reported back to Licensing Committee prior to a final recommendation being made to Executive Board.

Members were advised that current Policies required new Hackney Carriage (HC) and Private Hire (PH) drivers to undertake a CRB check at the point of application. Existing drivers were only required to undertake a further CRB check in certain circumstances, such as information received relating to convictions. Therefore a review of the whole Policy was felt necessary, with full public consultation, in order to introduce a three yearly CRB check requirement in accordance with the DfT guidance. The comments submitted by LCC Internal Audit were noted by the Committee.

Members commented that a three yearly check was a reasonable approach, given that other public service providers were required to do so. Members further discussed:

- the costs to LCC of the predicted workload of 2000 annual CRB checks to be processed by TPHL
- the costs to the drivers who will be required to fund their own checks
- discussed the existing policy and whether there had been any interest from the trade in the issue of three yearly drivers licences to relevant drivers and whether the three yearly CRB check could be tied into those drivers renewals.

RESOLVED –

- a) That approval be given to undertake an immediate three month public consultation on the proposal to review the Policies in order to incorporate the 3 yearly CRB check as recommended in DfT best practice guidance
- b) To note that a report will be presented to the Licensing Committee meeting scheduled for 16th October 2012 setting out the results of the consultation, the costs to the Council (including processing the additional CRB checks) and the likely costs to drivers, to inform the final decision on the matter
- c) That a further report be requested on the uptake of the three yearly Drivers Licence and giving consideration on whether those drivers suitable for a three yearly Drivers Licence could also deal with their three yearly CRB check at the time of their licence renewal

22 Gambling Act 2005 Statement of Licensing Policy

The Head of Licensing and Registration submitted a report on the outcome of the three yearly review of the Gambling Act 2005 Statement of Licensing Policy. It was noted that the Policy had been amended in 2011 to incorporate information on the Large Casino licence. Two responses to the public consultation undertaken as part of the Review had been received but these did not raise issues which required revisions to be made.

RESOLVED – That the contents of the report and the results of the public consultation be noted

23 Licensing Work Programme

RESOLVED – That the content of the Licensing Work Programme, with the additions made at this meeting, be noted

24 Late Item - Results from the Sexual Entertainment Venue Applications

The Head of Licensing and Registration submitted a report on the outcome of seven applications for Sex Establishment Licences determined by the Sexual

Entertainment Venue Sub Committees. Copies of the Decision Notices relating to each venue were included within the report.

The report was accepted as a late item of business by the Committee to facilitate discussions as the decisions had attracted wide public interest; however the Decision Notices had only recently become available as the hearings had taken place during the week commencing 11 June 2012.

The Chair reported the intention to bring forward the proposed review of the SEV Statement of Licensing Policy as adverse comments had been received from some sections of the community about the appropriateness of the case by case approach set out in the policy since the decisions had been made public. The Committee noted the process undertaken, including the results of the full public consultation, prior to the adoption of the current Policy by the Executive Board but equally noted that there some members of the public who had not responded to the consultation but may now wish to do so during a further review of the Policy.

The Committee discussed the following:

- The nature of objections received to the SEV applications, noting that only one city centre resident made an objection to one of the applications. Similarly, West Yorkshire Police made one observation to one application
- The city centre location of the seven venues, noting that ward councillors had not submitted a formal representation during the process
- The powers available to the sub committees when determining the applications, noting that the Council had not set a limit on the number of venues in the approved Policy

(Councillor Townsley left the meeting at this point)

- The approach to be adopted whilst the current Policy remains in place
- Comments relating to the appropriateness of location and Leeds' aim to be a child friendly city, balanced against the amended operating hours and conditions on the external appearance of the venues now imposed through the new Licences

Members discussed the need to encourage representations to the review consultation in order to draw a wider response and provide evidence for the approach to be adopted by the Council in future

RESOLVED –

- a) That the contents of the report and the Decision Notices be noted
- b) The Committee also noted the views expressed that the SEV Statement of Licensing Policy may not reflect the needs of the City. Therefore, the Licensing Committee requested that the timetable to review the Policy be amended and officers bring forward the a full review of the Policy, including full public consultation, within the next 12 months

25 Submission on behalf of Unite The Union, Leeds regarding the law Commission Consultation Paper "Reforming the Law of Taxi and Private Hire Services

Mr P Landau was permitted to address the meeting on the consultation document referred to in minute 19 above. Mr Landau highlighted the united stance of the Unite Leeds, GMB and RMT unions on behalf of the HC trade in response to the consultation and referred to their concerns relating to

- The impact of the proposals on the HC trade
- The congestion that could occur if local authorities lost the right to impose local conditions
- The impact on the quality, safety and standards of the fleet

Mr Landau concluded by inviting the Chair of the Committee to attend a meeting organised by Unite Leeds with representatives of the Law Commission, the unions and the Deputy leader of LCC

RESOLVED – To note the contents of the submission and to thank Mr Landau for his report. It was also noted that a copy of the joint submission from Leeds Unite, the GMB and RMT was available for Members of the Committee

26 Date and Time of Next Meeting

RESOLVED – To note the date and time of the next meeting as Tuesday 24th July 2012 at 10.00 am