

Licensing Committee

Tuesday, 14th May, 2013

PRESENT: Councillor G Hyde in the Chair

Councillors N Buckley, R Charlwood,
J Dunn, B Gettings, T Hanley, G Hussain,
A Khan, P Latty, B Selby, C Townsley,
G Wilkinson and M Harland

107 Election of a Chair for the meeting

RESOLVED – That Councillor G Hyde be elected Chair for the meeting.

108 Exempt Information - Exclusion of the Press and Public

RESOLVED – That the public be excluded from the meeting during consideration of Item 7 'Presentation – Policing and the Night Economy' (Minute 113 refers) on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present there would be disclosure to them of exempt information, designated under 10.4 (1,3 and 7) and on the grounds that it is not in the public interest to disclose the contents as the information therein pertains may identify particular individuals, or their business affairs or information which may relate to any ongoing action or to be taken in connection with the prevention, investigation or prosecution of crime.

109 Declaration of Disclosable Pecuniary Interests

There were no disclosable pecuniary and other interests declared at the meeting.

110 Apologies for Absence

Apologies for absence were received on behalf of Councillors K Bruce and R Downes.

111 Minutes

RESOLVED – That the minutes of the meeting held on 12th March 2013 be confirmed as a correct record.

112 Closed Session - Presentation - Policing and the Night Time Economy (10.4 (1, 3 and 7))

Sergeant R Fullilove, West Yorkshire Police presented information and discussed the nature of problems experienced by licensed premises in the city centre and those premises featured in the Matrix system for the rolling six months period October 2012- March 2013.

RESOLVED –

- a) To note the contents of the document circulated and the comments made during the discussions with representatives of West Yorkshire Police.

- b) That a further dialogue be undertaken between the Head of Licensing and Registration and West Yorkshire Police regarding their representation and attendance at Licensing Sub Committee meetings.
- c) That Sergeant Fullilove be requested to provide a map of the City Centre identifying the areas of crime and disorder to the Head of Licensing and Registration for dissemination to Members of the Committee.
- d) That the Head of Licensing and Registration be requested to have discussions with relevant officers, including the West Yorkshire Police and legal, regarding evidence for reviews and to come back to the Committee with guidelines to be discussed in closed session.
- e) To enter into open session to consider the remaining business on the agenda.

113 Licensing Act 2003 - Statement of Licensing Policy

The Head of Licensing and Registration submitted a report on the outcome of a review undertaken by the Licensing Committee Working Group of the Leeds City Council Licensing Act 2003 Statement of Licensing Policy.

Appended to the report were copies of the following documents for the information/comment of the meeting:-

- Licensing Act 2003 Policy – LA03 Working Group (Appendix 1a refers)
- Local Licensing Guidance – South Leeds (Appendix 1b refers)
- Statement of Licensing Policy 2013-2015 Licensing Act 2003 – Draft Version 2 (Appendix 2 refers)
- Public Consultation – Licensing Act 2003 Statement of Licensing Policy (Appendix 3 refers)

In summary, Members discussed the following:-

- The high profile of the Leeds Arena and to encourage people to enjoy the city centre in conjunction with the Arena management
- The need to focus on Cumulative Impact Policies within suburbs
- The measures in place (if any) for shaping the city centre
- The need for the guidance to reflect a 'midnight' closure for clarity purposes
- The measures in place for managing street stalls in the vicinity of the Leeds Arena
- The need to encourage establishments to sell more healthy foods
- The increasing concerns from local communities regarding fast food outlets which had reached saturation point in certain parts of the city i.e. South Leeds and the need for a policy to engage with local communities
- Clarification of how the guidance would work with the Licensing Sub Committee
- The need to encourage Area Committees to engage with the local community through key messages and the 'Open Forum' route
- Clarification of what Member involvement was taking place between the Local Government Association and relevant Minister regarding the need to include health as licensing objective

RESOLVED-

- a) That the contents of the report and appendices be noted and welcomed.
- b) That the report of the Working Group be accepted and that this Committee notes the recommendations contained within it.
- c) That the draft policy be endorsed for public consultation.
- d) That approval be given to a 12 week public consultation on the draft policy.
- e) That a letter be sent by the Chair, on behalf of the Committee, to the Local Government Association and relevant Minister with a request that consideration be given to including health as a licensing objective.
- f) That the Head of Licensing and Registration and other relevant officers be congratulated on producing the draft policy document.

114 Information Report - An Update on the Introduction of three yearly Disclosure and Barring Service checks on Hackney Carriage & Private Hire Drivers and Private Hire Operators

The Head of Licensing and Registration submitted a report advising Members of the current position in respect of proposals to introduce three yearly disclosures undertaken by the Disclosure and Barring Service (DBS) on Hackney Carriage and Private Hire Drivers and Private Hire Operators.

Appended to the report were copies of the following documents for the information/comment of the meeting:-

- Disclosure and Barring Service Newsletter March 2013 (Appendix 1 refers)
- Cost of processing DBS applications in-house under existing system (Appendix 2 refers)
- Suspensions in 2012 – Profile by Length of Service (Appendix 3 refers)
- Points Criteria Tables (Appendix 4 refers)

In summary, Members discussed the following:-

- The importance of public safety and to address the economy issues
- Clarification if any other authorities were undertaking three year checks

RESOLVED –

- a) That the contents of the report and appendices be noted.
- b) That a decision to implement more regular Disclosure and Barring checks be deferred until more information on the new online process was available and that a further report be submitted on this issue to the Licensing Committee in July 2013 or later (in conjunction with the Chair) should no further progress have been made by the Disclosure and Barring Service.
- c) That in the interim period, the Head of Licensing and Registration be requested to explore the economy related issues.

115 Initial background report on an application for inclusion on the Approved List of Vehicles licensed as "Novelty" Private Hire vehicles

The Head of Licensing and Registration submitted a report on an application for the inclusion of a vehicle on the Approved List of Vehicles licensed as "Novelty" Private Hire vehicles.

In summary, Members discussed the following:-

- Clarification of what the vehicle would be used for and whether it would be noisy
- The need for Members to view the conditions laid down in view of its sole purpose as a people's carrier
- Clarification if the vehicle was powerful and the importance of adhering to the safety features
- The need for the Committee to recognise that it was a high performance bike and that this issue required further investigation

RESOLVED-

- a) That the contents of the report be noted.
- b) That approval be given to officers compiling a draft policy and conditions and undertaking wider trade and public consultation on the proposals over a four week period.
- c) That this Committee notes that a further report would be presented to the Licensing Committee for a final decision following consultation.

116 Length of issue of Hackney Carriage and Private Hire Driver Licences

The Head of Licensing and Registration submitted a report providing a response to previous requests from the licensed trade to issue Hackney Carriage and Private Hire Driver Licences for a three year continuous period and setting out options for Members to consider to progress the matter.

Appended to the report were copies of the following documents for the information/comment of the meeting:-

- Leeds Licensed Drivers – Breakdown by Residence – Local Authority Consultation – 3 yearly licences (Appendix 1 refers)
- Leeds Licensed Drivers – Breakdown of Residence (Appendix 2 refers)
- Suspensions in 2012 – Profile by Length of Service (Appendix 3 refers)
- Prosecutions in 2012 – Profile by Length of Service (Appendix 4 refers)
- Number of Private Hire Driver Licences revoked by year and the number of years they were in force (Appendix 5 refers)
- Options for the Committee to consider (Appendix 6 refers)
- Length of time current Private Hire/Hackney Carriage drivers had been in force (Appendix 7 refers)

In summary, Members discussed the following:-

- Clarification of the links with London Metropolitan Police in relation those who had a licence outside London and if the Council had a protocol in place with West Yorkshire Police
- A requirement to have an input from the trade in view of the complexity of the issue
- The fundamental differences between the three options referred to in the report
- Clarification of the justification in increasing the fees in view of footfall

- Clarification of the protocol for an operator renewing his licence who was out of the country for long periods
- Clarification of the legal implications under the Local Government (Miscellaneous Provisions) Act 1976

RESOLVED –

- a) That the contents of the report and appendices be noted.
- b) That prior to engaging in wider consultation with the public and the trade, a working party be established comprising of the following Members to consider the options in more detail:-
 - Councillor G Hyde
 - Councillor G Hussain
 - Councillor A Khan
 - Councillor T Hanley
 - Councillor G Wilkinson
- c) That the Head of Licensing and Registration be requested to invite trade representatives to the working group.
- d) That this issue be revisited at a future Licensing Committee meeting.

117 Licensing Work Programme

RESOLVED – To note the contents of the Licensing Work Programme.

118 Date and Time of Next Meeting

RESOLVED - To note the following proposals for the date and time of the next meetings:-

- Tuesday 4th June 2013 at 10.00am – meeting required to deal with governance issues and establishment of the Sub Committees
- Tuesday 25th June 2013 at 10.00am – ordinary business

(The meeting concluded at 12.30pm)