

Licensing Committee

Tuesday, 10th February, 2015

PRESENT: Councillor M Harland in the Chair

Councillors K Bruce, N Buckley, J Dunn,
G Hussain, G Hyde, A Khan, B Selby,
C Townsley and J Pryor

85 Appeals Against Refusal of Inspection of Documents

There were no appeals against the refusal of the inspection of documents.

86 Exempt Information - Possible Exclusion of the Press and Public

RESOLVED – That, in accordance with Regulation 4 of The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, the public be excluded from the meeting during Consideration of the following parts of the agenda designated as exempt 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 so designated as follows:-

Appendix (B) to the report entitled “Safeguarding Measures – Fit and Proper Assessment for HCD, HCVP, PHD, PHVP, PHO Licences, Escorts and Permit Drivers – Information Report as referred to in Minute No.99 was designated as exempt under Access to Information Procedure Rule 10.4(1) and (2) because it contains information relating to individuals and which is likely to lead to the identification of individuals. It is considered in these circumstances that the public interest in maintaining the exemption from publication outweighs the public interest in disclosing the information.

87 Late Items

The Chair reported the receipt of a number of late items of correspondence and sought the approval of the Committee in accepting the following additional business:

Hackney Carriage Proprietors Suitability Assessment Report - Correspondence from Mr G Nabi on behalf of Eurocabs Hackney Carriage Association and City Cabs Hackney Carriage Association. Commenting on the Hackney Carriage Proprietors suitability Assessment report (Minute No. 94 refers)

Equality Monitoring Report - Correspondence from Mr G Nabi on behalf of Eurocabs Hackney Carriage Association and City Cabs Hackney Carriage Association seeking clarification around the Equality Monitoring report (Minute No.95 refers)

Wifi in Private Hire Vehicles - Correspondence from Mr G Nabi on behalf of Eurocabs Hackney Carriage Association and City Cabs Hackney Carriage Association seeking clarification around the issue of Wifi in Private Hire Vehicles, (Minute No. 90 refers)

Digital Advertising Screens on Licensed Vehicles – Request from Members of the Licensing Committee to review the recommendations regarding the use of digital advertising screens in Licensed vehicles (Minute No. 97 refers)

Wheel Chair Accessible Taxis – Request from Mr T McSharry, Access Committee for Leeds that the issue of Wheel Chair Accessible Taxis be included within the “Unmet Demand Survey Report” due to come before the Licensing Committee in April 2015 (Minute No. 97 refers)

RESOLVED – To approve the inclusion of the late submissions

88 Declaration of Disclosable Pecuniary Interests

There were no declarations of Disclosable Pecuniary Interests made at the meeting

89 Apologies for Absence

Apologies for absence were received from: Councillor Downes, Councillor Flynn, Councillor Gettings Councillor Ingham and Councillor Wilkinson

90 Minutes of the Previous Meeting

The minutes of the previous meeting held on 9th December 2015 were submitted for comment and approval.

With reference to Minute No.78 “Free wi fi in Private Hire Vehicles” the accuracy of the following statement was queried, “It was reported that there had been no applications for free “wi fi” in licensed vehicles”

In offering clarification the Section Head, Taxi and Private Hire Licensing said that at the time the report was presented to the Licensing Committee on 9th December 2014, the information was accurate.

RESOLVED – That the minutes of the previous meeting held on 9th December 2014 were confirmed as a true and correct record

91 Matters Arising from the Minutes

There were no issues raised under matters arising

92 Entertainment Licensing Section - Update Report July - December 2014

The Head of Licensing and Registration submitted a report which provided an update of matters appertaining to the entertainment Licensing Section during the past six months.

Appended to the report were copies of the following documents:

- Deregulation of Entertainment Matrix – Appendix A refers
- City Centre CIP 2015 – Appendix B refers

The Section Head, Entertainment Licensing presented the report and responded to Members questions and queries.

The contents of the report included the following:

- Licensing Act 2003: Application Statistics
- Temporary Event Notices
- Licensing Act : Reviews
- Licensing Act: Appeals
- Licensing Act: Section 182 Guidance
- Local Area Guidance
- De-regulation of Entertainment
- Statement of Licensing Policy
- Gambling Act 2015: Application Statistics
- Gambling Act 2005: Statement of Licensing Policy
- Large Casino
- Licensing of Sex Establishments
- Scrap Metal
- Enforcement

The Chair thanked officers, commenting that the report was comprehensive and informative.

RESOLVED – That the contents of the report be noted

93 Working with Health

The Head of Licensing and Registration submitted a report which provided details about the ongoing work between the Licensing Authority and Public Health

Appended to the report were copies of the following documents:

- SIF Criteria and Overarching Guidance agreed at Executive Board 2014 Funding Criteria – Appendix 1 refers
- Summary of Projects Awarded Small Grants from the Social Inclusion Fund – Appendix 2 refers

The Principal Project Officer, Entertainment Licensing together with the Executive Officer, (Financial Support) Citizens and Communities presented the report and responded to Members questions and queries.

Detailed discussion ensued on the contents of the report which included:

- Public Health as a Responsible Authority

- Local Licensing Guidance
- Data Sharing
- Problem Gambling/ Problem Drinking
- Large Casino Social Inclusion Fund
- Small Projects Fund
- General Social Inclusion Fund

Referring to the General Social Inclusion Fund, paragraph 3.41 of the submitted report, Members queried the fact that of the 13 proposals considered, 10 were not qualified under the SIF core criteria or further consideration was required.

In responding the Executive Officer said in one instance an organisation had submitted bulk applications which exceeded the total amount of the fund. The agreed criteria was clear, but a number of organisations had chosen to test the system by submitting applications which were questionable.

Members queried if there was any democratic scrutiny of the General Social Inclusion Fund.

In responding the Executive Officer said that the Executive Board had laid down the criteria, the operation of the fund had been delegated to the Assistant Chief Executive (Citizens and Communities) with periodic briefings being provided to the Leader of Council.

Member asked if the process for accessing the Fund was transparent to Members of the public.

In responding officers reported that the scheme had been publicised but details about individual applications was not made known.

The Chair thanked the Executive Officer (Financial Support) for his attendance and providing clarity in responding to Members questions

RESOLVED – That the contents of the report be noted

94 Hackney Carriage Proprietors (HCP) - Appropriate Suitability Assessment - Update Report

The Head of Licensing and Registration submitted a report which provided an update of the requirement to attain ESOL level 3 English comprehension skills for all Hackney Carriage proprietors

Appended to the report was copy of the following document:

- Charges for External Companies for Interpreting and Translation – Appendix 1 refers

With reference to the meeting 9th September 2014, and the decision to seek clarity on a number of issues, the Section Head, Taxi and Private Hire Licensing reported that in providing the requested information, a legal opinion had been obtained. The

requested information including Counsel's opinion was contained in section 3 of the submitted report.

Detailed discussion ensued on the contents of the report which included:

- Had adequate consultation involving the trade taken place
- Was the suggested timescale of 3 months for the next of kin to resolve the issues of estate with a further 6 months to attain ESOL level 3 adequate?
- The need for Hackney Carriage Proprietors to undertake future succession planning

A number of Members were of the view that the suggested timescale of 3 months for the next of kin to resolve the issues of estate was not adequate suggesting a longer period was required.

An amendment was moved and seconded that the timescale for the next of kin to resolve the issues of estate be extended to 6 months.

Upon being put to the vote the amendment was lost

RESOLVED – That the recommendations of the Licensing and Regulatory Panel of 7th February 2006 be retained in respect of the requirement to attain ESOL level 3 English comprehension skills for all Hackney Carriage proprietors, but with the following policy considerations

- Following transfer of the licence to a widow or civil partner of the licensed proprietor upon the death of the proprietor, the Council allows 3 months for the next of kin to resolve the issues of estate with a further 6 months to attain ESOL level 3.
- A joint proprietor who is a spouse or civil partner should attain ESOL level 3 within 6 months unless circumstances as above arise, in which case the process is held in abeyance for 3 months.
- Following the transfer of a licence to any other person or a joint proprietorship taking place all parties must have attained ESOL level 3 English comprehension.
- That all costs incurred during the transition and lead-in periods are met by the proprietor and accredited translators must be used to the satisfaction of the Council.
- The Council must be satisfied that the existing named proprietor had set out in writing their intention to transfer the proprietorship of the licence to the person seeking to become the new proprietor and the Council are entitled to make reasonable enquiries to satisfy themselves of the validity of a claim to the proprietorship of a licence.

95 Information Report - Taxi and Private Hire Licensing Equality Monitoring

Final minutes approved at the meeting
held on Tuesday, 10th March, 2015

The Head of Licensing and Registration submitted a report which provided a breakdown of equality monitoring information returned from the license holders over the past 12 months.

Appended to the report was copy of the following documents:

- Statistics – Number of roadside inspections (Appendix 1 refers)
- Suspension and revocation by ethnic origin (Appendix 2 refers)

The Section Head, Taxi and Private Hire Licensing presented the report and responded to Members questions and queries.

Detailed discussion ensued on the contents of the report which included:

- The importance of retaining equality monitoring data associated with Taxi and Private Hire Licensing
- Was there a legal requirement to retain such data
- Was there a need to include a category of “religion”
- The necessity to submit the information to the Licensing Committee

In providing clarification, the Section Head, Legal Services reported that there was no legal requirement to gather such information.

It was the general view of Members that equality monitoring information continued to be collected but only at the point of application and it was not essential for Members to receive the level of information previously supplied.

Members noted there would be a minimum 12 months leading in period for gathering any other information, Member might require in the future.

RESOLVED –

- (i) That equality monitoring information in respect of Taxi and Private Hire Licensing continued to be collected but only at the point of application
- (ii) That the Licensing Committee no longer receive the level of detail previously supplied (Details of gender, age, and ethnicity to be retained)

96 Activity Update: Taxi and Private Hire Licensing 1st July to 31st December 2014

The Head of Licensing and Registration submitted a report which provided an Update on the delegated decisions taken by officers at Taxi and Private Hire Licensing covering the period 1st July to 31st December 2014.

The Section Head, Taxi and Private Hire Licensing presented the report and responded to Members questions and queries.

Detailed discussion ensued on the contents of the report which included:

- The number of Licenses issued
- Number of decisions taken
- Refusal and revocation decisions taken
- Complaints received
- Appeals received

In offering comment the Chair welcomed the fact that the number of suspensions had reduced from the previous reporting period.

RESOLVED – That the contents of the report be noted.

97 Licensing Committee Work Programme 2015

Members considered the contents of the Licensing Committee Work Programme for 2015.

Following decisions made at today's meeting, the following items be added to the Licensing Committee's Work Programme: Digital Advertising Screens in Licensed Vehicles, Wheel Chair Accessible Taxis (As part of the Unmet Demand Survey Report) and new policy around safeguarding measures

RESOLVED – To approve the contents of the Licensing Committee Work Programme

98 Date and Time of Next Meeting

RESOLVED – To note that the next meeting will take place on Tuesday 10th March 2015 at 10.00am in the Civic Hall, Leeds.

99 Safeguarding Measures - 'Fit and Proper' Assessment for HCD, HCVP, PHD, PHVP, PHO Licences, Escorts and 'Permit Drivers' - Information Report.

The Head of Licensing and Registration submitted a report which highlighted the safeguarding and general public safety statutory responsibility attached to the grant of a personal licence in the context of more open EU borders and reduced employment constraints on EU and foreign nationals from outside of the EU.

Appended to the report were copies of the following documents:

- A letter from RT Hon Nicky Morgan MP to the Secretary of State for Communities and Local Government requesting that steps be taken to ensure all local authorities deliver on their essential duty to protect vulnerable children. (Appendix 1 refers)
- A letter from the Minister of State for Transport to all Chief Executive Local Licensing Authorities ensuring that all licensed drivers have undergone a thorough vetting process, their conduct was monitored once licensed, and all

available information was considered when making licensing decisions (Appendix 1 refers)

- Examples of “Certificate of good conduct/ character reference” supplied by some applicants (Appendix 2 refers EXEMPT)

The Section Head, Taxi and Private Hire Licensing presented the report and responded to Members questions and queries.

Detailed discussion ensued on the contents of the report which included:

- The need to develop a new policy around safeguarding measures
- To have in place clear systems around safeguarding
- Checking procedures need to be thorough and robust
- Criminal offences - How collated and evaluated
- The need to be firm and fair when considering the granting of a licence

Members were supportive of the proposals suggesting there was a need for a thorough checking system to be applied to the “fit and proper” person assessment.

RESOLVED –

- (i) That the contents of the report be noted
- (ii) To introduce thorough checking system to be applied to the “fit and proper” person assessment.
- (iii) That the development of a new policy around safeguarding measures be included in the Committee’s Work Programme