

Licensing Committee

Tuesday, 10th March, 2015

PRESENT: Councillor M Harland in the Chair

Councillors K Bruce, J Dunn, B Gettings,
G Hussain, G Hyde, A Khan, B Selby,
G Wilkinson, B Flynn and M Ingham

100 Appeals Against Refusal of Inspection of Documents

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

101 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 (5 & 10) to the report entitled “Digital Advertising Screens in Licensed Vehicles Policy – Review of the in-principle approval of Licensing Committee on 9th September 2014” as referred to in Minute No.110 was designated as exempt under Access to Information Procedure Rule 10.4(1), (2) and (3) because it contains information relating to individuals and which is likely to lead to the identification of individuals.

The report entitled “Legal Highs in Leeds” as referred to in Minute No.111 was designated as exempt under Access to Information Procedure Rule 10.4(1), (3) and (7) because it contains information relating to individuals and which is likely to lead to the identification of individuals, crime and disorder which may result in future legal proceedings and any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

The report entitled “Policing and the Night Time Economy” referred to in Minute No.112 was designated as exempt under Access to Information Procedure Rule 10.4 (3) because it contains information relating to, crime and disorder which may result in future legal proceedings.

It was considered in all of the above circumstances that the public interest in maintaining the exemption from publication outweighs the public interest in disclosing the information.

102 Late Items

The were no late items of business identified.

103 Declaration of Disclosable Pecuniary Interests

There were no declarations of Disclosable Pecuniary Interest made at the meeting.

104 Apologies for Absence

Apologies for absence were received from Councillor Buckley, Councillor Downes and Councillor Townsley

105 Minutes of the Previous Meeting

The minutes of the previous meeting held on 10th February 2015 were submitted for comment and approval.

It was noted that Councillor Ingham's name appeared in both: attendance and apologies.

Councillor Ingham confirmed she was absent from the meeting.

RESOLVED – That subject to the deletion of Councillor Ingham's name from the list of attendees, the minutes of the previous meeting be accepted as a true and correct record.

106 Matters Arising from the Minutes

There were no issues raised under matters arising.

107 Taxi & Private Hire Licensing web page - revealing details of Private Hire and Hackney Carriage drivers (PHD & HCD), Private Hire Operators (PHO) and Hackney Carriage (HCP) and Private Hire Proprietors (PHP) convictions following enforcement activity

The Head of Licensing and Registration submitted a report which sought Members views as to whether there was value in informing the public of the Council's enforcement activity results in the Courts, and if there was also a deterrent benefit to other members of the trade who might then appreciate the sanction imposed and the cost involved.

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:

- Conviction details would be displayed on the Taxi & Private Hire Licensing Web page and in the Section's newsletter.
- Any information published would comply with data protection legislation
- Information would not be published until expiry of an appeal period

- In the event of an appeal, information would not be published until the appeal had been heard and any additional appeal period had lapsed
- That only the first two letters and numbers of the postcode would be used
- After 6 months the information would be removed at the first opportunity
- The necessity to recruit and retain sufficient numbers of enforcement officers

Responding to a query as to whether drivers convicted from outside the Leeds area but convicted by the Leeds Courts would be named on the Taxi & Private Hire Licensing website, the Section Head, Taxi and Private Hire Licensing confirmed that Leeds City Council prosecutions would be included on the Taxi & Private Hire Licensing website.

RESOLVED – To recommend to the Executive that a policy be approved to publish criminal convictions

108 Licensing Committee Work Programme

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

RESOLVED – To approve the contents of the Work Programme

109 Date and Time of Next Meeting

RESOLVED – To note that the next meeting will take place on Wednesday, 8th April 2015 at 10.00am in the Civic Hall, Leeds.

110 Digital Advertising Screens in Licensed Vehicles Policy - Review of the 'in-principle' approval of Licensing Committee on 9th September 2014

The Licensing Committee at its meeting on 9th September 2014 considered a report concerning a proposed policy relating to Digital Advertising Screens in Licensed vehicles and resolved:

- (i) That the contents of the report be noted
- (ii) To approve in principle the policy proposal together with the control measures as identified in section 3 of the submitted report
- (iii) That the Head of Licensing and Registration be instructed to prepare a further report for consideration of the Executive with a view to approval.

The Head of Licensing and Registration submitted a further report in relation to this matter following questions raised as to whether the control measures identified were reasonable.

Appended to the report were copies of the following documents:

- Minutes for the Licensing Committee dated 9th September 2014 (Appendix 1 refers)
- Information from ROSPA – Safer Head Restraints Designs (Appendix 2 refers)
- EC Regulation No.17 – Uniform provisions concerning the approval of vehicles with regard to seats , their anchorage and any head restraints (Appendix 3 refers)
- Correspondence with the Head of Road Safety (ROSPA) - Appendix 4 refers
- Correspondence from an Insurance Company providing clarification in respect of modified head restraints (Appendix 5 refers - Exempt)
- Correspondence between Digicab media and the Taxi and Private Hire Licensing Section (Appendix 6 refers)
- Correspondence between the Chair of the Licensing Committee and Leeds Private Hire Drivers Association (Appendix 7 refers)
- Freedom of Information Request submitted by the Managing Director Digicab Media (York) Ltd (Appendix 8 refers)
- EU Certificate Conformity in respect of EU electrical standards for a Digicab media product (Appendix 9 refers)
- Correspondence from an Insurance Company providing clarification in respect of public and product liability (Appendix 10 refers - Exempt)

The Section Head, Taxi and Private Hire Licensing reported that the proprietor of the company wishing to place the product in licensed vehicles had provided further documents, however, he was of the view that the information provided lacked sufficient detail/ clarification and unless there were auditable control measures in place to ensure continued compliance to the integrity of the vehicle's safety design that there could be a safety risk to the public and potential legal risk to the Council.

Mr D Crake, Managing Director, Digicab Media (York) Ltd reported that he had recently received information which suggested that the report presented by officers was inaccurate and out of date due to the fact that it referred to EC Regulation No. 17 which had been superseded by EC Regulation No. 25 "Modern Technologies".

Mr Crake indicated this information had only recently come into his possession and he had been unable to provide this information in advance of today's meeting.

The Chair suggested that in light of the comments made Mr Crake consideration of this item be deferred to allow all parties to receive and consider any new information and determine if any areas of dispute remained.

RESOLVED –

- (i) That consideration of this item be deferred to allow all parties to receive and consider any new information and determine if any areas of dispute remain
- (ii) That subject to (i) above a further report be brought back to this Committee in due course

111 Presentation on Legal Highs in Leeds

Members received a Presentation from Inspector Nick Berry, Safer Leeds, West Yorkshire Police, who spoke about “Legal Highs” or New Psychoactive Substances (NPS) and its use in Leeds.

The presentation covered the following issues:

- What are NPS
- Who uses them
- Assessing prevalence
- Prevention and treatment
- Enforcement
- New Legislation

(Due to the confidential nature of the information being presented, this part of the meeting was held in closed session)

Members welcome the presentation and the information provide commenting it was really useful and informative and suggested that the issue of Legal Highs may be of interest to a number of Scrutiny Boards

The Chair thanked Inspector Berry for his attendance and presentation commenting that it had been a really worthwhile session.

RESOLVED –

- (i) That the contents of the presentation be noted
- (ii) That the issue of Legal High be drawn to the attention of Scrutiny Board (Safer and Stronger Communities) and Scrutiny Board Health and Well-being and adult Social Care

112 Policing and the Night Time Economy

Members received a Presentation from Sergeant Dave Shaw, West Yorkshire Police, who spoke about Policing and the night time economy. Chief Inspector Steve Palmer was also in attendance.

A summary of the issues/ incidents involving licensed premises in City & South Leeds, North East Leeds and North West Leeds was presented.

(Due to the confidential nature of the information being presented, this part of the meeting was held in closed session)

The Chair thanked Sergeant Shaw and Chief Inspector Palmer for their attendance and presentation commenting that the session had been informative and interesting.

RESOLVED – That the contents of the presentation be noted

