

Licensing Committee

Tuesday, 17th November, 2015

PRESENT: Councillor M Harland in the Chair

Councillors N Buckley, J Dunn, G Hussain,
G Hyde, A Khan, B Selby, G Wilkinson,
B Flynn and S McKenna

50 Appeals Against Refusal of Inspection of Documents

There were no appeals against the refusal of inspection of documents

51 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:-

- (i) Appendix B to a report entitled “Leeds Festival 2015 – Members Debrief” referred to in Minute No.62 was designated as exempt under Access to Information Procedure Rule 10.4 (3) because it contained information relating to, the financial or business affairs of any particular person, and 10.4 (7), information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime and disorder which may result in future legal proceedings.

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

- (ii) Appendix A to a report entitled “Gambling Act 2015 – Licensing of the Large Casino – Schedule 9 Agreement – Annual Update” referred to in Minute No.63 was designated as exempt under Access to Information Procedure Rule 10.4 (3) because it contained information relating to, the financial or business affairs of any particular person. 10.4 (3), because it contained information relating to, the financial or business affairs of any particular person

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

52 Late Items

No formal late items of business were added to the agenda. Members were however in receipt of supplementary information in respect of Agenda Item No. 8 De-Regulation Act 2015 and Delegation of enforcement Powers across Authorities – Late responses to consultation (Minute No. 57 refers)

53 Declaration of Disclosable Pecuniary Interests

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

54 Apologies for Absence

Apologies for absence were received from Councillors: Downes, Gettings, Townsley, Ingham and Ogilvie.

55 Minutes of the Previous Meeting

RESOLVED – That the minutes of the previous meeting held on 8th September 2015 were approved as a true and correct record

56 Matters Arising from the Minutes

There were no issues raised under matters arising

57 De-Regulation Act 2015 and Delegation of Enforcement Powers Across Authorities.

The Head of Elections, Licensing and Registration and the City Solicitor submitted a report which drew Members attention to the effect of the introduction of the Deregulation Act 2015, in particular concerns about the ability from 1st October 2015 for Private Hire Operators to sub-contract to firms outside of the Leeds district.

The report highlighted some of the potential consequences and sought the agreement of the Committee to recommend to full Council, delegation of enforcement functions across West Yorkshire authorities to help to minimise concerns across the region.

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 effect of the introduction of the De regulation Act 2015
- Concerns about the ability for Private Hire Operators to Sub Contract to firms outside the Leeds district
- The delegation of enforcement functions across West Yorkshire

Members were supportive of the proposals and noted that the intention was to seek to widen the cross delegation of enforcement powers to all councils within the West Yorkshire Combined Authority. Officers reported that they would also seek to extend this to other councils, in particular they would discuss this with other councils whose licensed Private Hire vehicles had been seen operating in Leeds, for example with Rossendale Borough Council and Manchester City Council.

Reference was made to the practice currently operating in Birmingham and a suggestion that the West Yorkshire Authorities may wish to adopt the Birmingham model

In responding the Section Head, Taxi and Private Hire Licensing, said that Police support had already been requested but the Police had determined it would not be feasible.

It was suggested that the Chair in consultation with the Executive Board Member responsible and the West Yorkshire Police Crime Commissioner consider further the issue of Police involvement and give further consideration to the model adopted by Birmingham.

A query was raised as to whether the other West Yorkshire authorities were operating to the same timescales as Leeds.

The Head of Elections, Licensing and Registration reported that all Leaders wanted harmonisation across Combined Authorities so it was being dealt with at Leadership level. Leeds was currently drafting a Memorandum of Understanding for all authorities in the West Yorkshire Combined Authorities.

RESOLVED –

- (i) To recommend to the General Purposes Committee and full Council that the Taxi and private hire enforcement powers as set out in paragraph 3.5 of the submitted report be delegated by Leeds City Council to the other West Yorkshire Combined Authority councils as well as being retained by Leeds City Council as licensing authority. To agree that other councils should be included in the recommendation to the General Purposes Committee and full Council where appropriate
- (ii) To agree to Leeds City Council receiving similar delegated enforcement powers from other West Yorkshire Combined Authority councils and other councils identified and included in the recommendation to the General Purposes Committee and full Council.
- (iii) To recommend to the Executive that the Council's licensing policies be amended to reflect and enable the effective delegation of enforcement functions to other authorities.
- (iv) That the Chair in consultation with the Executive Board Member responsible and the West Yorkshire Police Crime Commissioner

consider further the issue of Police involvement and give further consideration to the model adopted by Birmingham.

58 Safeguarding in Taxi & Private Hire Licensing - 12 Month Review of Progress (Draft Report to Executive Board)

The Head of Elections, Licensing and Registration / Assistant Chief Executive (Citizens and Communities) submitted a report which indicated that a report around safeguarding issues and Taxi & Private Hire Licensing would be considered by Executive Board at its meeting on 16th December 2015.

It was reported that in bringing the report to Licensing Committee, Members were being afforded the opportunity to consider and contribute to the draft report.

Appended to the report were the following appendices:

- The draft report to Executive Board – Safeguarding in Taxi & Private Hire Licensing – 12 Month Review of Progress (Appendix 1 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:

- Background to the Policy Proposals
- Closer Working Relationship with Children's Safeguarding
- Working with Combined Authority
- Working with West Yorkshire

A query was raised as to whether the new proposals were compliant with the "Jay Report"

In responding officers reported that they were reasonably confident nothing had been missed.

Referring to section 4.2 of the submitted report: Equality and Diversity/ Cohesion and Integration, Members suggested that the section appeared to be incomplete

In responding Officers apologised for the omission, there was no detrimental impact on equality and diversity but the full extract would be supplied to Members.

RESOLVED –

- (i) That the report be noted and welcomed
- (ii) That the omitted extracted around Equality and Diversity/ Cohesion and Integration be circulated to all Members of the Licensing Committee

(It was noted that an incorrect version of the report had been printed within the agenda pack circulated to Members (An updated version of the report would be re-circulated to all Members of the Committee)

59 Policy Change Proposals - 'fit and proper' Person Assessment

The Head of Elections, Licensing and Registration submitted a report which identified a potential weakness in the application process in respect of the applicant's personal information being available to Officers when making a 'fit and proper' person assessment, particularly in respect of non UK citizens.

The report set out proposals for a new policy and procedure to be followed by Officers in carrying delegated decisions on personal licence applications.

Appended to the report were the following appendices:

- Background to Policy Proposals (Appendix 1 refers)
- 2014 Additional Safeguarding Proposals Consultation: Talking Point Questionnaire (Appendix 2 refers)
- 2015 Additional Safeguarding Proposals Consultation: Talking Point Questionnaire (Appendix 3 refers)
- Responses to Consultation (Appendix 4 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:

- Certificates of good character, from outside of the EU was an issue of concern for the Authority
- Legal advice obtained

Members were supportive of the proposals suggesting a strong policy was required.

The view was expressed that the legal advice contained in the report was clear and the opinion provided by Counsel was reassuring.

Clarification was sought around the issue of officers' discretion, suggestion that this could be an equality issue.

In responding the Section Head, Taxi and Private Hire said that in drawing up the proposed policy change, Counsel had taken care not to discriminate, hence the inclusion of discretion.

RESOLVED – That the new policy and procedure be agreed in principle and referred to the Executive for final delegated approval

60 Licensing Committee Work Programme

Members considered the contents of the Licensing Committee Work Programme for 2015/16

RESOLVED – That the contents of the Licensing Committee Work Programme for 2015/16 be approved

61 Date and Time of Next Meeting

RESOLVED – To note that the next meeting will take place on Tuesday, 15th December 2015 at 10.00am in the Civic Hall, Leeds.

62 Leeds Festival 2015 - Members Debrief

The Head of Elections, Licensing and Registration submitted a report advising Members of the matters arising from the 2015 Leeds Festival held in the grounds of Bramham Park between 27th and 30th August 2015.

The report included a post event report produced by the Environment Department which covered the involvement of both the Health and Safety Team and Noise Team throughout the event (Appendix A refers). Also included was a summary of the outcome of the multi-agency de-briefing meeting held on 7th October 2015 at Appendix B (Exempt).

The Principal Licensing Officer, Entertainment Licensing Section, presented the report and together with Mr Melvin Benn, Festival Republic (Event organiser) responded to Members questions and queries.

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

- 3 noise complaints were received directly by the City Council (1 was not connected to Leeds Festival) this compared to 7 complaints the previous year
- General Health & Safety issues were observed and the site was found to be following good practice
- Good working relationship with the Health and Safety Team
- Good collaboration with Festival Republic (Event organisers)

Members expressed their continued support of the Festival and the work undertaken by the organiser together with support agencies to ensure the smooth running of the event

RESOLVED – To note the contents of the report in respect of the debrief following the Leeds Festival 2015 held at Bramham Park.

63 Gambling Act 2005 - Licensing of the Large Casino - Schedule 9 Agreement - Annual Update

The Committee received a presentation from Global Gaming Ventures Limited (GGV) which provided an update on the build and fit out of the Casino development within the Victoria Gate shopping complex, which was due to open in September 2016.

Andrew Herd, Chief Executive, GGV provided an overview of the development describing in detail the Licensing, lease arrangements and the financing of the project

James Hepburn, Development Manager, Hammerson spoke about the Casino development in relation to the Victoria Gate scheme

David Matthews (FUSE) addressed the Committee on the Casino Design and fit out. Members viewed an animated virtual walk through of the development.

The contents of the Schedule 9 Agreement were classified as exempt (Access to Information Procedure Rule 10.4 (3)) and were considered in “Closed Session”

RESOLVED –

- (i) That the Presentation by Global Gaming Ventures Limited be received
- (ii) That the report and accompanying appendices be noted
- (iii) To note that further updates will be delivered on an annual basis