



LICENSING COMMITTEE

MEETING TO BE HELD IN CIVIC HALL, LEEDS ON

TUESDAY, 5TH JULY, 2016 AT 10.00 AM

MEMBERSHIP

Councillors

N Buckley	Alwoodley;
R Downes	Otley and Yeadon;
J Dunn	Ardsley and Robin Hood;
B Gettings	Morley North;
M Harland	Kippax and Methley;
G Hussain	Roundhay;
G Hyde	Killingbeck and Seacroft;
A Khan	Burmantofts and Richmond Hill;
B Selby (Chair)	Killingbeck and Seacroft;
C Townsley	Horsforth;
G Wilkinson	Wetherby;
B Flynn	Adel and Wharfedale;
S Field	Garforth and Swillington;
J Heselwood	Bramley and Stanningley;
M Coulson	Pudsey;

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A G E N D A

Item No	Ward/Equal Opportunities	Item Not Open		Page No
1			<p>APPEALS AGAINST REFUSAL OF INSPECTION OF DOCUMENTS</p> <p>To consider any appeals in accordance with Procedure Rule 15.2 of the Access to Information Procedure Rules (in the event of an Appeal the press and public will be excluded)</p> <p>(*In accordance with Procedure Rule 15.2, written notice of an appeal must be received by the Head of Governance Services at least 24 hours before the meeting)</p>	
2			<p>EXEMPT INFORMATION - POSSIBLE EXCLUSION OF THE PRESS AND PUBLIC</p> <p>1 To highlight reports or appendices which officers have identified as containing exempt information, and where officers consider that the public interest in maintaining the exemption outweighs the public interest in disclosing the information, for the reasons outlined in the report.</p> <p>2 To consider whether or not to accept the officers recommendation in respect of the above information.</p> <p>3 If so, to formally pass the following resolution:-</p> <p>RESOLVED – That the press and public be excluded from the meeting during consideration of those parts of the agenda designated as containing exempt information 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 press and public were present there would be disclosure to them of exempt information</p>	

Item No	Ward/Equal Opportunities	Item Not Open		Page No
3			<p>LATE ITEMS</p> <p>To identify items which have been admitted to the agenda by the Chair for consideration</p> <p>(The special circumstances shall be specified in the minutes)</p>	
4			<p>DECLARATION OF DISCLOSABLE PECUNIARY INTERESTS</p> <p>To disclose or draw attention to any disclosable pecuniary interests for the purposes of Section 31 of the Localism Act 2011 and paragraphs 13 -16 of the Members' Code of Conduct.</p>	
5			<p>APOLOGIES FOR ABSENCE</p>	
6			<p>MINUTES OF THE PREVIOUS MEETING</p> <p>To approve the minutes of the last meeting held on 20th May 2016.</p> <p>(Copy attached)</p>	1 - 8
7			<p>MATTERS ARISING FROM THE MINUTES</p> <p>To consider any matters arising from the minutes (If any)</p>	
8			<p>HACKNEY CARRIAGE VEHICLE CONDITIONS - CORPORATE ADVERTISING, SIGN AND MARKINGS</p> <p>To consider a report by the Head of Elections, Licensing and Registration which sets out proposals to amend the Policy in respect of Hackney Carriage Vehicle Conditions – Corporate Advertising, Sign and Markings</p> <p>(Report attached)</p>	9 - 18

Item No	Ward/Equal Opportunities	Item Not Open		Page No
9			<p>PSYCHOACTIVE SUBSTANCES ACT 2016 - CHANGES TO PRIMARY LEGISLATION AND ITS IMPACT UPON TAXI & PRIVATE HIRE LICENSING POLICY</p> <p>To consider a report by the Head of Elections, Licensing and Registration which highlights changes to primary legislation in respect of the Psychoactive Substances Act 2016 and its impact upon Taxi & private Hire Licensing Policy.</p> <p>(Report attached)</p>	19 - 26
10			<p>LICENSING COMMITTEE WORK PROGRAMME 2016/17</p> <p>To note the contents of the Licensing Committee Work Programme for 2016/17.</p> <p>(Report attached)</p>	27 - 30
11			<p>FUTURE TRAINING ARRANGEMENTS</p> <p><u>Licensing Committee – Annual Training Event</u></p> <p>Compulsory Training for all Members of the Licensing Committee - Tuesday 1st November 2016 at 9.15am</p> <p><u>Safeguarding Training</u></p> <p>To gain an understanding of the Safeguarding Training provided to Taxi/ Private Hire Drivers and Operators</p> <p><u>Leeds and the Night Time Economy</u></p> <p>An opportunity to Join Police Officers on a night time Patrol of the City Centre (10.30pm – 4.00am, two Elected Members per patrol)</p> <p>Dates available:</p> <ul style="list-style-type: none"> • Saturday 20th August 2016 • Saturday 10th September 2016 • Saturday 17th September 2016 • Saturday 24th September 2016 	

Item No	Ward/Equal Opportunities	Item Not Open		Page No
12			<p data-bbox="675 181 1233 215">DATE AND TIME OF NEXT MEETING</p> <p data-bbox="675 255 1378 360">To note that the next meeting will take place on Tuesday 2nd August 2016 at 10.00am in the Civic Hall, Leeds.</p> <p data-bbox="675 432 1401 568">Recording of this meeting is allowed to enable those not present to see or hear the proceedings either as they take place (or later) and to enable the reporting of those proceedings. A copy of the recording protocol is available from the contacts named on the front of this agenda.</p> <p data-bbox="675 598 1241 627">Use of Recordings by Third Parties– code of practice</p> <p data-bbox="675 656 1401 768">a) Any published recording should be accompanied by a statement of when and where the recording was made, the context of the discussion that took place, and a clear identification of the main speakers and their role or title.</p> <p data-bbox="675 797 1401 987">b) Those making recordings must not edit the recording in a way that could lead to misinterpretation or misrepresentation of the proceedings or comments made by attendees. In particular there should be no internal editing of published extracts; recordings may start at any point and end at any point but the material between those points must be complete</p>	

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Licensing Committee

Friday, 20th May, 2016

PRESENT: Councillor B Selby in the Chair

Councillors N Buckley, J Dunn, B Gettings,
M Harland, G Hussain, G Hyde,
C Townsley, G Wilkinson and B Flynn

1 Chair's Opening Remarks

The Chair welcomed everyone to the first meeting of the Licensing Committee for the 2016/17 Municipal year.

The Chair acknowledged the fine work of his predecessor Councillor Mary Harland

Although not in attendance the Chair reported that Councillors: Sarah Field, Eleanor Tunnicliffe and Julie Heselwood had recently been appointed as Members of the Licensing Committee

2 Appeals Against Refusal of Inspection of Documents

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

3 Exempt Information - Possible Exclusion of the Press and Public

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 A and B to Agenda Item 15, Notification of First Draft Event Management Plan for Leeds Festival 2016 was designated as exempt under Access to Information Procedure Rules 10.4 (3) because it contained information relating to the financial or business affairs of any particular person.

4 Late Items

There were no late items of business submitted

5 Declaration of Disclosable Pecuniary Interests

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

6 Apologies for Absence

Apologies for absence were received from Councillors: R Downes, J Heselwood, S Field, A Khan and E Tunnicliffe.

7 Minutes of the Previous Meeting

RESOLVED – That the minutes of the previous meeting, held on 8th March 2016 be accepted as a true and correct record.

8 Matters Arising from the Minutes

Substitute Arrangements (Minute No.94 referred) – With reference to the previous meeting and the decision to request the City Solicitor to investigate the issue of substitute arrangements for meetings of the Licensing Committee.

The Section Head, Legal Services reported that inquiries had been made and it was the view of the City Solicitor that substitute arrangements for the Licensing Committee are not currently permitted by law. It was reported that the situation would be kept under review and if there was any change then this would be reported back to the committee.

The Chair thanked officers for providing clarification on the issue.

Portland Crescent Hotel Development (Minute No.79 referred) – It was agreed at the last meeting that a Briefing Note providing an update on the Portland Crescent hotel development be circulated to all Members of the Licensing Committee.

Officers confirmed that the Briefing Note had been circulated

The Chair reported that the issue had also been discussed at the last City Plans Panel meeting where it was agreed that a report providing the latest position on efforts to resolve the situation would be brought back to the next meeting.

It was also agreed that the City Plans Panel would write to the Director of City Development highlighting the concerns raised about the development

RESOLVED – To support the City Plans Panel in in seeking progress on the development

9 Licensing Committee - Annual Governance Arrangements

The City Solicitor submitted a report seeking to establish the governance arrangements for the Licensing Committee for the 2016/17 Municipal Year, namely:

- To note the terms of reference of the Licensing Committee as agreed at the annual Council meeting on 19th May 2016.
- To appoint the five Licensing Sub-Committees for the 2016/17 Municipal year.

- To approve the Membership of each Sub Committee as set out in Appendix 2 of the submitted report
- To approve terms of reference for the Licensing Sub-Committees as set out in Appendix 3 of the submitted report.
- To approve the delegation of licensing functions to the Assistant Chief Executive (Citizens and Communities) as set out in Appendix 4 of the submitted report.

Appended to the report were copies of the following documents:

- Licensing Committee Terms of Reference (Appendix 1 refers)
- Membership of each Licensing Sub Committee (Appendix 2 refers)
- Licensing Sub Committee Terms of Reference (Appendix 3 refers)
- The delegation Licensing functions to the Assistant Chief Executive (Citizens and Communities) (Appendix 4 refers)

The Section Head, Legal Services, presented the report and responded to Members questions and queries

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

- Membership of each Licensing Sub Committee
- Amendments to the Licensing Sub Committees Terms of Reference

RESOLVED –

- (i) To note the terms of reference of the Licensing Committee as approved by full Council on 19th May 2016 as shown at Appendix 1
- (ii) That the five Licensing Sub-Committees hearings required under the 2003 and 2005 Acts be established with the following Memberships:
 - A Councillors: Field, Downes and Gettings
 - B Councillors: Dunn, Buckley and G Hussain
 - C Councillors: Hyde, Townsley and Tunnicliffe
 - D Councillors: Heselwood, Flynn and Selby
 - E Councillors: Khan, Wilkinson and Harland
- (iii) That approval be given to the terms of reference for the Licensing Sub-Committees as set out in Appendix 3 of the report
- (iv) That approval be given to the delegation of Licensing functions to the Assistant Chief Executive (Citizens and Communities) as shown in Appendix 4 of the report.

10 Licensing Procedure Rules, the Code of Practice for Determining Licensing Matters and Prescribed Licensing Training

The City Solicitor submitted a report which set out draft procedure rules relating to hearings and other meetings of the Licensing Committee and sub-committees and sought the approval of Members to the adoption of these procedure rules.

The report also requested consideration of the Code of Practice for the Determination of Licensing Matters previously approved by Standards Committee and to seek Members approval and to follow the Code.

Member's attention was also directed to the arrangements for the prescribed Member Training on licensing under the provisions of Article 8A of the constitution and the Code of Practice.

With reference to section 7 of the Code of Practice and the use of site visits, the Chair sought the views of Members on the use of site visits when determining applications.

It was the general view of Members that site visits be undertaken when it was considered appropriate

RESOLVED –

- (i) That the Licensing Procedure Rules as set out as Appendix 1 of the report be approved
- (ii) That approval be given to the contents of the Code of Practice of or the Determination of Licensing Matters as set out in Appendix 2 of the report and that the Committee agree to follow the Code
- (iii) To note the arrangements for the prescribed training programme.
- (iv) That site visits be undertaken when it was considered appropriate
- (v) That a copy of "the Code of Practice for the determination of Licensing Matters" be circulated to all Members of Council for information

11 Amendment to the Council's Licensing Act 2003 Statement of Licensing Policy 2014-18

The Head of Elections, Licensing and Registration submitted a report which set out the responses to the two consultations relating to the introduction of a CIP for Armley and an amendment of the CIP for the City Centre.

Appended to the report was an extract from section 7, with amendments which relate to the CIP for Armley and the changes to the City Centre CIP.

The Principal Licensing Officer, Entertainment Licensing presented the report and responded to Members questions and queries.

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

Armley CIP

- 158 responses received
- Suggestions made by residents for a greater police presence
- Cheap alcohol was a contributory factor for anti-social behaviour
- CIP broadly supported

City Centre CIP

- Consultation – All businesses in the City and Hunslet Ward, Licensing Solicitors, PubWatch, BACIL and the police were contacted
- No responses received

RESOLVED –

- (i) To endorse the submitted report as the Council's response to the consultation
- (ii) That the amended Licensing Policy be referred to full Council for adoption
- (iii) That the submitted style of appendix, with the policy changes highlighted by way of track changes, be appended to all reports for amendments to the Licensing Policy

12 Unmet Demand Survey: Provision of Hackney Carriage Proprietor Licences

The Head of Elections, Licensing and Registration submitted a report which set out the proposed tender specification document considered appropriate to progress the procurement of an independent consultant.

Appended to the report was the following appendix:

- Tender Document – Part 2 Specification (Services) - (Appendix 1 referred)

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 ensure proper consultation with the trade
- The cost of the survey
- Interim report required to manage the process

Responding to a question about ensuring proper consultation with the trade would take place, the Section Head, Taxi and Private Hire Licensing confirmed that the trade must engage as part of the consultation process. It was also emphasised the importance of consulting with the disabilities groups.

Responding to a question as to who funded the cost of the survey, the Section Head, Taxi and Private Hire Licensing confirmed the cost would be met through services reserve funds

RESOLVED –

- (i) To approve the proposed tender specification document, enabling Officers to progress to identifying a consultant in line with the Council's Procurement Policy
- (ii) That a further report on progress be brought back at the appropriate time

13 Licensing Committee Work Programme 2016/17

Members considered the contents of the Licensing Committee Work Programme for 2016/17.

Officers reported that the Event Management for Leeds Festival 2016 should be included on the work programme for August 2016.

RESOLVED – That with the inclusion of the above, to approve the contents of the Licensing Committee Work Programme for 2016/17

14 Date and Time of Next Meeting

RESOLVED – To note that the next meeting will take place on Tuesday 5th July 2016 at 10.00am in the Civic Hall, Leeds.

15 Notification of First Draft Event Management Plan for Leeds Festival 2016

The Head of Elections, Licensing and Registration submitted a report which provided a summary of changes to the 2016 Leeds Festival.

Appended to the report was a summary of changes as referred to in Appendix A & B (Confidential)

The Principal Licensing Officer presented the report.

Members were informed that the main change to the operation of the festival were the capacity of the site which increased to its maximum of 89,999 in 2014. Whilst the increase of 20,000 since 2010 had not been tested, consultation with the responsible

authorities suggested that there would be no objection to this capacity provided that the site facilities and supporting infrastructures were adequate to support this.

RESOLVED –

- (i) That the summary of changes to the 2016 Festival be noted.
- (ii) That a further report be submitted to Licensing Committee in August 2016 which would inform Members of the final arrangements and agency comments.

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Report author: Desmond Broster
Tel: 0113 3781562

Report of Head of Elections, Licensing and Registration

Report to Licensing Committee

Date: 5 July 2016

Subject: Hackney Carriage Vehicle Conditions – Corporate Advertising, Sign and Markings

Are specific electoral wards affected? If relevant, name(s) of ward(s):	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Is the decision eligible for call-In?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, access to information procedure rule number: Appendix number:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Summary of main issues

1. This report deals with three particular aspects of the existing Hackney Carriage Vehicle conditions:-
 - Hackney Carriage Vehicle (HCV) wheelchair accessible vehicles (WAV's) Corporate advertising
 - HCV signs and markings - (Taxi Association advertising)
 - HCV Signs and markings (LCC licence plate improvements)

2. Primary legislation allows the Council to impose conditions upon Hackney Carriage vehicles and those existing conditions are currently contained in two specific policies; one relating to wheelchair accessible vehicles and the other relating to saloon vehicles.

3. The first part of this report relates to the existing WAV 'corporate livery' policy which sets the end date for WAV's being able to apply for 'corporate livery' at 5 years. It is proposed to extend that end date to 7 years.

4. The second part of the report relates to signs and markings on all HCV vehicles which will enable saloon vehicles or WAV's to advertise the Taxi Association in which they are registered, in a manner approved by the Council.

5. The third part of the report concerns updating the appearance of the HCV rear Council licence plate to mirror the improvement changes already in place on Private Hire vehicles (PHV's)

Recommendations

- 1) HCV Corporate livery – that Members approve a further consultation period of two months to enable this part of the report to return to Licensing Committee in September 2016 for further consideration.
- 2) HCV Signs and markings (Taxi Association advertising) – that Members approve in principle the addition to the existing policy and that officers prepare a report for Executive approval.
- 3) HCV Signs and markings (LCC licence plate improvement) – that Members approve a further consultation period of two months to enable this part of the report to return to Licensing Committee in September 2016 for further consideration.

1 Purpose of this report

- 1.1 The proposed change to existing policy in respect of the age in which vehicles can continue to apply for a 'corporate wrap' is as a result of a request from the Hackney Carriage trade. This report sets out the existing policy and specifies a change proposal for Members to consider which benefits the trade but also meets the spirit of the purpose of corporate advertising and reflects upon the changing environmental issues in respect of air pollutants from diesel vehicles.
- 1.2 The part of the report which relates to a new policy to enable a Taxi Association to advertise their association name in an approved manner is also presented as a result of a request from the trade for Members to consider.
- 1.3 The third proposed change is brought forward by Officers to deal with some developing issues within the Hackney carriage trade in respect of the rear Council licence plate and also to bring that LCC plate into line with the much more modern and more visible licence plate already approved to be on LCC Private Hire vehicles.

2 Background information

- 2.1 Leeds City Council controls the appearance of its entire Hackney Carriage fleet and the approved colour scheme is black and white. When the Council issued a series of new free plates (around 2001) it was stipulated that they would all have to be wheelchair accessible vehicles. To offset some of the cost implications of this, there was the introduction of a 'corporate wrap' policy and Members will have seen many examples of this on the licensed fleet. Undoubtedly it brings financial benefits to Proprietors. Included in the original approval was a vehicle age limit for applications set at 5 years, following which no further approval would be given after the expiry of that existing contract. The reason was to encourage drivers to re-invest in more modern and more efficient vehicles and for the financial benefits from such advertising to be focussed on that proportion of the fleet which did invest in newer vehicles.
- 2.2 There is a further age restriction within the policy that stipulates a Proprietor must have purchased the vehicle prior to the third anniversary of its first registration. Again, this was to encourage investment in purchasing newer vehicles.
- 2.3 The policy, 'signs and markings', relates to the whole Hackney Carriage fleet. Members will have noticed that the doors of all licensed HCV's (except WAV's with corporate livery) carry a high visibility reflective signage on the driver and front passenger door. A request has been received from the trade to allow discreet advertising around those existing LCC door signs to display the Taxi Association detail to which that vehicle is registered.
- 2.4 The final additional 'signs and markings' control proposal is in respect of the rear LCC licence plate. On Private Hire vehicles these are of the same standard and quality on the rear as those displayed on the passenger doors of all HCV's (except those with Corporate livery) and this proposal is brought forward by

Officers to now upgrade the rear LCC licence plate on HCV's to be of the same high visibility specification and quality to those attached to Private Hire vehicles.

- 2.5 All of these conditions are contained within a conditions policy attached to either HCV saloons or HC WAV Proprietor licences and if approved can be easily adjusted within the policy.

3 Main issues

3.1 HC WAV corporate livery.

- 3.2 As explained in the background information to this report, an essential ingredient of the original approval of corporate livery was to focus the income in a competitive market towards those HC WAV Proprietors who invested in newer vehicles. This has been brought into sharper focus more recently by DEFRA who are introducing regulations for a clean air zone in the city centre and inner ring road area in 2020. This will be a compulsory requirement for the Council's environmental planning and which might impinge upon licensing conditions sometime in the future. (A briefing paper on all of those attendant issues will be presented to Licensing Committee in August on behalf of the Director of Environment and Housing directorate). Whilst there are no plans to make any changes to current policy in respect of vehicle ages it seems prudent to retain the focus on newer vehicles within the Hackney Carriage fleet. Members may think it is also worth observing that it would only be a very short term economic benefit to Proprietors to extend the policy to a full life cycle of a licensed vehicle which would then result in a greater financial outlay later on.

- 3.3 By extending the policy to the maximum age of 7 years in respect of 4 seater HC WAV's and 9 years in respect of 5/6/7/ seater WAV's in which a Proprietor could apply for corporate livery, it would still allow that vehicle to earn income on the existing contract after its 7th year and 9th year respectively.

- 3.4 In changing the stipulation that a vehicle Proprietor must have purchased the vehicle within 3 years of its date of first registration to within 5 years of its date of first registration it increases opportunities, makes the policy easier to understand for the trade but still contributes to focussing on encouraging the purchase of newer vehicle in a proportionate way.

3.5 HCV signs and markings

- 3.6 The Hackney carriage JTC (Joint trade Council) is a recognised body of three Hackney Carriage taxi companies who represent the majority of licensed HCV proprietors. The JTC is a body recognised by the Council and the Taxi and Private Hire Licensing section and is the largest single representative of the Hackney carriage Proprietor and driver trade. It is made up of an elected board of members from the 3 taxi companies of Streamline/Telecabs, City Cabs and Eurocabs.

- 3.7 They have given a collective response to the policy reviews. In particular, the response to this proposal, the JTC said:-

“We would ask for the consideration of the company logo to appear above the door badge sign. The Private Hire Company name is on the side of those vehicle doors as well as their licence numbers. We feel this is unfair and gives Private Hire a definite advantage. The advantage is that the public can either see on the door, or the windscreen, or in some cases, on the bonnet, the name of the Private Hire Company. Hackney Carriage can only have an emblem on the front and back of the vehicles windscreen or rear doors”.

- 3.8 An example of the proposal by the JTC is attached at **Appendix 1** and if approved that would form the basis of further approvals for such type of livery when personalised to other Taxi Associations.

3.9 HCV rear LCC licence plates

- 3.10 Members will have seen that there are a variety of type of plates affixed to HCV saloon and WAV's. Some of these contain sharp metal edges and a member of the trade has already pointed out that it would actually be safer for them now to be taken out of use. There are no technical reasons why the style and technical specification of those reflective LCC licence plates affixed to PHV's by condition cannot be affixed to HCV's. (It is recognised that perhaps some individual cases the shape may need to be square as opposed to oval). The colour of the new style reflective plate would need to be compliant with the existing legislation around 'Construction and Use'.

- 3.11 It has been noted that some members of the HC trade are now affixing their own adhesive style plates to their vehicles and as that becomes a trend it presents the opportunity for the trade to recognise that it is now time to adopt the new style of LCC licence plate. The cost implications are for the trade to bear and Members may consider that a variety of options if they approve the proposal.

Option 1 – that the cycle of change to the new style plates and replacement of the old style plates is completed within 3 months (or within another set time considered appropriate by Members).

Option 2 – that it is completed at the time of vehicle transfer, licence renewal or immediately where unapproved plates have been affixed to the vehicle.

- 3.12 The final issue around these reflective plates relates to WAV's that carry corporate livery. At the time when the policy to affix reflective LCC licence plates to the front doors of HCV's was approved, an exception was made in respect of WAV's because the trade thought might spoil the appearance of the corporate livery and also they might have to remove the door signs and pay for them refitting later. Officers feel that it is now time to move ahead and enable easier recognition of the licensing detail of HC WAV's that contain corporate livery, particularly for wheelchair occupants, by requiring such vehicles to display an LCC plate on the sides of the vehicle in a location that does not obstruct the view of the driver (which may include a window), which makes more identifiable and

traceable. Members will note the remarks of the trade which were made a number of years ago at 4.1.3. in respect of costs.

4 Corporate considerations

4.1 Consultation and engagement

4.1.1 The Hackney carriage trade have been aware for some time of the proposals to consider extending the applicable age to which a vehicle can fit corporate livery as specific time period was not set. In the first consultation period, one response was received to the effect that corporate livery should be available throughout the lifetime that a WAV is licensed irrelevant of its age.

4.1.2 The proposal of the trade to include appropriate advertising of the Taxi Association detail around the driver and front passenger door licence markings has significant support within the trade (please refer to 3.6).

4.1.3 When the high reflective rear LCC plate markings were introduced on PHV's the HC trade objected to the cost implication of the rear licence plate at that time (about 2001). This issue was raised again at a Hackney Carriage forum and again cost was a point of objection on the basis that the Hackney Carriage trade were already paying for the new signs on the front doors. To accommodate that concern the rear LCC plate proposal was not progressed. Members may feel that on this occasion it may be beneficial to formalise a consultation period over a 2 month period to enable a further report to come before Licensing Committee in September 2016.

4.2 Equality and diversity / cohesion and integration

4.2.1 Equality and Cohesion Screening Assessments were carried out on the policies agreed at Licensing Committee in January 2013 and were used to inform decision making. These are available as Background Documents. Whilst this report does not raise any known negative impacts at this time a further Equality and Cohesion Screening Assessment will be conducted alongside consultation feedback.

4.3 Council policies and best council plan

4.3.1 The Taxi & Private Hire Licensing policies contribute to the following aims:

Best Council Plan 2013 -17

Towards being an Enterprising Council

Our Ambition and Approach

Our Ambition is for Leeds to be the best city and Leeds City Council to be the best council in the UK – fair, open and welcoming with an economy that is both prosperous and sustainable so all our communities are successful.

Our Approach is to adopt a new leadership style of civic enterprise, where the council becomes more enterprising, business and partners become more civic, and citizens become more actively engaged in the work of the city.

Our Best Council Outcomes

Make it easier for people to do business with us.

Our Best Council Objectives

Promoting sustainable and inclusive economic growth – improving the economic wellbeing of local people and businesses. With a focus on:

- Helping people into jobs,
- Boosting the local economy
- Generating income for the council

Ensuring high quality public services – improving quality, efficiency and involving people in shaping their city. With a focus on;

- Getting services right first time
- Improving customer satisfaction

4.3.2 The Taxi & Private Hire Licensing policies contribute to priorities:

- Reduce crime levels and their impact across Leeds
- Effectively tackle and reduce anti-social behaviour in communities

4.3.3 Safeguarding children and vulnerable adults:

Leeds City Council has both a moral and legal obligation to ensure the duty of care for both children and vulnerable adults across all of its services. This cannot be achieved by any single service or agency. Safeguarding is ultimately the responsibility of all of us and depends on the everyday vigilance of staff who play a part in the lives of children or vulnerable adults.

4.4 Resources and value for money

4.4.1 There are no cost implications to the Council or the Taxi and Private Hire Licensing section.

4.5 Legal Implications, access to information and call In

4.5.1 In respect of the three proposal contained in this report the relevant legislation is set out below:-

Local Government (Miscellaneous Provisions)Act, 1976

Section 47 - Licensing of hackney carriages.

(1) A district council may attach to the grant of a licence of a hackney carriage under the Act of 1847 such conditions as the district council may consider reasonably necessary.

(2) Without prejudice to the generality of the foregoing subsection, a district council may require any hackney carriage licensed by them under the Act of 1847 to be of such design or appearance or bear such distinguishing marks as shall clearly identify it as a hackney carriage.

(3) Any person aggrieved by any conditions attached to such a licence may appeal to a magistrates' court.

4.5.2 Members will note that there may be individual appeals against conditions, when applied, but there is also the opportunity for Judicial Review of the Council policy and whilst this cannot be discounted it is thought that the proportionality of the proposals and the spirit of their intention would normally lead to this being considered to be a relatively low risk.

4.6 Risk management

4.6.1 In respect of recommendations 1 and 3 a full assessment of risk management would be conducted following consultation. Recommendation 2 is considered to present little risk to challenge particularly as it is a trade proposal and has no negative impact on the public.

5 Conclusions

5.1 The proposals around corporate livery and Taxi Association advertising actually increase the benefits to the trade and the final proposal concerning the improvements to the LCC licence plates bring the Hackney Carriage trade in line with the Private Hire trade and these are business costs they can be offset by the Proprietor against their business tax outlay costs. It will also help to more readily identify LCC vehicles than those from any nearby authority and generally improve the appearance of HCV's in the city licensed by this Authority. These views can be balanced against the consultation feedback.

6 Recommendations

- 6.1
- 1) HCV Corporate livery – that Members approve a further consultation period of two months to enable this part of the report to return to Licensing Committee in September 2016 for further consideration.
 - 2) HCV Signs and markings (Taxi Association advertising) – that Members approve in principle the addition to the existing policy and that officer prepare a report for Executive approval.
 - 3) HCV Signs and markings (LCC licence plate improvement) – that Members approve a further consultation period of two months to enable this part of the report to return to Licensing Committee in September 2016 for further consideration.

7 Background documents¹

¹ The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.

- 7.1 Hackney Carriage Vehicle saloon conditions
- 7.2 Hackney Carriage Vehicle Wheelchair Accessible Vehicle conditions
- 7.3 Local Government (Miscellaneous Provisions) Act 1976.
- 7.4 LCC Private Hire vehicle conditions

STREAMLINE - TELECABS
CITY OF LEEDS



Leeds
CITY COUNCIL

288

LICENSED HACKNEY CARRIAGE



Report author: Desmond Broster
Tel: 3781461

Report of Head of Elections, Licensing and Registration

Report to Licensing Committee

Date: 5 July 2016

Subject: Psychoactive substances Act 2016 – changes to primary legislation and its impact upon Taxi & Private Hire Licensing Policy

Are specific electoral wards affected? If relevant, name(s) of ward(s):	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the decision eligible for call-In?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, access to information procedure rule number: Appendix number:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

Summary of main issues

1. The Psychoactive Substances Act 2016, introduced from 6th April 2016, brought changes to primary legislation that impact upon the Council’s public safety policy that is expressed in its ‘convictions criteria’.
2. Members need to consider the consequences of that Act alongside the adverse effects psychoactive substances may have on communities, health and driving behaviours.
3. The report sets out proposals to align parts of the new legislation within the existing policy that relates to the use of drugs.
4. **Recommendations**
5. Members consider the information and proposals of Officers and recommend them, in principle, for Executive approval and inclusion in the ‘convictions criteria’ policy.

1 Purpose of this report

- 1.1 This report will identify to Members the relevant legislation and the public safety benefits in having a clear and defensible policy that meets the statutory obligation for protecting the public and which sets out clear public information and a decision making criteria and process for Members, Officers the Courts and the licensed trade to consider.
- 1.2 Decision making needs to be justified and consistent and the existing 'convictions criteria' policy has met both of those requirements having been tested in the Courts on many occasions. Time has however brought changes to the law and also the requirement for local Authorities to be far more alert to criminal trends and public protection. Crime and safety are issues of national and local importance, it remains a primary concern for the people of Leeds and this report reflects on the beneficial safety enhancements to the policy.

2 Background information

- 2.1 Before granting a Private Hire Driver (PHD), Private Hire Operator (PHO), Hackney Carriage Driver (HCD), Hackney Carriage Proprietor (HCP) or Private Hire Proprietors (PHP) licence the Council has a statutory obligation to ensure the applicant is a 'fit and proper' person. That requirement remains with the Council throughout the lifetime of a licence and at the point of renewal.
- 2.2 The Council's existing 'convictions criteria' policy deals with particular aspects of the 'fit and proper' person assessment and which describes and tries to assess the potential risk to the public and the Council by categorising types of convictions.
- 2.3 The 'convictions criteria' is of long standing and the principles of the existing policy have stood the test of time and have been recognised and appreciated in the Magistrates and Crown Courts as good practice and a clear decision making framework. It also enables an audit trail of the decision making process. It is intended to refresh that information and to consider options for dealing with the issues arising with the new Act.
- 2.4 When the Local Government (Miscellaneous Provisions) Act, 1976, was created it did not define drugs as one of the three recognised types of conviction, most probably on the basis that criminal activity of organisations were not on the radar to the extent they are today and the issues around drug misuse were not as prevalent or as relevant to the licensed trades.
- 2.5 Drugs crime is a major feature of organised crime gangs and there is potential where such organised criminal activity exists in areas of West Yorkshire that licensed drivers could become involved in the ferrying of drugs, suppliers and drug users to 'supply points'. The existing 'convictions criteria' recognises the dangers of 'established drugs' within the licensed trade and communities but does not take account of the wide range of psychoactive substances that creates new dangers.

3 Main issues

3.1 Meaning of “psychoactive substance”

- (1) In this Act “psychoactive substance” means any substance which—
 - (a) is capable of producing a psychoactive effect in a person who consumes it, and
 - (b) is not an exempted substance (see section 3).
- (2) For the purposes of this Act a substance produces a psychoactive effect in a person if, by stimulating or depressing the person’s central nervous system, it affects the person’s mental functioning or emotional state; and references to a substance’s psychoactive effects are to be read accordingly.
- (3) For the purposes of this Act a person consumes a substance if the person causes or allows the substance, or fumes given off by the substance, to enter the person’s body in any way.

3.2 Meaning of “prohibited activity”

In this Act “prohibited activity” means any of the following activities—

- (a) Producing a psychoactive substance that is likely to be consumed by individuals for its psychoactive effects;
- (b) Supplying such a substance;
- (c) Offering to supply such a substance;
- (d) Importing such a substance;
- (e) Exporting such a substance;
- (f) Assisting or encouraging the carrying on of a prohibited activity listed in any of paragraphs (a) to (e).
- (g) Failure to comply with a Prohibition or Premises notice
- (h) Possession of a psychoactive substance in a custodial institution

3.3 Also known previously as ‘legal highs’ psychoactive substances have presented significant health dangers to the public and it has been very difficult to set regulatory control on quickly moving chemical production which only needs to minutely alter the specification to escape jurisdiction. What is known is that many of these substances create health and behavioural problems and this impacts on licensing policy in a number of ways:-

- The personal use by licensed drivers and the potential impact on road safety.

- The criminality involved in producing, supplying, offering to supply, possessing with intent to supply, possessing on custodial premises, importing or exporting psychoactive substances; that is, any substance intended for human consumption that is capable of producing a psychoactive effect. The maximum sentence will be 7 years' imprisonment

3.4 The consequence of this Act and the effects on communities, health and personal behaviours indicate that psychoactive substances should be aligned with the existing clarification of drugs identified in the current 'convictions criteria'. That part of the convictions criteria is at **Appendix 1** with the proposed changes highlighted in grey.

3.5 If approved the only public document affected by the change would be the 'convictions criteria' itself which would be updated on the Council's web-page and in the information packs presented to applicants or the trade. The Licensing Section has an extensive email database to inform the trade, Private Hire Operators and Taxi Associations of the change to that part of the policy which would be facilitated after final approval.

4 Corporate considerations

4.1 Consultation and engagement

4.1.1 There has been no specific consultation with the trade on this matter which clarifies changes necessary as a result of new legislation. There was however full consultation with the trade and the public on the current 'convictions criteria' before it was introduced in November 2014. At that time, Members considered feedback from the public and the trade in formulating that policy and the principles relating to drugs. The proposals suggested in this report are to clarify how those parts of the convictions criteria applicable to drug convictions also apply to the offences created by the Psychoactive Substances Act 2016.

4.2 Equality and diversity / cohesion and integration

4.2.1 Equality and Cohesion Screening Assessments are carried out on the policies agreed at Licensing Committee in October 2014 which are used to inform decision making. This is available as a Background Document.

4.3 Council policies and best council plan

4.3.1 The Taxi & Private Hire Licensing policies contribute to the following aims:

Best Council Plan 2013 -17

Towards being an Enterprising Council

Our Ambition and Approach

Our Ambition is for Leeds to be the best city and Leeds City Council to be the best council in the UK – fair, open and welcoming with an economy that is both prosperous and sustainable so all our communities are successful.

Our Approach is to adopt a new leadership style of civic enterprise, where the council becomes more enterprising, business and partners become more civic, and citizens become more actively engaged in the work of the city.

Our Best Council Outcomes

Make it easier for people to do business with us.

Our Best Council Objectives

Promoting sustainable and inclusive economic growth – improving the economic wellbeing of local people and businesses. With a focus on:

- Helping people into jobs,
- Boosting the local economy
- Generating income for the council

Ensuring high quality public services – improving quality, efficiency and involving people in shaping their city. With a focus on;

- Getting services right first time
- Improving customer satisfaction

4.3.2 The Taxi & Private Hire Licensing policies contribute to priorities:

- Reduce crime levels and their impact across Leeds
- Effectively tackle and reduce anti-social behaviour in communities

4.3.3 Safeguarding children and vulnerable adults:

Leeds City Council has both a moral and legal obligation to ensure the duty of care for both children and vulnerable adults across all of its services. This cannot be achieved by any single service or agency. Safeguarding is ultimately the responsibility of all of us and depends on the everyday vigilance of staff who play a part in the lives of children or vulnerable adults.

4.4 Resources and value for money

4.4.1 There are no financial implications to this action for the Council, the licensing section or the trade.

4.5 Legal Implications, access to information and call In

4.5.1 The statutory obligation of the Council is clear and set out at Section 51(1)(a) and (b) of the Local Government (Miscellaneous Provisions) Act 1976

Provided that a district council shall not grant a licence—

unless they are satisfied that the applicant is a fit and proper person to hold a driver's licence; or

to any person who has not for at least twelve months been authorised to drive a motor car, or is not at the date of the application for a driver's licence so authorised

- 4.5.2 The issues of suspension, revocation and refusal to renew follow on from that same requirement.
- 4.5.3 The existing policy has been seen as good practice and repeated in other Licensing areas. It has also stood repeat legal scrutiny in the Courts. The new proposals in this report need to be considered in the light of proportionality. Members might consider that the proposals for change are not a significant departure from the existing policy in so far as the changes are appropriate and necessary for maintaining public safety and not excessive in its overall effects, and reflect changes to legislation.
- 4.5.4 The opportunities for challenge, if challenges are made, are likely to arise on the occasion of individual appeals against decisions made under the policy.

4.6 Risk management

- 4.6.1 It is felt that change proposals do not present significant challenge risk to the Council.

5 Conclusions

- 5.1 Members may feel that the existing 'convictions criteria' has served the Council and the public well and the change proposal is a necessary update which reflect changes in law and safety risks and the change proposal is proportionate.

6 Recommendations

- 6.1 Members consider the information and proposals of Officers and recommend them, in principle, for Executive approval and inclusion in the 'convictions criteria' policy.

7 Background documents¹

- 7.1 Leeds City Council 'convictions criteria'

Psychoactive Substances Act 2016

Equality and Cohesion Screening Assessment October 2014

¹ The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.

Drugs table

	1 year ago	2 years ago	3 years ago	4 years ago	5 years ago	6 years ago	7 years ago	8 years ago	9 years ago
Category 2 offences									
Possessing a Controlled Drug with Intent to Supply	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	8
Import Drugs	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	8
Producing Controlled Drug	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	8
Psychoactive substances Produce, supply offer to supply, import, export, assist or encourage the carrying on of a prohibited activity identified in these prohibited activities	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	8
Category 4									
Possessing Controlled Drug	Refused	Refused	Refused	Refused	Refused	8	6	4	2
Psychoactive substances Failure to comply with a Prohibition or Premises notice	Refused	Refused	Refused	Refused	Refused	8	6	4	2
Psychoactive substances Possession of a psychoactive substance in a custodial institution	Refused	Refused	Refused	Refused	Refused	8	6	4	2

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LICENSING COMMITTEE WORK PROGRAMME 2016/17 - LAST UPDATED 23/06/16 (JG)

ITEM	DESCRIPTION	NOTES	TYPE OF ITEM
Items Currently Unscheduled			

ITEM	DESCRIPTION	Officer	TYPE OF ITEM
	Meeting date: 9th February 2016 HELD - Activity Update – Taxi and Private Hire Licensing – 1st July to 31st December 2015, Review of Driver Licensing Requirement for Group ii Medicals, Hackney Carriage Forum Constitution, Entertainment Licensing Section – Update Report July to December 2015, Mint Festival 2015 D- Brief		
	Meeting date: 8th March 2016 – Held - The Night Time Economy - Leeds City Bids, Update Report on Legal Highs'		
	Meeting date: 12th April 2016 - Postponed		
	Meeting date: 10th May 2016 - Postponed		
	Meeting date: 20th May 2016 HELD - Unmet Demand Survey, Leeds Festival 2016 – Update, Amendment to the Council's Licensing Act 2003 Statement of Licensing Policy 2014-18, Governance Arrangements, Licensing Procedure Rules		
	Meeting date: 5th July 2016		
Advertising on Wheel Chair Accessible Vehicles	To receive a report which sets provides an update around wheel chair accessible vehicles	D Broster	B
Convictions Criteria - Psychoactive substances	To receive a report which sets provides an update around the convictions criteria and psycho active substances	D Broster	B

Key: RP – Review of existing policy DP – Development of new policy PM – Performance management B – Briefings SC – Statutory consultation

LICENSING COMMITTEE WORK PROGRAMME 2016/17 - LAST UPDATED 23/06/16 (JG)

ITEM	DESCRIPTION	Officer	TYPE OF ITEM
Meeting date: 2nd August 2016			
Clean Air Zone	To receive a report which sets provides an update around the clean air zone	Andrew Hickford	B
ULEV bid	To receive a report which sets provides an update on the ULEV bid	Andrew Hickford	B
Leeds Festival 2016 - Update	To receive a report by the Head of Elections, Licensing and Registration which provides an update on the arrangements for the Leeds Festival 2016	S Holder	B
Hotel Development, Portland Crescent	To receive a report by the Chief Planning Officer which provides an update on the hotel development at Portland Crescent, Leeds 1	D Singh (Planning)	B
Meeting date: 6th September 2016			

Key: RP – Review of existing policy DP – Development of new policy PM – Performance management B – Briefings SC – Statutory consultation

LICENSING COMMITTEE WORK PROGRAMME 2016/17 - LAST UPDATED 23/06/16 (JG)

ITEM	DESCRIPTION	Officer	TYPE OF ITEM
Meeting date: 5th October 2016			
Meeting date: 1st November 2016			

Key: RP – Review of existing policy DP – Development of new policy PM – Performance management B – Briefings SC – Statutory consultation

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