



LICENSING COMMITTEE

MEETING TO BE HELD IN CIVIC HALL, LEEDS ON
TUESDAY, 6TH SEPTEMBER, 2016 AT 10.00 AM

MEMBERSHIP

Councillors

N Buckley	Alwoodley;
M Coulson	Pudsey;
R Downes	Otley and Yeadon;
J Dunn	Ardsley and Robin Hood;
S Field	Garforth and Swillington;
B Flynn	Adel and Wharfedale;
B Gettings	Morley North;
M Harland	Kippax and Methley;
J Heselwood	Bramley and Stanningley;
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;

Agenda compiled by:
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John Grieve
224 3836

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> <p>To receive apologies for absence (If any)</p>	
6			<p>MINUTES OF THE PREVIOUS MEETING</p> <p>To approve the minutes of the last meeting held on 2nd August 2016.</p> <p>(Copy attached)</p>	1 - 6
7			<p>MATTERS ARISING FROM THE MINUTES</p> <p>To consider any matters arising from the minutes.</p>	
8			<p>POLICING AND THE NIGHT TIME ECONOMY</p> <p>To receive a Presentation from Sergeant Dave Shaw, West Yorkshire Police on the issues of "Policing and the Night time Economy"</p> <p>(Report attached)</p>	7 - 8

Item No	Ward/Equal Opportunities	Item Not Open		Page No
9			<p>JOIN POLICE OFFICERS ON A NIGHT TIME PATROL OF THE CITY CENTRE</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 – Councillors: B Selby & M Harland • Saturday 10th September 2016 – Councillors: N Buckley & R Downes • Saturday 17th September 2016 – Two vacancies available • Saturday 24th September 2016 – Councillors: S Field & G Hussain • Saturday 1st October 2016 – Two vacancies available 	
10			<p>LICENSING COMMITTEE WORK PROGRAMME 2016/17</p> <p>To note the contents of the Licensing Committee Work Programme 2016/17.</p> <p>(Report attached)</p>	9 - 12
11			<p>DATE AND TIME OF NEXT MEETING</p> <p>To note that the next meeting will take place on <u>Wednesday 5th October 2016</u> at 10.00am in the Civic Hall, Leeds.</p>	

Item No	Ward/Equal Opportunities	Item Not Open		Page No
12			<p>HACKNEY CARRIAGE 'APPROVED VEHICLES' LIST - INCLUSION OF ESTATE VEHICLES - INFORMATION REPORT</p> <p>To consider a report by the Head of Elections, Licensing and Registration which sets out the legislative background, the policy and procedures under which Hackney Carriages are approved and licensed by Officers and the trade debate around whether or not estate vehicles should be licensed as Hackney Carriages.</p> <p>(Report attached)</p>	13 - 18
13	City and Hunslet		<p>LEEDS PURPLE FLAG ACCREDITATION</p> <p>To consider a report by the Head of City Centre Management which provides an update on the development of the Purple Flag Accreditation, since March 2016.</p> <p>The report refers to Key milestones which are covered in the Purple Flag Work Plan and highlighted in Appendix No. 1 of the submitted report.</p> <p>(Report attached)</p>	19 - 28
14			<p>UPDATE ON THE LEEDS BID</p> <p>To receive an update on the Leeds BID from Andrew Cooper, Chief Executive, Leeds Business Improvement District.</p> <p>(PowerPoint Presentation)</p>	

Item No	Ward/Equal Opportunities	Item Not Open		Page No
			<p>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>Use of Recordings by Third Parties– code of practice</p> <p>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>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>	

Licensing Committee

Tuesday, 2nd August, 2016

PRESENT: Councillor B Selby in the Chair

Councillors N Buckley, R Downes,
M Harland, G Hussain, G Hyde, A Khan,
G Wilkinson, B Flynn, S Field and
M Coulson

30 Appeals Against Refusal of Inspection of Documents

There were no appeals against refusal of inspection of documents.

31 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:-

Arena Hotel, Portland Crescent – Appendix B of the report was deemed exempt from publication in accordance with Access to Information Rule 10.4 (3) on the basis that it contained information relating to the financial or business affairs of various parties, including the Council. In the current circumstances it is considered that the public interest in maintaining the content of the appendix as exempt outweighed the public interest in disclosing the information. (minute 44 refers)

Leeds Festival – Appendix B of the report was deemed exempt information under Access to Information Procedure Rules 10.4(3) and (7) as it included both information relating to the financial or business affairs of any particular person and information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime. In those circumstances, the public interest in maintaining the exemption outweighed the public interest in disclosing the information. (minute 43 refers)

32 Late Items

No formal late items of business were added to the agenda, however a revised version of exempt Appendix B to the Leeds Festival report (minute 43 refers) was despatched to Members prior to the meeting.

33 Declaration of Disclosable Pecuniary Interests

No declarations of disclosable pecuniary interests were made.

34 Apologies for Absence

Apologies for absence were received from Councillors Dunn, Heselwood and Townsley.

35 Minutes of the Previous Meeting

RESOLVED – That the minutes of the previous meeting held 5th July 2016 be agreed as a correct record.

36 Matters Arising from the Minutes

- (i) Site visits – Councillor Khan reported receipt of updated information following on from the pre-Christmas 2015 site visits and requested that his thanks to the Head of Elections, Licensing and Registration and the Head of the Taxi and Private Hire Section be recorded.

37 DEFRA UK Air Quality Improvement Plan

The Director of Environment & Neighbourhoods submitted a report on the Government's requirement to introduce a Clean Air Zone in Leeds and the impact this would have on the Hackney Carriage (HC) and Private Hire (PH) trades. The report also illustrated the steps that need to be taken to ensure that HC & PH operators and licensees are compliant with Clean Air Zone requirements.

Clean Air Zones in Birmingham, Leeds, Southampton, Nottingham and Derby, will cover old diesel buses, coaches, taxis, private hire and lorries. Vehicles that do not comply with engine standards will be required to pay a daily fee, or levy to enter the zone. Newer vehicles that meet the latest emissions standards and private cars will not need to pay.

The Project Manager, Projects, Programmes & Procurement Unit and the Team Leader, Environmental Studies, City Development, attended the meeting to introduce the report and discussed the following key issues with Members:

- No changes to Leeds licensing regulations are required to support the Clean Air Zone.
- The DEFRA/EU criteria used to select the participating 5 cities
- The methodology by which private cars were excluded from the CAZ requirements
- A key risk for Leeds was identified as failure to achieve compliance with Air Quality standards as defined in EU directives as these have been incorporated into National legislation. Failure would mean that significant infraction fines could be passed to the local authority by the government utilising the Localism Act.
- Acknowledged the financial impact on the PH/HC trade to replace existing fleet as well as the impact on HGV, bus and coach operators.
- Noted the work undertaken already to liaise with the other 4 cities chosen to trial CAZs, as well as with core cities and the LGA to provide a national response to DEFRA.
- Noted the work undertaken with the trades to provide information to them as early as possible to allow them time to plan for change
- The requirement for the registered owner of the vehicle to pay the proposed fine; the work being done to determine the levy amount and the perceived difficulty of the collection of the levy, particularly in respect of non-UK resident drivers

- Concern over the impact of non-compliant, non-Leeds registered PH or HC vehicles on the scheme. Members were informed that the West Yorkshire Authorities were working together to share information and that DEFRA was working to create a national database of all registered PH & HC vehicles
- Comment that Leeds needed to investigate the “other measures” available – including long term solutions past 2020 such as Park & Ride scheme, rapid transport system
- Cost implications for Leeds past 2020
- Concern on the impact on PH drivers who utilised their vehicle for personal use

Members requested that officers should prepare a briefing note on the CAZ proposals, including information on the modelling criteria employed by DEFRA, for all Members of Council – to enable them to provide information to constituents. Additionally Members considered the proposal for the Chair to write to DEFRA on the matters raised by the Committee

RESOLVED -

- a) To note the contents of the report outlining the Government’s plans to improve air quality nationally and in Leeds.
- b) To request officers present a further report in due course to reference those areas of concern highlighted by Members, in order to inform a letter from the Chair to DEFRA on behalf of the Committee
- c) That the Committee continue to support the work of the Council in its engagement activity with the Taxi & Private Hire Trade in communicating the impact of this decision

38 OLEV Clean Taxi Fund Application by WYCA

The Director of Environment and Housing submitted a report on the potential benefits that may be delivered by a successful West Yorkshire Combined Authority (WYCA) bid for £5m Office of Low Emission Vehicles (OLEV) funding that would support the regional HC & PH Hire trade transition to ultra-low emission vehicles (ULEVs).

The report outlined the steps to be taken to complete the submission of a bid and the opportunities for the trade to establish fuel savings through switching to electric vehicles which would also contribute to improved air quality.

The Project Manager, Projects, Programmes & Procurement Unit, attended the meeting and outlined the methodology in support of the WYCA bid for £5m funding to deliver rapid and fast charging points across the city. Some of the funding would also be made available to support the purchase of electric HC vehicles.

During discussions, Members commented on the following:

- The need to ensure small/sole operators were aware of the funding, which would be limited
- Installation points would be rolled-out across the city as demand grew
- The need for the trade to discuss close working links with manufacturers to ensure "universal" chargers can be installed throughout the city
- The offer from an operator in Dundee with an entirely electric fleet to discuss his business model with Leeds operators

RESOLVED -

- a) To note that LCCs existing licensing policies (age of first licensing and renewals) will remain unaffected as these are already at the level that Energy Savings Trust (EST) identified as required for the medium uptake scenario.
- b) To note that in respect of Procurement of services; it is suggested by EST that future procurement of services such as taxi contracts for social care should include more weighting based on the mission standard of the taxi fleet and percentage of ULEVs within the fleet. This recommendation is being pursued by colleagues in procurement and in negotiation with the Passenger Transport Service
- c) To note that the next tender for taxi and private hire use by Passenger Transport and for the staff taxi contract will include additional points for bidders who can meet targets for Euro 6 diesel and/or ULEV representation on their fleets. The exact nature of these targets and whether they will be mandatory or aspirational targets has yet to be determined. Consultation on this process and some market testing will be carried out during the autumn 2016, with the contract to be tendered and awarded for commencement in 2017. It will be necessary to ensure that any specification for such contracts that includes weighting based on emission standards must also ensure that the requirements are not so restrictive that there is loss of competition, or that no suppliers are able to meet these requirements.
- d) To note that the Medium Uptake bid based on Energy Savings Trust recommendations will require a commitment (across West Yorkshire) to provide a 25% match funding to a bid for approximately £5,500,000 in grant funding between 2017 and 2020. This funding will mainly be to support increasing infrastructure to support the uptake of electric vehicles across the Private Hire and Taxi trade. The 25% may come wholly or partially from contributions from the Taxi and Private Hire companies but may require underwriting by LTP funding
- e) To request that a report is brought to a future meeting on the progress of the OLEV bid

39 House of Lords Select Committee on the Licensing Act 2003

Further to minute 25 of the meeting held 5th July 2016, the Committee considered the report of the Head of Elections, Licensing and Registration on the Council's proposed response to the call for evidence published by the Select Committee set up to conduct scrutiny of the Licensing Act 2003. Members comments were sought in order to incorporate them into the response prior to its submission to the Select Committee by the deadline of 2nd September 2016.

The report noted that Licensing Committee formed a working group to provide a response to the Call for Evidence and a copy of the draft response was included at Appendix A of the report for comment.

The Principal Licensing Officer referred to two matters:

- Q7 in respect of policing legislation. It was reported that the police had not been able to provide a formal response to Q7. The Committee agreed with the suggestion that Q7 remain unanswered
- Q8 in respect of airside alcohol sales. The Committee noted that, as this area of alcohol sales was outside of the experience of the Committee, the draft response should be amended to include a form of words to reflect that.

RESOLVED -

- a) To note the call for evidence questions
- b) That the draft response, as attached at Appendix A, be approved as the Leeds City Council response, noting that the additional comments in respect of Q7 & Q8 outlined above will also be included
- c) To note that the Chair will review the final version, including the comments made today, prior to its' submission to the Select Committee

(Councillor Khan withdrew from the meeting at this point)

40 Licensing Committee Work Programme 2016/17

Members considered the contents of the Licensing Committee Work Programme for 2016/17. It was noted that in view of the decisions made earlier, the following items would be added to the Work Programme:

- Clean Air Zone - To request officers present a further report in due course to reference those areas of concern highlighted by the Committee and comments made, in order to inform a letter from the Chair to DEFRA on behalf of the Committee
- Update on the OLEV Clean Taxi Fund Application by WYCA

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

41 Date and Time of Next Meeting

RESOLVED - To note that the next meeting will take place on Tuesday 6th September 2016 at 10.00am in the Civic Hall, Leeds.

42 Closed Session

At this point in the meeting, noting that the discussions on the two remaining items on the agenda would include consideration of exempt information, the Committee

RESOLVED – To enter into closed session

43 Leeds Festival 2016 - Event Management Plan

The Head of Elections, Licensing and Registration submitted a report on the progress of the multi-agency meetings and the Event Management Plan for the 2016 annual Leeds Festival, to be held within the grounds of Bramham Park, Friday 26th until Sunday 28th August 2016. The report also recommended that the approval of the final Event Management Plan be delegated to the Head of Elections, Licensing & Registration.

A copy of the Premises Licence detailing the activities permitted was attached as Appendix A. The draft Event Management Plan, and a summary of changes was included as Appendix B – which was exempt from publication.

Mr M Benn, Festival Republic Ltd, attended the meeting and discussed the management plans for the Festival with Members.

RESOLVED –

- a) To note the contents of the report
- b) That approval of the Event Management Plan, including any minor amendments necessary to the Plan before the Festival takes place, be delegated to the Head of Elections, Licensing and Registration
- c) That, should the Event Management Plan be subject to amendment without the relevant agency consent, or be of a nature which officers consider may impact on the Licensing Objectives, then it will be brought back before the Licensing Committee prior to the Festival taking place.

44 Arena Hotel, Portland Crescent, Leeds

Further to minute 22(i) of the meeting held 5th July 2016, the Committee received a report from the Director of City Development on the current situation in respect of the incomplete Arena Hotel, Portland Crescent. The report had previously been presented to City Plans Panel on 7th July 2016.

(Councillor Khan re-joined the meeting at this point)

The report outlined the discussions the Council has held with both the funder of the project; the administrators of the company as well as with prospective purchasers of the site to try and progress matters so that work starts again as soon as possible.

The Principal Legal Officer and the Principal Financial Manager attended the meeting and provided a verbal update on the current situation in respect of completion of the Hotel.

RESOLVED – To note the contents of the report and the additional information provided at the meeting.



Report author: John Grieve

Tel: 224 3836

Report of the City Solicitor

Report to Licensing Committee

Date: 6th September 2016

Subject: Policing and the Night Time Economy

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?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Appendix No. 1: Designated as exempt in accordance with paragraph 10.4(3) of Schedule 12A (3) of the Local Government Act 1972 on the grounds that it contains information relating to crime and disorder which may result in future Legal Proceedings	

Summary of main issues

The Committee will receive a presentation from officers of West Yorkshire Police on issues relating to policing and the night time economy in Leeds pertinent to the work of the Licensing Committee and its' Sub Committees

Recommendations

1. The Committee is requested to consider and discuss the information presented by West Yorkshire Police as appropriate.

1 Purpose of this report

- 1.1 This report is submitted by means of introduction to a presentation from officers of West Yorkshire Police on issues relating to policing and the night time economy in Leeds pertinent to the work of the Licensing Committee and its' Sub Committees. Sergeant Dave Shaw will attend the meeting
- 1.2 The Committee is requested to note that Members may be provided with information that is not normally in the public arena such as information pertaining to an individual; or the financial or business affairs of any particular person (including the authority holding that information) or relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime. In that case the Committee may be requested to consider a resolution to exclude any members of the public present in order that the information can be

discussed having regard to the Access to Information Procedure Rules and the Committees' own Rules of Procedure

2 Background information

The Committee has previously received presentations from West Yorkshire Police on a six monthly basis and discussed issues relating to the Review hearing system, the use of the Matrix system and the City Centre Cumulative Impact Area and partnership working with licensees

3 Recommendations

- 3.1 The Committee is asked to receive the presentation from West Yorkshire Police and consider and discuss the contents as appropriate

4 Background Documents¹

None

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.

LICENSING COMMITTEE WORK PROGRAMME 2016/17 - LAST UPDATED 26/08/16 (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 - HELD - Advertising on Wheel Chair Accessible Vehicles, Convictions Criteria - Psychoactive substances, Select Committee on the Licensing Act 2003, Future Training Arrangements		
	Meeting date: 2nd August 2016 – HELD - ULEV bid, Clean Air Zone, Leeds Festival 2016 – Update, Hotel Development, Portland Crescent and Select Committee on the Licensing Act 2003		

LICENSING COMMITTEE WORK PROGRAMME 2016/17 - LAST UPDATED 26/08/16 (JG)

ITEM	DESCRIPTION	Officer	TYPE OF ITEM
Meeting date: 6th September 2016			
Update on the Purple Flag Initiative	To receive a report from the Director of City Development which provides an update on the Purple Flag Initiative	J Ebo	B
Update on the Leeds Bid	To receive an update on the Leeds BID from Andrew Cooper, Chief Executive, Leeds Business Improvement District.	A Cooper	B
Policing and the Night time Economy	To receive a Presentation from Sergeant Dave Shaw, West Yorkshire Police on the issues of "Policing and the Night time Economy"	D Shaw	B
Estate Vehicles as Hackney Carriage Vehicles	To receive a report by the Head of Elections, Licensing and Registration which considers the issue of estate vehicles as Hackney Carriage Vehicles.	D Broster	B
Meeting date: 5th October 2016			
Hackney Carriage Vehicles - Wheelchair accessible vehicles – Corporate livery	To receive a report by the Head of Elections, Licensing and Registration which sets out the response following consultation on the corporate livery of wheelchair accessible vehicles	D Broster	SC

LICENSING COMMITTEE WORK PROGRAMME 2016/17 - LAST UPDATED 26/08/16 (JG)

ITEM	DESCRIPTION	Officer	TYPE OF ITEM
Hackney Carriage Vehicles – Signs and Markings (LCC licence plate improvements)	To receive a report by the Head of Elections, Licensing and Registration which sets out the response following consultation on LCC licence plate improvements	D Broster	SC
Meeting date: 1st November 2016			
City Centre CIP Review	To receive a report by the Head of Elections, Licensing and Registration which seeks to review the City Centre CIP	S Holden	RP
Large Casino – Annual Report	To receive a report by the Head of Elections, Licensing and Registration on the large Casino Annual Report	N Raper	B
Meeting date: December 2016			
DEFRA UK Air Quality Improvement Plan	To receive a report back on the areas of concern raised by 02/08/16 Committee in order to inform a letter to be sent to the Secretary of State	Andrew Hickford	B

LICENSING COMMITTEE WORK PROGRAMME 2016/17 - LAST UPDATED 26/08/16 (JG)

ITEM	DESCRIPTION	Officer	TYPE OF ITEM

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



Report author: Des Broster

Tel: 3781561

Report of Head of Elections, Licensing & registration

Report to Licensing Committee

Date: 6 September 2016

Subject: Hackney Carriage ‘Approved vehicles’ list –inclusion of estate vehicles – Information Report

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. Primary legislation enables the local Authority to require a Hackney Carriage to be of ‘such design or appearance’ prior to licensing that vehicle. The Council maintains a list of ‘approved vehicles’ so that Officers can make decisions quickly on licensing applications.

2. Currently the ‘approved list’ consists of a range of saloon vehicles and wheelchair accessible vehicles. The Joint Trades Council, which represents the majority of the Hackney Carriage Proprietors and which controls the rank space within Leeds city station has made an application on behalf of the trade to consider estate vehicles being placed on the ‘approved list’ of vehicles to be licensed.

3. Adding a vehicle to the ‘approved list’ is a decision that can be taken by Officers under Delegated Powers, taking each type of vehicle application on its own merits, which is the case with this application. However, one part of the trade has objected to this proposal based on their perception of the additional length of estate vehicles and the effects on available rank space and this report information report affords an opportunity to the Licensing Committee to comment on the issues.

Recommendations

That Members have the opportunity to contribute any views they may have prior to Officers making a final decision under the Scheme of Delegation when estate vehicles are presented for licensing.

1 Purpose of this report

- 1.1 To inform Members of the legislative background, the policy and procedures under which Hackney Carriages are approved and licensed by Officers and the trade debate around whether or not estate vehicles should be licensed as Hackney Carriages.

2 Background information

- 2.1 No estate vehicles have been licensed as Hackney Carriages within the knowledge of existing licensing staff, although estate vehicles have been and can be licensed as Private Hire vehicles, but of course that does not take into account rank space.
- 2.2 There is a historical document of 'approved vehicles' (pre-2002) which indicated that estate vehicles were capable of being licensed prior to that time although with the passage of time that document has been modified and no longer shows estate vehicles as being on the 'approved list', this is probably because no application has ever been received.

3 Main issues

- 3.1 The main point is whether or not an estate vehicle can lawfully be licensed; which it can. Secondly, if the Council was to apply a blanket policy refusing to licence estate vehicles it would need substantial grounds for such a blanket policy and such a policy may be subject to legal challenge. Conversely, if it did, in principle, approve the licensing of estate vehicles on a case by case basis the risk of legal challenge is minimal.
- 3.2 The debate that has been raised by one part of the trade is that estate vehicles are longer and would take up more rank space. Various figures which have been provided by the trade as an example are produced below.
- 3.3 The most popular saloon vehicles used by the Hackney Carriage trade are the Skoda Octavia, Toyota Avensis and Volkswagen Passat. Below are comparisons of the dimensions between the saloon and estate versions of those vehicles.

Toyota Avensis saloon	4710 mm
Toyota Avensis estate	4780 mm
Skoda Octavia saloon	4659 mm
Skoda Octavia estate	4685 mm
Volkswagen Passat saloon	4866 mm
Volkswagen Passat estate	4882 mm

- 3.4
- | | |
|----------------------|--------|
| E7 By cab direct SWB | 4813mm |
| E7 By cab direct LWB | 5143mm |
| LTI TX 4 | 4580mm |

There can be numerous comparisons about varying lengths but generally the principle remains the same unless a vehicle was to be presented which is longer

than any wheelchair accessible vehicle in which case that might raise a licensing concern.

3.5 Comfort and safety – The Council can impose additional conditions as a licensing requirement and Officers would propose that appropriate conditions would include:-

- Load cover must be fitted and in use at all times
- No luggage must exceed manufacturers recommended specifications in respect of loading weight
- Only 'Dog Guards' approved by the vehicle manufacturer and fitted in accordance with manufacturer's instructions may be used

3.6 Most of the saloon vehicles on the 'approved list' do have an estate variant and are equal to their saloon variants in comfort and safety. It would not be a requirement that a type of saloon vehicle would have to be on the 'approved list' prior to the estate variant being approved.

3.7 Before being placed on the 'approved list' and licensed an estate vehicle would have to undertake a full inspection in respect of suitability. Once approved that vehicle type could continue to be presented for normal inspection and licensing.

4 Corporate considerations

4.1 Consultation and engagement

4.1.1 The trade have been consulted on the trade proposal and the main objection from one part of the trade has been the issue of loss of rank space. It is not considered that this is a significant issue at this time.

4.2 Equality and diversity / cohesion and integration

4.2.1 This particular policy proposal presents no equality or diversity issues following Equality Impact Assessment screening.

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 neither resource or adverse financial implications for the service or the trade.

4.5 Legal Implications, access to information and call In

4.5.1 Section 47 (2), Local Government (Miscellaneous Provisions) Act, 1976 says that a Council may require any Hackney Carriage licensed by them under the Act of 1847 (Town Police Clauses Act) to be of such a design or appearance

4.5.2 It is under this legislation that the Council can either approve a vehicle application to be licensed or refuse to licence it on reasonable and proportionate grounds.

4.5.3 This is not a significant policy change and can be properly accommodated within the Scheme of Delegation without the need for Executive approval.

4.6 Risk management

4.6.1 The two sides of the Hackney Carriage trade argue about the extent that the approval of estate vehicles might reduce the amount of rank space. The first consideration is that if approved, this opportunity would affect less than half of the licensed fleet of 537 vehicles. It is then a matter of personal choice whether an estate vehicle is presented for licensing. It is felt by Officers and the trade proposer that the risk to rank and kerbside space within the city is minimal.

5 Conclusions

5.1 There are no safety reasons why an estate vehicle should not be licensed and with the effect on kerbside and rank space probably being minimal it opens up opportunities for Hackney Carriage drivers to select from a wider range of vehicles which would then be subject to an approval process by Licensing Officers.

6 Recommendations

6.1 That Members have the opportunity to contribute any views they may have prior to Officers making a final decision under the Scheme of Delegation when estate vehicles are presented for licensing.

7 Background documents¹

7.1

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.

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Report author: John Ebo
Tel: 247 4714

Report of: Head of City Centre Management

Report to: Licensing Committee

Date: 6th September 2016

Subject: Leeds Purple Flag Accreditation

Are specific electoral wards affected? If relevant, name(s) of ward(s): City and Hunslet	<input checked="" type="checkbox"/> Yes	<input 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. In March 2016, Licensing Committee received a report of the Head of city centre management on the progress being made by the Leeds Business Improvement District (BID) organisation, with a particular emphasis on the night time economy, alongside a presentation by the Chief Executive of Leeds BID. The report highlighted the successful partnership working with Leeds BID and the city council. It cited a proposal which would enable city centre stakeholders to work together towards the achievement of a national accreditation scheme called Purple Flag. The accreditation is awarded to places that can demonstrate a well-managed, safe, clean and diverse Evening and Night Time Economy (ENTE) offer.

2. This report provides Licensing Committee with an update on progress since March, on the development of a Purple Flag application, the proposed timeline for achieving the accreditation, details of continued partnership working and the outcome that is sought by working together to achieve Purple Flag status for Leeds.

3. The report is accompanied by a short presentation on the Purple Flag scheme to enable Licensing Committee to gain a good understanding of how the scheme works and the benefits to Leeds city centre's night time economy of achieving the accreditation.

Recommendations

4. Licensing Committee is recommended to:

- (i) Note the update on the progress being made towards achieving Purple Flag for Leeds;
- (ii) Further note the continued partnership working and engagement with Leeds BID and other stakeholders to examine the issues that affect how the night time economy operates, with a view to improving our offer;
- (iii) Support the approach being taken by the city council and the BID, as well as key partners who are determined to attain the national accreditation for Leeds.

1.0 Purpose of this report

1.1 This report provides members of Licensing Committee with an update on the development of the Purple flag accreditation, since March 2016. Key milestones are covered in the purple flag work plan attached as appendix 1.0. Additionally, a presentation attached as appendix 2.0 provides an overview of Purple flag as a scheme and how it will benefit Leeds city centre with regards to the Evening and Night Time Economy (ENTE). Licensing committee will also receive an update on the progress of the Leeds BID from the organisation's Chief Executive, who are working with the city council as joint partners helping to deliver this national accreditation for the city centre.

2 Background information

2.1 In 2011, The Council and major stakeholders in the city centre agreed to develop a Business Improvement District (BID) to achieve a step change in the ability of Leeds to improve and promote its city centre as a leading European business location, a top UK retail destination, and a source of new jobs and economic growth. In 2014, the private sector, supported by the Council, formed the BID4Leeds company to develop proposals for a BID for Leeds City Centre. This would generate around £2.3million investment annually from business contributions into a singular pot of investment.

2.2 A BID is where businesses vote to levy additional business rates on occupiers to create funds earmarked for improvements to an area. The Leeds BID proposals put forward a levy of 1.25% of rateable value. Occupiers of premises with a rateable value of below £60,000 would be excluded from paying the levy, ensuring most small firms would not incur additional costs.

2.3 One of the areas that city centre stakeholders and businesses wanted the BID to support and help manage was the night time economy in the city centre. As well as helping to promote its advantages, there was consensus that it should also help to create a safer and more welcoming environment for the night time economy and for promoting Leeds. This ambition is reflected in the BID business plan under the main theme of Leeds Experience; and referenced as:

- 2.4 “Acting as a one stop shop for businesses to ensure a clean and safe city centre. Working with the various existing initiatives such as Radio Link, Pub Watch, Taxi Marshalls and Street Angels that are run through partners including Leeds City Council, the Police and BACIL (Business Against Crime in Leeds) to ensure a well-managed city both day and night.”

3 Main issues

- 3.1 Consideration had been given to the Late night levy as one of the potential tools to help manage night time economy issues. The Council after due consideration, concluded that the BID will be its preferred route, as applying both models together would involve duplication, and businesses would not pay twice. Scrutiny Board (Resources and Council Services) held an inquiry in late 2013 into a possible Late Night Levy on licensed premises. The report of Scrutiny Board (Scrutiny Inquiry Report: Late Night Levy, Scrutiny Board – Resources and Council Service, November 2013) recommended “that the Executive Board reiterates its openness to support a BID which includes an element of initiatives to manage the night time economy.” The Feasibility Study into a city centre Business Improvement District recommended that licensed premises are included as levy payers, and that a BID could include initiatives to manage the night time economy.

3.2 Purple Flag

Purple Flag’s aims are to raise the standard and broaden the appeal of town centres at night. It is the benchmark for good night time destinations internationally. It will assure visitors that Leeds is a safe, vibrant, appealing, well-managed location that offers a positive experience.

- 3.3 This in turn helps to promote a good image and supports our local economy. It is a tried and tested scheme that good cities already have, with a track record of success. Purple Flag is the only UK scheme focussed on the ENTE that sees it in the round; both the negative impacts that need to be addressed and the potential for promoting the positive impact on economic growth and jobs that the sector provides.
- 3.4 The process of attaining Purple Flag is intended to be practical and supportive, and shows the standards and methodology to help in drawing partners together, in establishing a baseline, taking stock of performance on the ground and developing a strategy for the future.

4 Corporate considerations

4.1 Consultation and engagement

- 4.1.1 The Purple Flag process has enabled the formation of a partnership to deliver the accreditation. This has brought together West Yorkshire Combined Authority, Leeds City Council city centre management, Leeds BID, Public Health, Businesses Against Crime in Leeds (BACIL), LCC Taxi Licensing, Leeds Pubwatch, LCC Premises Licensing, LCC highways Safer Leeds and West Yorkshire Police. Officers and partners are engaged and working together as one

team for Leeds bringing together appropriate and related services to ensure the issues are examined and proposals put into place.

4.2 Equality and diversity / cohesion and integration

4.2.1 There are no specific implications for equality and diversity as a result of the city's plan to achieve purple flag. Purple flag accreditation supports the growth of the city centre's economy and will enable us to showcase our diversity of offer in ENTE.

4.3 Council policies and best council plan

4.3.1 The Leeds city centre BID supports the delivery of the best Council Plan 2013-17 objective of "Promoting sustainable and inclusive economic growth" and the city Priority Plan objective, "Best city for business" by raising the profile of Leeds nationally and supporting the sustainable growth of the Leeds economy.

4.3.2 Specifically, it will support the delivery of the following City Priority Plan priorities and Core Strategy Objectives: Support the sustainable growth of the Leeds' economy; Raise the profile of Leeds nationally; Support the continued vitality, economic development and distinctiveness of the City Centre as the regional centre.

4.4 Resources and value for money

4.4.1 Partners have come together to provide both staff resource and financial support to deliver Purple Flag successfully. As well as creating a task force to deliver the accreditation, Leeds city council, Leeds BID and Public Health have jointly funded the application fee of £3,500. This relatively small investment will deliver significant financial return for the city centre in economic activity.

4.5 Legal Implications, access to information and call In

4.5.1 There are no legal implications in working together for Purple Flag. Partners will continue to work jointly to reduce any negative impact of night time economy issues. We will be committed to annual renewal of the accreditation to maintain our status

4.6 Risk management

4.6.1 The award of purple flag to Leeds is not a foregone conclusion. The process for attaining success is a rigorous one. Independent assessors conduct a full assessment of our night time economy offer, involving a full night time visit to the city. There are no guarantees of a successful accreditation, if a city has not worked hard to meet the stringent requirements of the scheme.

5 Conclusions

5.1 Partners and stakeholders in the city centre led by the city council and Leeds BID have made good progress towards achieving purple flag. Businesses in both the day time as well as night time economy as well as statutory agencies have demonstrated their support for achieving this accreditation.

5.2 We have conducted a detailed assessment of the Leeds night time economy offer and visited locations that already have purple flag, including Liverpool and Halifax. We are working in partnership with West Yorkshire regional transport authority, Highways, public health, Safer Leeds and businesses on delivering success for Leeds.

5.3 Success of Purple Flag will ensure that we highlight the gaps in the night time economy and set out proposals to resolve them. It is also a recurring assessment, so it ensures continuous monitoring and resolution of issues for the accreditation to be sustained. This will enable all partners to be galvanised towards one approach, work on agreed solutions and join up thinking on how we best target our limited resources.

6 Recommendations

Licensing Committee is recommended to:

- (iv) Note the update on the progress being made towards achieving Purple Flag for Leeds;
- (v) Further note the continued partnership working and engagement with Leeds BID and other stakeholders to examine the issues that affect how the night time economy operates, with a view to improving our offer;
- (vi) Support the approach being taken by the city council and the BID, as well as key partners who are determined to attain the national accreditation for Leeds.

7 Background documents¹

7.1 Appendix 1.0 Purple Flag work plan

7.2 Appendix 2.0 Purple Flag Presentation

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.

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APPENDIX 1.0

A Purple Flag for Leeds WORK PLAN/TIMELINE

Deadline	Task	Lead	Notes	Done
Feb/March 2017	Award of Purple Flag	ATCM	6 monthly awards eve	
6 Jan 2017	ATCM Accreditation from Panel	ATCM	Outcomes communicated back to us following ATCM panel meeting	
5 Jan 2017	ATCM Panel meeting	ATCM	ATCM discussion surrounding all submissions.	
Dec / Jan 2017	Assessors report to ATCM	ATCM		
Mid Nov – Mid Dec (Fri or Sat night)	ATCM Assessors visit	ATCM	Usually over a weekend. Will need 1/2 nights hotel accommodation. Partner involvement to be clarified	
18 Nov 2016	Task Force meeting	Task group		
Tba	Initial Partnership Assessment meeting	ATCM	After application submission but before assessment. Will require all partner involvement. <i>check is this an overnight assessment? Does it include ATCM? JC</i>	
28 Oct 2016	Task Force meeting / mock assessment	Task group		
18 Oct 2016	Safer Leeds Quarterly Meeting	CMcC	Does this need to be before the application submission? Or use as a call to action following submission?	
14 Oct 2016	Application Submission	KB CMcC	ATCM DEADLINE confirmed by Sarah Walker	

07 Oct 2016	Task Force meeting	Task group	Assess final application before submission	
30 Sept 2016	FINAL Draft of Application	ALL		
16 Sept 2016	Task force meeting	Task group		
Tba	Mock assessment		Optional – prior to application submission	
26 Aug 2016	Task force meeting	Task group		
Tba	6. Prepare the PF Self-Assessment Conclusions Chart	KB CMcC	Conclusions on the standards of the area, as agreed by PF working group members	
5 Aug 2016	Task Force meeting	Task group	Review progress to date	✓
19 July 2016	Safer Leeds Quarterly Meeting	CMcC	Feedback to SL	
15 July 2016	Task force meeting	Task group	Review findings from overnight visit	✓
2 nd July 2016	5. Overnight performance assessment	Task group	To evaluate the reality on the ground	✓
24 June 2016	Task Force meeting	Task Group	Review Snapshots	✓
End June Task Force	4. Prepare the Purple Flag Snapshot	KB CMcC	to present conclusions and statistics on the performance of the area, against the first 5 PF Core Agenda Themes	✓
End June Task Force	3.2. Complete purple flag mapping detail		Include detailed key of mapped area for accreditation – services, activities & venues	✓
1 June 2016	Task force meeting	Task group	Discuss required information for snapshot & overnight self-assessment.	✓
June Task Force	3.1. Prepare the Purple Flag Map	KB CMcC	To define the area to be assessed and submitted for PF accreditation	✓
19 May 2016	Visit to Liverpool	CMcC	To experience night time	✓

			economy & impact of Purple Flag. KB AB to visit Liverpool BID	
19 April 2016	Safer Leeds Quarterly Meeting	CMcC	Feedback to SL	
Tba	2.Organise for Purple Flag	KB CMcC	Secure senior stakeholder endorsement, from a representative working group and appoint a PF Co-ordinator	✓
W/C 18 April 2016	1.Register for Purple Flag	KB CMcC	Registration & fee to ATCM	✓
Tba	Kick Start Programme		Optional. Delivery by ATCM £1500. Can be tailored to suit location requirements. Consensus that not required.	✓
11 March 2016	Task Force Meeting	AC JE	Meet with Shanaaz Carroll CEO, ATCM	✓
February 2016	Explore and share best practice from Birmingham, Sheffield, Shrewsbury, Halifax	CMcC AB		✓
9 Feb 2016	Task Force Meeting	CMcC		✓

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