

Licensing Committee

Tuesday, 8th April, 2014

PRESENT: Councillor G Hyde in the Chair

Councillors N Buckley, R Downes, J Dunn,
M Harland, G Hussain, A Khan, B Selby
and C Townsley

123 Appeals Against Refusal of Inspection of Documents

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

124 Exempt Information - Possible Exclusion of the Press and Public

There were no items identified where it was considered necessary to exclude the press or public from the meeting due to the confidential nature of the business to be considered

125 Late Items

The Chair accepted the inclusion of a late item of business onto the agenda "Vehicle Age Policy" (Minute No. 136 refers). Officers reported the receipt of an urgent item of correspondence. The correspondence in question was not available at the time of agenda publication and it was considered to be in the best interests of all parties concerned that the matter be considered without delay.

126 Declaration of Disclosable Pecuniary Interests

There were no declarations of disclosable pecuniary interests

127 Apologies for Absence

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Apologies for absence were received from: Councillor K Bruce, Councillor R Charlwood, Councillor B Gettings, Councillor T Hanley, Councillor P Latty and Councillor G Wilkinson.

129 Minutes of the Previous Meeting

The minutes of the previous meeting held on 11th March 2014 were accepted as a true and correct record

130 Shisha Smoking and Smoke Free Legislation Update Report

The Director of Environment and Neighbourhoods submitted a report which provided an update on "Shisha Smoking and Smoke Free Legislation" and the on-going enforcement work of the Health and Safety Team and its partners

Rachel McCormack, Team Leader, Health & Safety, presented the report and responded to Members questions and queries.

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

- The number of premises within the City that continued to allow smoking indoors
- Health implications associated with Shisha smoking and the measures undertaken to educate the public about the harmful effects of tobacco
- The work undertaken by the multi-agency teams to address the matter

On a point of clarification Councillor Dunn ask if any action could be taken against individual's shisha smoking in the outside area of licenced premises.

In responding officers said that in such a situation the Council had no power to act

Councillor Khan asked how Members of the public were been made aware of the harmful effects of shisha smoking

Officers reported that the "Niche Tobacco education project" had raised awareness of the health risks of niche tobacco use, the project being delivered by Trading Standards.

In summing up the Chair welcomed the report suggesting that progress was been made.

RESOLVED –

- (i) To support the following staged approach to dealing with shisha smoking indoors:
 - The Council and its partners would continue efforts to educate the community about the dangers of shisha smoking.
 - The Council would carry out advisory visits to such premises and work with the business to secure compliance with smoke free legislation. These visits will serve as warnings to the business.
 - The Council would work with partners, and use best practice to take enforcement action against those who do not respond positively to warnings.

- (ii) That a further update report be brought back to this Committee in 6 months' time (October). An invitation to attend be extended to other multi agency partners

131 Notification of First Draft Event Management Plan for Leeds Festival 2014

The Head of Licensing and Registration submitted a report which advised Members of the arrangements for the 2014 Leeds Festival to be held at Bramham Park between the 22nd and 24th August 2014

Appended to the report was a copy of the Summary of Changes (Appendix A refers)

Stephen Holder, Principal Licensing Officer, Entertainment Licensing together with Mr Melvin Benn of Festival Republic, event organiser, presented the report and responded to Members questions and queries.

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

- The history of the premises
- A summary of changes for the 2014 event
- Drainage problems due to adverse weather conditions in 2013
- Highway cleansing operations

Commenting on last year's event and the severe wet conditions which resulted in drainage problems on the festival site. Mr Benn said that since that time improvements had been made with a significant amount of drainage works having been undertaken. It was the view of the event organisers that such works would make a substantial difference to this and future events.

Referring to highway cleansing operations Mr Benn reported that he had been in discussions with the Street Cleaning Section and had agreed an increase in the number of remote cleaners to four, last year only one was used. A memorandum of understanding was currently been drafted which would be an appendix to the Event Management Plan.

The report made reference to E cigarettes, Mr Benn confirmed they should be judged within the same context as tobacco cigarettes, only permissible in open spaces and not confined areas.

Referring to paragraph 2.7 of the submitted report, and the capacity figure of 84,999 people for the 2013 event. Councillor Townsley asked how many people did actually attend?

In responding Mr Benn said approximately 70,000 people attended the 2013 event.

Members expressed a wish to undertake a site visit to view the preparations prior to the event taking place.

Mr Benn welcomed the suggestion and offered to liaise with officers to make the necessary arrangements.

RESOLVED –

- (i) To note the summary of changes to the 2014 event
- (ii) That a further report be brought back to the August 2014 meeting of this Committee which provides the final arrangements and Agency comments
- (iii) That arrangements be made for Members of the Licensing Committee to undertake a site visit to view the preparations prior to the event taking place

132 Review of Sex Establishment Fees

The Head of Licensing and Registration submitted a report which sought approval to set a fee scheme that reflected the cost of processing and determining applications for sex establishment licences for 2014

Susan Holden, Principal Project Officer, Entertainment Licensing, presented the report and responded to Members questions and queries.

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

- The Local Government (Miscellaneous Provisions) Act 1982 states that the licensing authority may set a reasonable fee
- European Services Directive ensures that the fee was limited to cost recovery
- Fee Review 2011 & 2013
- Proposed Fee for 2014

Councillor Selby asked if the proposed fees included costs for Judicial Reviews

In responding Susan Holden said that the proposed fees reflected the actual costs of processing an application and the legal costs associated with the Judicial Review proceedings were not included in the calculations.

Councillor Dunn asked if there were any dispensations for sex establishments in the “Outer Areas” (Special circumstances)

In providing clarification Susan Holden said all venues would be charged the same fee.

RESOLVED –

- (i) That the contents of the report be noted

- (ii) That approval be given to introduce a new fee scheme for sex establishment applications taking immediate effect and to remain in place until such time the scheme is reviewed again

133 Age Restriction on Advertising on Wheelchair Accessible Hackney Carriage Vehicles - Proposal to Extend

The Head of Licensing and Registration submitted a report which informed Members of that part of the "Corporate Advertising" policy applicable to Wheelchair Accessible Hackney Carriages which restrict the applicable age of the policy to those vehicles which were 5 years old from the date of first registration and the potential opportunities to benefit the trade by extending that age limit.

Des Broster, 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:

- Corporate Advertising favoured new vehicles
- London cabs where decreasing in numbers across the fleet

RESOLVED –

- (i) That approval be given to release the report to the trade and other interested parties for a consultation period of one month
- (ii) That following the consultation period a further report be brought back to this Committee (July 2014) providing feedback on the consultation

134 Update Report on the Uptake of 'Wi-Fi in Cabs'.

The Head of Licensing and Registration submitted a report which informed Members of the take up of free "Wi-Fi" in Taxis. The report also set out the current position on potentially extending the free "Wi-Fi" facility throughout the whole of the licensed fleet.

Des Broster, 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:

- There had been no take up of Wi-Fi in the licensed Taxi Fleet
- Corporate organisations favoured advertising on "iconic vehicles" London Cab and had no desire to be associated with other vehicle types

Councillor Khan asked if the trade were aware that no vehicle had taken up free Wi-Fi

In responding Mr Broster confirmed that the trade were aware

The Chair asked if there were any proposals for free Wi-Fi in Private Hire vehicles

In responding Mr Broster said the issue of free Wi-Fi in Private Hire vehicles had not yet been explored but there was an intention to do so

The Chair asked if the necessary work could be undertaken and a report be brought back to Committee

RESOLVED

- (i) That the contents of the report be noted
- (ii) That any requests/proposals for the extension of the Policy to the remainder of the licensed fleet be brought back to this Committee upon the receipt of any such requests/proposal
- (iii) That a report exploring proposals for free Wi-Fi in Private Hire vehicles be prepared and added to the Committee's Work Programme for 2014

135 Licensing Work Programme 2014

Members considered the contents of the Licensing Work Programme for 2014

RESOLVED – That, subject to the inclusion of any additional items of business identified at this meeting, the contents of the Licensing Work Programme be noted

136 Date and Time of Next Meeting

RESOLVED – To note that the next meeting will take place on Tuesday 13th May 2014 at 10.00am in the Civic Hall, Leeds.

137 Vehicle Age Policy - Request for Suspension

The Chief Officer Elections, Licensing and Registration referred to the recent receipt of correspondence from the Joint Trade Council (City Cabs Association, Eurocabs Association and Streamline/ Telecabs) requesting that the existing Vehicle Age Policy be suspended until the conclusion of discussions with trade members and the Member Working Group.

A copy of the correspondence had been circulated to Members prior to the meeting.

Mr Kearsley briefly outlined the request and referred to the arrangements for the Member Working Group set up to consider the Vehicle Age Policy and two other issues. The current criteria included provisions for vehicles to continue operating dependent on condition, maintenance and safety inspection. He advised that it would be unusual to suspend a long standing approved policy of the Council in these circumstances and expressed concern about the potential precedent

It was the general opinion of Members that this particular issue should be referred to the next meeting of the Licensing Working Group for urgent consideration.

Councillor Khan asked if it would be possible for Committee Members to be circulated with Trade Forum Minutes.

Officers confirmed that Trade Forum Minutes would be circulated to all Members of the Licensing Committee

RESOLVED – That the matter be considered as part of the Member Working Group review of the existing Vehicle Age Policy.