

Licensing Committee

Tuesday, 9th September, 2014

PRESENT: Councillor M Harland in the Chair

Councillors K Bruce, N Buckley, R Downes,
J Dunn, B Gettings, T Hanley, G Hussain,
G Hyde, A Khan, B Selby, C Townsley,
G Wilkinson and M Ingham

43 Appeals Against Refusal of Inspection of Documents

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

44 Exempt Information - Possible Exclusion of the Press and Public

RESOLVED – That, in accordance with Regulation 4 of The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, the public be excluded from the meeting during Consideration of the following parts of the agenda designated as exempt on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present there would be disclosure to them of exempt information so designated as follows:-

A presentation by West Yorkshire Police entitled “Policing and the Night Time Economy” referred to at Minute No.52 was 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. It was therefore considered that it is not in the public interest to release this information at this time, as this would compromise the Council’s position.

45 Late Items

There were no late items of business, however, the Committee did accept the inclusion of supplementary information, submitted in respect of Agenda Item No.10 “Policing and the Night Time Economy” (Minute No.52 refers) and also correspondence pertaining to a conformity assessment test submitted in respect of Agenda Item No.9 “A proposed Policy – Digital Advertising Screens in Licensed Vehicles” (Minutes No. 51 refers)

46 Declaration of Disclosable Pecuniary Interests

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

47 Apologies for Absence

Apologies for absence were received from: Councillor B Flynn

48 Minutes of the Previous Meeting

Councillor Hussain reported that his named appeared in both attendance and apologies for absence. For clarity he was in attendance at the meeting.

RESOLVED – That subject to the deletion of Councillor Hussain in apologies for absence, the minutes of the previous meeting held on 5th August 2014 be confirmed as a true and correct record

49 Matters Arising from the Minutes

There were no issues raised under Matter Arising

50 Hackney Carriage Proprietors (HCP) - Appropriate Suitability Assessment - Update Report.

With reference to the meeting of 10th June 2014 when Members deferred consideration of this item in order to seek clarity around issues of inheritance and possible effects on a business as a consequence of the proprietor not speaking English.

The Head of Licensing and Registration submitted a further report providing clarity on the requested issues.

Appended to the report was a copy of the following documents:

- Hackney Carriage Proprietors (HCP) – Appropriate Suitability Assessment (10th June 2014) (Appendix 1 refers)
- Vehicle Transfer Policy: Who does my Hackney Carriage Licence transfer to in the event of my death (Appendix 2 refers)

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:

- The English comprehension requirement
- Clarity around inheritance issues
- Possible indirect discrimination
- Equality Impact Assessment

In offering comment Councillor Selby said that if you have a business you make adequate provision in the event of death. If the policy were to be changed there could be wider implications.

Councillors Buckley and Wilkinson were supportive of Councillor Selby's comments and suggested that "you would not help people by relaxing the English Comprehension Test"

Councillors Hussain and Khan took the opposite view suggesting that some people/ groups required extra support around English comprehension. Councillor Hussain said if the current policy had a disproportionate effect it could be indirectly discrimination.

Councillor Hyde, referring to recommendation (c) – "The Policy be amended to enable a longer lead on period to attain the English Comprehension requirement for the spouse or partner when they had been included on the Proprietors license" – Suggested that the recommendation should include a specific time period.

Councillor Dunn suggested that clarity around inheritance issues still required addressing including relevance of Power of Attorney.

Councillors Dunn and Hyde queried if it would be sufficient for someone else in the business to meet the English Comprehension requirement for example a driver or manager.

At this point in the meeting Councillor Selby moved that that Recommendation (A) of the submitted report be approved, this was seconded by Councillor Wilkinson

Upon being put to the vote, the motion was lost.

Councillor Hyde moved that determination of the item be deferred in order to allow amendments to recommendation (c) to include a specific time period, this was seconded by Councillor Dunn

Upon being put to the vote the motion was accepted

On a related matter Councillor Khan referred to the minutes of the Hackney Carriage and Private Hire Trade Forums, he was of the opinion that Minutes should have been included on the agenda for meeting of the Licensing Committee

In providing clarification the Head of Licensing and Registration said that the agreed mechanism for circulation of the minutes was via email to all Members of the Licensing Committee.

RESOLVED –

- (i) That determination of the item be deferred in order to allow amendments to recommendation 6 (c) of the submitted report. In rewording recommendation 6(c) to consider all matters including: whether it is appropriate to include a specific time period for the spouse

or partner or family member to attain the English Comprehension requirement; inheritance issues including the relevance of Power of Attorney; whether it would be sufficient for another member of the business such as a manager or driver to attain the English Comprehension requirement, and to consider the public sector equality duty and the need for any further equality impact assessment. The report to be brought back to this Committee in due course

- (ii) To note that Minutes of the Hackney Carriage and Private Hire Trade Forums are circulated via email to all Members of the Licensing Committee.

51 A Proposed Policy - Digital Advertising Screens in Licensed Vehicles

The Head of Licensing and Registration submitted a report which set out details of a proposal submitted by a digital media company to display advertising and entertainment content on screens fitted in the back of head restraints in licensed Hackney Carriage and Private Hire vehicles.

It was further reported that an application for a variance to existing conditions and policy had also been submitted by a Licensed Hackney Carriage Proprietor.

Appended to the report was a copy of the following documents:

- DigiCAB media.com “Driving customers to your business” (Appendix 1 refers)
- Taxi Owners Frequently Asked Questions (Appendix 2 refers)

Des Broster, Section Head, Taxi and Private Hire Licensing presented the report and together with Mr D Crake, Managing Director, DigiCab Media (York) Ltd, responded to Members questions and queries

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

- Does the head restraint conform to the necessary European safety standards
- Assurances about the content of issues displayed on the screen
- The facility was already operating in Hull, York Sheffield and Wakefield
- The trade were supportive of the proposal

In offering comment Councillor Bruce asked if the screen content could be switched off.

In responding Mr Crake said that any passengers not wishing to view the advertising could request the driver to switch off the screen, this could only be done by the driver.

Councillor Dunn suggested that the trade appeared to be supportive of the proposal.

Councillor Hyde referring to the safety of the head restraint “modification to a vehicle” asked if there were any issues around vehicle insurance.

In responding Mr Crake said the system was already operating in other Local Authority areas and he was not aware of any issues around insurance.

RESOLVED –

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

- (ii) To approve in principal the policy proposal together with the control measures as identified in section 3 of the submitted report

- (iii) That the Head of Licensing and Registration be instructed to prepare a further report for consideration of the Executive with a view to approval

52 Policing and the Night Time Economy

Members received a Presentation from PC Cath Arkle, West Yorkshire Police, who spoke about Policing and the night time economy.

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

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

The Chair thanked PC Arkle for her attendance and presentation commenting that the session had been informative and interesting.

RESOLVED –

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

- (ii) That the provision of further CCTV coverage within the city centre be raised in future meetings with partner agencies

Licensing Committee Work Programme 2014/15

Members considered the contents of the Licensing Committee Work Programme for 2014/15.

RESOLVED – That the Licensing Committee Work Programme be noted.

54 Date and Time of Next Meeting

RESOLVED – To note that the next meeting will take place on Tuesday 7th October 2014 at 10.00am in the Civic Hall, Leeds.