

## **Licensing Committee**

**Tuesday, 7th October, 2014**

**PRESENT:** Councillor M Harland in the Chair

Councillors N Buckley, J Dunn, B Gettings,  
G Hussain, G Hyde, A Khan, B Selby,  
C Townsley, G Wilkinson, B Flynn and  
M Ingham

### **55 Appeals Against Refusal of Inspection of Documents**

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

### **56 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:-

The appendix to the report entitled “Information and Consultation Report – Additional Licensing Safeguarding Proposals” as referred to in Minute No.67 was designated as exempt under Access to Information Procedure Rule 10.4(1) and (2) because it contained information relating to individuals and which is likely to lead to the identification of individuals. It was considered in these circumstances that the public interest in maintaining the exemption from publication outweighs the public interest in disclosing the information

### **57 Late Items**

There were no late items of business, however, the receipt of a submission from the Unite Union in respect of the Vehicles Age Criteria was reported, (Item No.10) “Outcomes of the Licensing Committee Working Group” (Minutes No. 65 refers)

The Chair reported that the submitted document had been received only hours before today’s meeting and in view of the short notice Members and officers had been unable to give due consideration to the information provided.

It was the view of the Committee that the late submission be not accepted.

The Chair said that any submissions from members of the public or trade should be received at least 48 hours prior to the commencement of the meeting.

## **Declaration of Disclosable Pecuniary Interests**

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

## **59 Apologies for Absence**

Apologies for absence were received from Councillors: Downes, Flynn, Hanley and Bruce

## **60 Minutes of the Previous Meeting**

**RESOLVED** – That the minutes of the previous meeting held on 9<sup>th</sup> September 2014 were confirmed as a true and correct record

## **61 Matters Arising from the Minutes**

There were no issues raised under matters arising.

## **62 Shisha - Partnership Working**

The Director of Environment and Neighbourhoods submitted a report which provided an update on “Shisha Smoking and the partnership working which goes on in the city to tackle the issue. An earlier report “Shisha Smoking and Smoke Free Legislation” was presented to Licensing Committee in April 2014.

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

- News Release (30<sup>th</sup> July 2014) Shisha Bars prosecuted (Appendix 1 refers)
- Illegal Tobacco: the Facts (Appendix 2 refers)
- CleaR Assessment Report (Leeds, March 2014) (Appendix 3 refers)

A Team Leader from the Health & Safety Section presented the report and responded to Members questions and queries.

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

- The need for partners to come together to deliver a range of education and enforcement work
- An update on convictions
- Future funding of the Niche Tobacco Project
- The work undertaken within the community to raise awareness of niche tobacco use

Members suggested that future funding for the Niche Tobacco Project may be available via the Community Committees

In offering comment the Chair said that the work undertaken to raise aware and educate the Community was most welcome.

**RESOLVED –**

- (i) That the contents of the report be noted
- (ii) That a further update report be brought back to this Committee in 6 months' time

**63 Local Licensing Guidance**

The Head of Licensing and Registration submitted a report which provided an updated Local Licensing Guidance for Inner South and new Local Licensing guidance for the Inner West and Inner East areas of Leeds.

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

- Extract from the Revised Guidance issued under section 182 of the Licensing Act 2003(Appendix 1 refers)
- Guidance developed by the Inner South Team (Appendix 2 refers)
- Guidance developed by Inner West Area Team (Appendix 3 refers)
- Guidance developed by Inner East Area Team (Appendix 4 refers)

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

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

- Section 182 Guidance for Licensing Authorities
- Expanding Guidance to Inner East and Inner West
- Smoking, obesity and alcohol all contributed to reduced life expectancy

Members questioned the accuracy of the data associated with deprivation, obesity and alcohol for the South Leeds area.

In responding Officers said that the data had been gathered by a national Public Health Obesity Team. The licensing data suggested that the number of off licensed premises operating in the area had increased to 79 and this together with the large

numbers of take-away premises in the area had all contributed to the impact on people's health, especially in relation to misuse of alcohol and obesity.

Referring to measures to address local concerns, a query was raised about the name of the premises should not contain reference to alcohol

In responding Officers said the suggested measures were voluntary and large chain stores may be unwilling to change the names of their stores, however it should still be suggested.

**RESOLVED** – To endorse the revised Local Licensing Guidance for Inner South and new Local Licensing Guidance for Inner West and Inner East

### **Outcomes of the Licensing Committee Working Group (WG)**

The Head of Licensing and Registration submitted a report which set out the recommendations of the Working Group formed to examine the previously approved policies in respect of:

Vehicle age criteria – 5/6/7 seater Hackney Carriage wheelchair accessible vehicles (WAV's)

Immediate suspension policy – plying for hire

Taxi & Private Hire Licensing decision making framework

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:

Vehicle age criteria – 5/6/7 seater Hackney Carriage wheelchair accessible vehicles (WAV's)

Safety around high mileage vehicles

MOT certificates and safety

Possible extra vehicle inspections

Immediate suspension policy – plying for hire

- The need for adequate numbers of enforcement officers/ new recruitment / council advertising procedure for vacancies
- The decision making process for licensing decisions and the scheme of delegation

It was reported that representations had been received from the trade in respect of vehicle age criteria – 5/6/7 seater WAV's but due to the late submission of the information Members and officers had not had adequate opportunity to give due consideration to the submitted information.

On a point of clarification the Head of Licensing and Registration asked if the proposed changes to 5/6/7-seater WAVs and the Immediate Suspension Policy and Plying for Hire Policy required Executive approval.

In responding the City Solicitor confirmed that the proposed changes did constitute major changes to the existing policies and that Executive approval be sought.

**RESOLVED** – That subject to Executive approval:

**(A) Vehicle age criteria 5/6/7 seater WAV's.**

1. That the age criteria for WG for 5/6/7 seater HC WAV's be increased to extend the licensable life from 10 years to 12 years from the date of first registration.
2. For vehicles between years 10 and 12 of the licence, those vehicles must be formally inspected at least twice per year by the Council.
3. That consideration of those WAV's currently licensed to carry 5/6/7 seater passengers be deferred to consider any legal implications and to ensure appropriate consultation has taken place.
4. The extended vehicle inspection policy should remain with the 8 year starting point as in the existing policy.
5. That the existing age criteria policy in respect of all other vehicles and other issues in the existing policy should remain unchanged.

**(B) Immediate suspension for plying for hire**

6. That there is no change to the public safety perspective of the Council to protect vulnerable women and children in particular, Members recognising the importance of retaining the existing policy of immediate suspensions on plying for hire as contributing to public safety and safeguarding issues.
7. That on the second conviction, or caution, for plying for hire that the existing threshold of 3 years before the grant of a licence would be considered, be extended to 4 years.
8. That in the event of a third conviction or caution for plying for hire that the Council should take a strong stance on the grounds of public safety and resist such a further application but may take into account any significant factors put forward by such an applicant.
9. That Officers issue further information to both trades on the policy, highlight the change and re-enforce to the trade the consequences of plying for hire.

### **(C) Taxi & Private Hire Licensing Decision Making Framework**

10. To approve policy and direct that Officers continue to make decisions on policy relative to their positions and experience within the scheme of delegation.
11. That Officers prepare an information guide for Members illustrating the options available to Officers when making decisions around suspensions, revocations, refusals to licence, training requirements on existing licence holders and prosecutions so they can be more informed when dealing with constituents enquiries.

### **(D) PHV Bonnet stickers and web based Taxi & Private Hire Licensing enforcement and decisions results page**

12. That the issue of bonnet stickers and the publishing of licensing enforcement results be investigated further and that consultation take place with the trade prior to a further report being brought back to this Committee

### **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.

### **66 Date and Time of Next Meeting**

**RESOLVED** – To note that the next meeting will take place on Tuesday 11<sup>th</sup> November 2014 at 10.00am in the Civic Hall, Leeds.

### **67 Information and consultation report - Additional licensing safeguarding Proposals.**

The Head of Licensing and Registration submitted a report which sought to identify proposed licensing controls which would contribute to increased public safety and reduce the risk of inappropriate behaviour, including sexually motivated behaviour to the travelling public:-

- By a more appropriate point of entry 'fit and proper person' test for applicants of Hackney Carriage Driver(HCD), Private Hire Driver (PHD), Private Hire Operator (PHO), Permit Driver Licences or Care Escorts.
- By expanding the reporting requirements of PHD's and HCD's of incidents in which allegations are made about them to the Police.

- By adopting an increased frequency of DBS checking.

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

Examples of the type of personal charter reference documents presented to the Taxi and Private Hire Section (Exempt Information)

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 right to challenge references and any other supporting information as required by the Authority to determine the “fit and proper” test more appropriately.
- The difficulties to have robust checks when obtaining information from other countries
- In UK, convictions remain on file for life, not so in other countries
- The checks would need to be legal and non-discriminatory
- Risks factors to the Licensing process

In summing up the Chair said some important issues had been raised.

**RESOLVED –**

- (i) That approval be given to release the report for public consultation for a one month period
- (ii) That the City Solicitor be requested to provide clarification on any legal issues arising.