

Licensing Committee

Tuesday, 9th December, 2014

PRESENT: Councillor M Harland in the Chair

Councillors N Buckley, R Downes, J Dunn,
G Hyde, A Khan, C Townsley, G Wilkinson
and B Flynn

68 Appeals Against Refusal of Inspection of Documents

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

69 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:-

Appendix (B) to the report entitled “Leeds Festival 2014 – Members Debrief” as referred to in Minute No.84 was designated as exempt under Access to Information Procedure Rule 10.4(7) because it contained information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime. It was considered in these circumstances that the public interest in maintaining the exemption from publication outweighs the public interest in disclosing the information

70 Late Items

There were no late items of business.

71 Declaration of Disclosable Pecuniary Interests

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

72 Apologies for Absence

Apologies for absence were received from Councillor Bruce, Councillor Gettings, Councillor Hanley, Councillor Hussain, Councillor Ingham and Councillor Selby

73 Minutes of the Previous Meeting

RESOLVED – That the minutes of the previous meeting held on 7th October 2014 were confirmed as a true and correct record

Draft minutes to be approved at the meeting
to be held on Tuesday, 10th February, 2015

74 Matters Arising from the Minutes

There were no issues raised under matters arising.

75 Review of the City Centre Cumulative Impact Policy

The Head of Licensing and Registration submitted a report which set out the annual review of the City Centre Cumulative Impact Policy (CIP)

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

- Crime statistics for the preceding 12 month period provided by West Yorkshire Police (Appendix 1 refers)
- Information relating to the Lower Kirkgate Townscape Heritage Initiative provided by the City Council's Development Department (Appendix 2 and 3 refers)
- The new guidance document (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:

- Background information
- Nuisance statistics
- Police evidence - Crime and Disorder statistics
- Reduction in alcohol related crime
- Other measures

Responding to a question about new applications for premises located in the red area. Officers reported that any such applications would attract representations from both the Police and the Licensing Authority.

A query was raised about the relaxation of highway restrictions on Call Lane

In responding Officers confirmed that some highway restrictions had been relaxed on Call Lane allowing limited access to bus and Hackney Carriage vehicles only.

The issue of begging in the City Centre was highlighted.

Officers reported that begging was not in the remit of the Licensing Committee

In summing up the Chair suggested that Members were supportive of the proposals.

RESOLVED –

- (i) To note the responses to the consultation in respect of the city centre cumulative impact policy areas

- (ii) To welcome and support the suggested amendments to the policy
- (iii) To endorse the new cumulative impact evidence for the city centre and the revised map of the city centre

76 Entertainment Licensing Fees and Charges

The Head of Licensing and Registration submitted a report which sets out the proposed fee scheme that reflects the cost of processing and determining applications for sex establishments, places of marriage and scrap metal dealer licences for 2015.

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:

- European Services Directive
- Case Law - Hemmings Case
- Sex Establishments
- Marriage Act – Places of Marriage
- Scrap Metal

It was the general view of Members that the proposed charges represented a true reflection of the service costs

A query was raised about the accuracy of the figures on pages 56 & 67 of the submitted reported.

Officers confirmed the figures would be re-checked and amended accordingly

RESOLVED – To approve the scheme of charges for sex establishments, places of marriage and scrap metal dealers with effect from 1st January 2015

77 Fixed Odds Betting Terminals

The Head of Licensing and Registration submitted a report which provided background to the White Paper debated at Council in November 2014 concerning fixed odds betting terminals.

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

- Newham's Sustainable Communities Act proposal and betting shop campaign (Appendix 1 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:

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- The work undertaken London Borough of Newham to propose a limit the stakes on FOBTs to £2
- Concern around gambling addiction particularly in areas of deprivation

A Member asked if credit cards could be used in FOBT in Betting Shops

Officers reported that clarification would be sought and Members notified accordingly

In summing up the Chair welcomed the report suggesting that the general view of Members was that the proposals be supported.

RESOLVED –

- (i) That the contents of the report be noted
- (ii) That the Head of Licensing and Registration be requested to write to Helen Grant MP, Parliamentary Under Secretary of State for Sport and Tourism, recommending a reduction in the maximum bet per spin of Fixed Odds Betting Terminals to £2 and to officially support London Borough of Newham's Sustainable Communities Act proposal to give local authorities the power to do the same

78 Information report - Issues Around Free 'wi fi' in Private Hire Vehicles.

The Head of Licensing and Registration submitted a report which informed Members of the issues and opportunities for free "Wi fi" in Private Hire vehicles and any regulatory issues.

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 availability of free "wi fi" in private hire vehicles
- The effect on passengers within the regulatory framework

It was reported that that there had been no applications for free "wi fi" in licensed vehicles and that the personal use of "wi fi" in licensed Private Hire vehicles was a matter for passengers to consider.

RESOLVED – That the contents of the report be noted

79 Additional Taxi and Private Hire Licensing Safeguarding Measures - Annual DBS Checks & the Online DBS Update Service.

The Head of Licensing and Registration submitted a report which proposed the introduction of annual on-line DBS Status checks, the potential impact upon licence holders and the potential resource implications for the Taxi and Private Hire Licensing Section.

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

- Results of the Public Consultation - 10th October to 10th November 2014 (Appendix 1 refers)

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 DBS process was a credible means of checking a person's criminal activity
- The introduction of the DBS online update service would allow a status check to determine if an individual's certificate was up to date.
- Online DBS Service costs: (initial set up £65.50) (Yearly registration £13)
- License possibly suspended/ not renewed if yearly registration not undertaken
- Text alert to driver/operator/ taxi association reminding them of the necessity to renew their online DBS check

Officers expressed concern political conflict with drivers who had not followed the procedure

Members welcomed the proposal of a text alert to drivers/ operators reminding them of the need to renew their online DBS check in an attempt to demonstrate to drivers/operators and the trade that the City Council were doing all it could to ensure DBS check would be kept up to date.

Officers emphasised it was the drivers responsibility to ensure it was done in good time.

RESOLVED –

- (i) To approve in principle the introduction of annual on-line DBS Status checks on all existing licence holders and new applicants to the trade
- (ii) That the Head of Licensing and Registration be instructed to prepare a further report for consideration of the Executive with a view to approval

80 Additional Licensing Safeguarding Proposals - Improving Criminal Intelligence Lengths with the West Yorkshire Police.

The Head of Licensing and Registration submitted a report which informed Members of the collaborative work undertaken by Officers with the Hackney Carriage Trade and how the focus of attention for the Council had moved from road side policing to intelligence and disclosure.

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

- Draft Report – Proposal to secure permanent services of a West Yorkshire Police Constable within Taxi and Private Hire Licensing (Appendix 1 refers)

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 difficult constraints facing the Police in providing such resources – even if funded
- The focus of the Council had moved from road side policing to intelligence and disclosure
- Police intelligence could lead to early intervention
- Establishing more effective links with partners and other agencies could result in improved intelligence possibly reducing potential threats

Members welcomed the report and were supportive of the proposal

RESOLVED –

- (i) That the contents of the report be noted and welcomed
- (ii) To approve the principle in seeking to secure and pay for the service of an intelligence officer within the West Yorkshire Police

81 Unmet demand survey - Hackney Carriages.

The Head of Licensing and Registration submitted a report which highlighted the need to undertake an unmet demand survey and to determine if the issues about retaining a specified number of 5/6/ & 7 seater HCV's should form part of more informed research.

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 necessity to undertake an unmet demand survey less than every 5 years “do we have enough taxi's”
- The survey allows an opportunity to consider other related issues e.g. vehicle emission concerns
- Work currently ongoing on proposed “Low Emission Zone” feasibility study
- Unmet demand survey presents opportunity to contribute to feasibility study

Officers reported the recent introduction of a trial currently taking place in the city centre using an unlicensed Hackney Carriage electric vehicle. The purpose of the trial was to gather data with a view to determining future Council policy to meet its environmental obligations and consider how such vehicles might contribute to environmental strategies.

Members welcomed the proposal suggesting vehicle emissions played a major part in increased air pollution

RESOLVED –

- (i) That the contents of the report be noted
- (ii) That determination of the issues around 5/6 & 7 seater Hackney carriage Vehicles (HCV's) be deferred so that a more comprehensive overview could be undertaken in the unmet demand survey

82 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.

83 Date and Time of Next Meeting

RESOLVED – To note that the next meeting will take place on Tuesday, 6th January 2015 at 10.00am in the Civic Hall, Leeds.

84 Leeds Festival 2014 - Members Debrief

The Head of Licensing and Registration submitted a report advising Members of the matters arising from the 2014 Leeds Festival held in the grounds of Bramham Park between 22nd and 24th August 2014.

The report included a post event report produced by the Environment Department which covered the involvement of both the Health and Safety Team and Noise Team throughout the event (Appendix A refers). Also included was a summary of the outcome of the multi-agency de-briefing meeting held on 10th October 2014 at Appendix B (Exempt).

The Principal Licensing 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:

- Street cleansing issues which were satisfactory dealt with
- Good working relationship with the Health and Safety Team
- Good collaboration with Festival Republic (Event organisers)

Members expressed their continued support of the Festival and the work undertaken by the organiser together with support agencies to ensure the smooth running of the event

RESOLVED – To note the contents of the report in respect of the debrief following the Leeds Festival 2014 held at Bramham Park.