

Licensing Committee

Friday, 22nd May, 2015

PRESENT: Councillor Harland in the Chair

Councillors N Buckley, J Dunn, B Gettings,
G Hussain, G Hyde, A Khan, C Townsley,
G Wilkinson, B Flynn and S McKenna

1 Chair's Opening Remarks

The Chair welcomed everyone to the first meeting of the Licensing Committee for the 2015/16 Municipal year.

The Chair also introduced and welcomed Councillor Stuart McKenna who had recently been appointed as a Member of the Licensing Committee and was attending his first meeting of the Committee.

2 Appeals Against Refusal of Inspection of Documents

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

3 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 (5) to the report entitled “Digital Advertising Screens in Licensed Vehicles – Presentation of further information and Review of the Licensing Committee recommendations dated 9th September 2014” as referred to in Minute No.11 was designated as exempt under Access to Information Procedure Rule 10.1(a) in order to receive advice from the City Solicitor on the proposed conditions to be imposed in relation to the Digital Advertising Screens Policy in Licensed Vehicles.

4 Late Items

There were no late items of business submitted

5 Declaration of Disclosable Pecuniary Interests

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

6 Apologies for Absence

Apologies for absence were received from: Councillor Downes, Councillor Selby and Councillor Ogilvie

7 Minutes of the Previous Meeting

RESOLVED – That the minutes of the previous meeting held on 8th April 2015 be confirmed as a true and correct record

8 Matters Arising from the Minutes

RESOLVED – There were no issues raised under matter arising

9 Licensing Committee - Annual Governance Arrangements

The City Solicitor submitted a report seeking to establish the governance arrangements for the Licensing Committee for the 2015/16 Municipal Year, namely:

- To note the terms of reference of the Licensing Committee as agreed at the annual Council meeting on 21st May 2015.
- To appoint the five Licensing Sub-Committees for the 2015/16 Municipal year.
- To approve the Membership of each Sub Committee as set out in Appendix 2 of the submitted report
- To approve terms of reference for the Licensing Sub-Committees as set out in Appendix 3 of the submitted report.
- To approve the delegation of licensing functions to the Assistant Chief Executive (Citizens and Communities) as set out in Appendix 4 of the submitted report.

Appended to the report were copies of the following documents:

- Licensing Committee Terms of Reference (Appendix 1 refers)
- Membership of each Licensing Sub Committee (Appendix 2 refers)
- Licensing Sub Committee Terms of Reference (Appendix 3 refers)
- The delegation Licensing functions to the Assistant Chief Executive (Citizens and Communities) (Appendix 4 refers)

The Section Head, Legal Services, presented the report and responded to Members questions and queries

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

- Membership of each Licensing Sub Committee

Commenting on the Committee Membership, the Chair reported that there was currently one Labour Group nomination to be confirmed, the matter was with the Chief Whip and confirmation would be provided in the near future.

RESOLVED –

- (i) To note the terms of reference of the Licensing Committee as approved by full Council on 21st May 2015 as shown at Appendix 1
- (ii) That subject to the current vacancy being filled the five Licensing Sub-Committees hearings required under the 2003 and 2005 Acts be established with the following memberships:
 - A Councillors Harland, Downes and Gettings
 - B Councillors Dunn, Buckley and G Hussain
 - C Councillors Hyde, Townsley and Ogilvie
 - D Councillors S McKenna Flynn and Selby
 - E Councillors Khan, Wilkinson and (Chief Whip nomination)
- (iii) That approval be given to the terms of reference for the Licensing Sub-Committees as set out in Appendix 3 of the report
- (iv) That approval be given to the delegation of Licensing functions to the Assistant Chief Executive (Citizens and Communities) as shown in Appendix 4 of the report.

10 Licensing Procedure Rules, the Code of Practice for Determining Licensing Matters and Prescribed Licensing Training

The City Solicitor submitted a report which set out draft procedure rules relating to hearings and other meetings of the Licensing Committee and sub-committees and sought the approval of Members to the adoption of these procedure rules.

The report also requested consideration the Code of Practice for the Determination of Licensing Matters previously approved by Standards Committee and sought Members approval and resolve to follow the Code.

Member's attention was also directed to the arrangements for the prescribed Member Training on licensing under the provisions of Article 8A of the constitution and the Code of Practice.

RESOLVED –

- (i) That the Licensing Procedure Rules as set out as Appendix 1 of the report be approved

- (ii) To approve and resolved to follow the Code of Practice for the Determination of Licensing Matters as set out in Appendix 2 of the report.
- (iii) To note the arrangements for the prescribed training programme.

11 Digital advertising screens in licensed vehicles – Presentation of further information and review of Licensing Committee recommendations of 9 September 2014

With reference to the meeting of 10th March 2015 and the decision to defer consideration of this item to allow all parties to receive and consider any new information and determine if any areas of dispute remained.

The Head of Licensing and Registration submitted a further report which attempted to address objections to a previous recommendation which imposed a requirement to produce letters of approval from vehicle manufacturers approving digital advertising screens fitted within head restraints in their manufactured vehicles.

It was reported that it was that condition which had been challenged.

In addressing the report, the Section Head, Taxi and Private Hire Licensing suggested that as a public safety measure and to meet statutory licensing requirements, a condition was imposed that required documentation from vehicle manufacturers to approve the replacement of the manufacturer's original head restraint with the aftermarket product in question. It was reported that expert opinion had been sought which supported a public safety viewpoint. Section 3.3 of the submitted report referred.

The Chair invited Mr D Crake, Managing Director, Digicab Media Ltd and Mr D Askham, Leeds Private Hire Drivers Association to comment on the report of the Head of Licensing and Registration.

In offering comment Mr Crake reported that the product had been on the market for 2 years and was operational in 7 other Local Authorities throughout the Country. There was currently no case law to support the product was unsafe and to date there were no reported injuries /claims in connection with the product. Mr Crake questioned if the advice been presented to Members was legal and relevant.

Mr Askham suggested there were many other aftermarket devices/ products currently fitted in taxis which were not subject to the same scrutiny, exceptions to the policy could be made.

In responding the Section Head, Taxi and Private Hire Licensing suggested that such devices/products had achieved British Standard accreditation. The Digicab Media product had not been tested.

Members queried how the product had been approved in other Local Authorities.

In responding the Section Head, Taxi and Private Hire Licensing confirmed that the product had been approved by other local authorities but, these authorities had not sought evidence that the product was safe. Officers in Leeds had included a condition which required the production of a certificate from the supplier which demonstrated that the product had attained conformity to the principles of UN ECE Reg 25 or was part of the vehicle range which achieved EWVTA with UN ECE Reg 17.

The existing conditions (Leeds City Council) were set out in Appendix No. 5 of the submitted report

Mr Crake, referring to Appendices Nos. 2 & 3 of the submitted report (Conditions imposed by Wakefield and York Councils) said that other local authorities had not required such a condition.

At this point the meeting went into closed session to received advice from Legal Services.

RESOLVED – To recommend approval to the Executive of the suggested Licensing Conditions as set out in Appendix 5 subject to the following amendments:

- (i) That paragraphs 3, 4 and 8 be removed
- (ii) Paragraph 3 to now read; “All equipment must comply with any safety legislative requirements and Construction and Use Regulations and any other legislation”
- (iii) Paragraph 16 be amended to read as follows; “Passengers must be able to have the screen turned off, on request”

12 Licensing Committee Work Programme

Members considered the contents of the Licensing Committee Work Programme for 2015/16.

RESOLVED – To approve the contents of the Licensing Committee Work Programme for 2015/16

13 Date and Time of Next Meeting

RESOLVED – To note that the next meeting will take place on Tuesday, 9th June 2015 at 10.00am in the Civic Hall, Leeds.