

Licensing Committee

Tuesday, 2nd August, 2016

PRESENT: Councillor B Selby in the Chair

Councillors N Buckley, R Downes,
M Harland, G Hussain, G Hyde, A Khan,
G Wilkinson, B Flynn, S Field and
M Coulson

30 Appeals Against Refusal of Inspection of Documents

There were no appeals against refusal of inspection of documents.

31 Exempt Information - Possible Exclusion of the Press and Public

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:-

Arena Hotel, Portland Crescent – Appendix B of the report was deemed exempt from publication in accordance with Access to Information Rule 10.4 (3) on the basis that it contained information relating to the financial or business affairs of various parties, including the Council. In the current circumstances it is considered that the public interest in maintaining the content of the appendix as exempt outweighed the public interest in disclosing the information. (minute 44 refers)

Leeds Festival – Appendix B of the report was deemed exempt information under Access to Information Procedure Rules 10.4(3) and (7) as it included both information relating to the financial or business affairs of any particular person and information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime. In those circumstances, the public interest in maintaining the exemption outweighed the public interest in disclosing the information. (minute 43 refers)

32 Late Items

No formal late items of business were added to the agenda, however a revised version of exempt Appendix B to the Leeds Festival report (minute 43 refers) was despatched to Members prior to the meeting.

33 Declaration of Disclosable Pecuniary Interests

No declarations of disclosable pecuniary interests were made.

34 Apologies for Absence

Apologies for absence were received from Councillors Dunn, Heselwood and Townsley.

35 Minutes of the Previous Meeting

RESOLVED – That the minutes of the previous meeting held 5th July 2016 be agreed as a correct record.

36 Matters Arising from the Minutes

- (i) Site visits – Councillor Khan reported receipt of updated information following on from the pre-Christmas 2015 site visits and requested that his thanks to the Head of Elections, Licensing and Registration and the Head of the Taxi and Private Hire Section be recorded.

37 DEFRA UK Air Quality Improvement Plan

The Director of Environment & Neighbourhoods submitted a report on the Government's requirement to introduce a Clean Air Zone in Leeds and the impact this would have on the Hackney Carriage (HC) and Private Hire (PH) trades. The report also illustrated the steps that need to be taken to ensure that HC & PH operators and licensees are compliant with Clean Air Zone requirements.

Clean Air Zones in Birmingham, Leeds, Southampton, Nottingham and Derby, will cover old diesel buses, coaches, taxis, private hire and lorries. Vehicles that do not comply with engine standards will be required to pay a daily fee, or levy to enter the zone. Newer vehicles that meet the latest emissions standards and private cars will not need to pay.

The Project Manager, Projects, Programmes & Procurement Unit and the Team Leader, Environmental Studies, City Development, attended the meeting to introduce the report and discussed the following key issues with Members:

- No changes to Leeds licensing regulations are required to support the Clean Air Zone.
- The DEFRA/EU criteria used to select the participating 5 cities
- The methodology by which private cars were excluded from the CAZ requirements
- A key risk for Leeds was identified as failure to achieve compliance with Air Quality standards as defined in EU directives as these have been incorporated into National legislation. Failure would mean that significant infraction fines could be passed to the local authority by the government utilising the Localism Act.
- Acknowledged the financial impact on the PH/HC trade to replace existing fleet as well as the impact on HGV, bus and coach operators.
- Noted the work undertaken already to liaise with the other 4 cities chosen to trial CAZs, as well as with core cities and the LGA to provide a national response to DEFRA.
- Noted the work undertaken with the trades to provide information to them as early as possible to allow them time to plan for change
- The requirement for the registered owner of the vehicle to pay the proposed fine; the work being done to determine the levy amount and the perceived difficulty of the collection of the levy, particularly in respect of non-UK resident drivers

- Concern over the impact of non-compliant, non-Leeds registered PH or HC vehicles on the scheme. Members were informed that the West Yorkshire Authorities were working together to share information and that DEFRA was working to create a national database of all registered PH & HC vehicles
- Comment that Leeds needed to investigate the “other measures” available – including long term solutions past 2020 such as Park & Ride scheme, rapid transport system
- Cost implications for Leeds past 2020
- Concern on the impact on PH drivers who utilised their vehicle for personal use

Members requested that officers should prepare a briefing note on the CAZ proposals, including information on the modelling criteria employed by DEFRA, for all Members of Council – to enable them to provide information to constituents. Additionally Members considered the proposal for the Chair to write to DEFRA on the matters raised by the Committee

RESOLVED -

- a) To note the contents of the report outlining the Government’s plans to improve air quality nationally and in Leeds.
- b) To request officers present a further report in due course to reference those areas of concern highlighted by Members, in order to inform a letter from the Chair to DEFRA on behalf of the Committee
- c) That the Committee continue to support the work of the Council in its engagement activity with the Taxi & Private Hire Trade in communicating the impact of this decision

38 OLEV Clean Taxi Fund Application by WYCA

The Director of Environment and Housing submitted a report on the potential benefits that may be delivered by a successful West Yorkshire Combined Authority (WYCA) bid for £5m Office of Low Emission Vehicles (OLEV) funding that would support the regional HC & PH Hire trade transition to ultra-low emission vehicles (ULEVs).

The report outlined the steps to be taken to complete the submission of a bid and the opportunities for the trade to establish fuel savings through switching to electric vehicles which would also contribute to improved air quality.

The Project Manager, Projects, Programmes & Procurement Unit, attended the meeting and outlined the methodology in support of the WYCA bid for £5m funding to deliver rapid and fast charging points across the city. Some of the funding would also be made available to support the purchase of electric HC vehicles.

During discussions, Members commented on the following:

- The need to ensure small/sole operators were aware of the funding, which would be limited
- Installation points would be rolled-out across the city as demand grew
- The need for the trade to discuss close working links with manufacturers to ensure "universal" chargers can be installed throughout the city
- The offer from an operator in Dundee with an entirely electric fleet to discuss his business model with Leeds operators

RESOLVED -

- a) To note that LCCs existing licensing policies (age of first licensing and renewals) will remain unaffected as these are already at the level that Energy Savings Trust (EST) identified as required for the medium uptake scenario.
- b) To note that in respect of Procurement of services; it is suggested by EST that future procurement of services such as taxi contracts for social care should include more weighting based on the mission standard of the taxi fleet and percentage of ULEVs within the fleet. This recommendation is being pursued by colleagues in procurement and in negotiation with the Passenger Transport Service
- c) To note that the next tender for taxi and private hire use by Passenger Transport and for the staff taxi contract will include additional points for bidders who can meet targets for Euro 6 diesel and/or ULEV representation on their fleets. The exact nature of these targets and whether they will be mandatory or aspirational targets has yet to be determined. Consultation on this process and some market testing will be carried out during the autumn 2016, with the contract to be tendered and awarded for commencement in 2017. It will be necessary to ensure that any specification for such contracts that includes weighting based on emission standards must also ensure that the requirements are not so restrictive that there is loss of competition, or that no suppliers are able to meet these requirements.
- d) To note that the Medium Uptake bid based on Energy Savings Trust recommendations will require a commitment (across West Yorkshire) to provide a 25% match funding to a bid for approximately £5,500,000 in grant funding between 2017 and 2020. This funding will mainly be to support increasing infrastructure to support the uptake of electric vehicles across the Private Hire and Taxi trade. The 25% may come wholly or partially from contributions from the Taxi and Private Hire companies but may require underwriting by LTP funding
- e) To request that a report is brought to a future meeting on the progress of the OLEV bid

39 House of Lords Select Committee on the Licensing Act 2003

Further to minute 25 of the meeting held 5th July 2016, the Committee considered the report of the Head of Elections, Licensing and Registration on the Council's proposed response to the call for evidence published by the Select Committee set up to conduct scrutiny of the Licensing Act 2003. Members comments were sought in order to incorporate them into the response prior to its submission to the Select Committee by the deadline of 2nd September 2016.

The report noted that Licensing Committee formed a working group to provide a response to the Call for Evidence and a copy of the draft response was included at Appendix A of the report for comment.

The Principal Licensing Officer referred to two matters:

- Q7 in respect of policing legislation. It was reported that the police had not been able to provide a formal response to Q7. The Committee agreed with the suggestion that Q7 remain unanswered
- Q8 in respect of airside alcohol sales. The Committee noted that, as this area of alcohol sales was outside of the experience of the Committee, the draft response should be amended to include a form of words to reflect that.

RESOLVED -

- a) To note the call for evidence questions
- b) That the draft response, as attached at Appendix A, be approved as the Leeds City Council response, noting that the additional comments in respect of Q7 & Q8 outlined above will also be included
- c) To note that the Chair will review the final version, including the comments made today, prior to its' submission to the Select Committee

(Councillor Khan withdrew from the meeting at this point)

40 Licensing Committee Work Programme 2016/17

Members considered the contents of the Licensing Committee Work Programme for 2016/17. It was noted that in view of the decisions made earlier, the following items would be added to the Work Programme:

- Clean Air Zone - To request officers present a further report in due course to reference those areas of concern highlighted by the Committee and comments made, in order to inform a letter from the Chair to DEFRA on behalf of the Committee
- Update on the OLEV Clean Taxi Fund Application by WYCA

RESOLVED – That with the inclusion of the above, to approve the contents of the Licensing Committee Work Programme for 2016/17

41 Date and Time of Next Meeting

RESOLVED - To note that the next meeting will take place on Tuesday 6th September 2016 at 10.00am in the Civic Hall, Leeds.

42 Closed Session

At this point in the meeting, noting that the discussions on the two remaining items on the agenda would include consideration of exempt information, the Committee

RESOLVED – To enter into closed session

43 Leeds Festival 2016 - Event Management Plan

The Head of Elections, Licensing and Registration submitted a report on the progress of the multi-agency meetings and the Event Management Plan for the 2016 annual Leeds Festival, to be held within the grounds of Bramham Park, Friday 26th until Sunday 28th August 2016. The report also recommended that the approval of the final Event Management Plan be delegated to the Head of Elections, Licensing & Registration.

A copy of the Premises Licence detailing the activities permitted was attached as Appendix A. The draft Event Management Plan, and a summary of changes was included as Appendix B – which was exempt from publication.

Mr M Benn, Festival Republic Ltd, attended the meeting and discussed the management plans for the Festival with Members.

RESOLVED –

- a) To note the contents of the report
- b) That approval of the Event Management Plan, including any minor amendments necessary to the Plan before the Festival takes place, be delegated to the Head of Elections, Licensing and Registration
- c) That, should the Event Management Plan be subject to amendment without the relevant agency consent, or be of a nature which officers consider may impact on the Licensing Objectives, then it will be brought back before the Licensing Committee prior to the Festival taking place.

44 Arena Hotel, Portland Crescent, Leeds

Further to minute 22(i) of the meeting held 5th July 2016, the Committee received a report from the Director of City Development on the current situation in respect of the incomplete Arena Hotel, Portland Crescent. The report had previously been presented to City Plans Panel on 7th July 2016.

(Councillor Khan re-joined the meeting at this point)

The report outlined the discussions the Council has held with both the funder of the project; the administrators of the company as well as with prospective purchasers of the site to try and progress matters so that work starts again as soon as possible.

The Principal Legal Officer and the Principal Financial Manager attended the meeting and provided a verbal update on the current situation in respect of completion of the Hotel.

RESOLVED – To note the contents of the report and the additional information provided at the meeting.