

Licensing Committee

Tuesday, 10th April, 2012

PRESENT: Councillor S Armitage in the Chair

Councillors J Dunn, R D Feldman,
T Hanley, G Hussain, G Hyde, P Latty,
B Selby, C Townsley, D Wilson and
G Wilkinson

83 Chairs Opening remarks

Councillor Armitage noted the contents of a Freedom of Information request from Adelphi Private Hire & Hackney Carriage Welfare Society received by all Members of the Committee and reported that the Chief Officer, Democratic & Central Services would respond on behalf of the Committee.

Members discussed the issues raised relating to decision making. Members commented that matters were determined on the basis of the facts and information presented to the Committee and/or its' sub committees. Members reiterated that licensing decisions were not made on a party political basis and strongly felt that this fact should be highlighted in the response.

RESOLVED – To note the discussions and request that a copy of the response to the Adelphi Private Hire & Hackney Carriage Welfare Society be provided to Members of the Committee in due course

84 Declarations of Interest

There were no declarations of interest

85 Apologies for Absence

Apologies for absence were received from Councillors Bruce, Downes, Gettings and Khan

86 Minutes

RESOLVED – That, subject to a correction to minute 78, bullet point 4 (Decision Making in Taxi & Private Hire Licensing) to delete the word "livelihood", the minutes of the meeting held 13th March 2012 be agreed as a correct record

87 Transport for the City Centre Night Time Economy

The Director of City Development submitted a report for information providing an overview of night time transport in the city. The report covered issues relating to public transport, public order management and street use and outlined proposals for future engagement with stakeholders.

The Committee discussed the following issues with the Acting Head of Transport Policy and the Principal Traffic Engineer:

- The limited availability of late night public transport
- Night time traffic regulations. It was reported that the Public Transport Box Regulations were relaxed between 22:00 to 05:00 hours to allow public use –

although it was felt that this was not widely known by the Private Hire (PH) trade

- Impact of local development on the night time economy and transport infrastructure. Members noted that the Leeds Arena and Trinity developments incorporated proposals for additional licensed premises and would bring increased numbers of visitors to the city. Members expressed views on the inability of the current transport network to deal with this and the increased likelihood of pedestrian/vehicle conflicts in hotspots areas of the city. Members heard that the Arena proposals included substantial pick-up/drop-off provision for patrons to Arena events and requested further information on the approved scheme
- The number of external agencies involved in the stakeholder meeting and the need to include other bodies such as the Chamber of Commerce, Private Hire and Hackney Carriage operators, Club operators and the Arena operator
- The comments that businesses could subsidise elements of late night transport proposals, noting the arrangements at Elland Road where a layover coach park was provided and whether a similar approach could be proposed in the city centre for the Arena/Clubs, subsidised by those businesses
- Discussed the suggestion that some dispensation could be considered for PH/HC vehicles working together to achieve safe transport of people out of the city, such as an allocated waiting area where PH vehicles could be issued with a "licence to stand"
- Commented on the outcome of the trial of the Transport Hub
- The ongoing request from HC trade to make use of bus lay-by's after the end of timetabled services, particularly in busy areas of city such as Albion Street where there is a high volume of pedestrians.

Members noted their role would be to participate in the workshop and provide comments with a view to a further report being presented to Committee early in the new Municipal Year

RESOLVED –

- a) To note the contents of the report and the comments made by the Committee
- b) That Committee endorse the proposals outlined in the report to review practice in other core cities; and to undertake a joint service site visit and stakeholder workshop to consider future strategy and actions for transport arrangements in relation to the city centre night-time economy

88 Quarterly Report on Enforcement Activity - Entertainment Licensing

The Head of Licensing and Registration submitted a report providing an overview of the activities undertaken by Entertainment Licensing Section Enforcement Team during the first quarter of 2012.

The report detailed formal operations undertaken by the Team and Members discussed the following matters with the Principal Liaison & Enforcement Officer:

- Late Night Refreshment venues – the labour intensive operations required to check compliance and pursue prosecutions. Members also heard that LCC had approached the Department for Business Innovation and Skills (BIS) (public consultation paper) seeking authorisation for officers to issue Fixed Penalty Notices (FPNs) to address non compliance. It was felt issuing

financial penalties to offenders would deliver a positive impact acting as an effective deterrent to repeated offending. Also, it would provide an alternative effective option in disposing of cases rather than solely prosecuting offenders, which is both costly to the department financially as well as staff hours gathering evidence and preparing prosecution packages for formal proceedings. Members supported this initiative and suggested that Leeds MP's be contacted to lend weight to this request for authority to issue FPNs

(Councillor Selby withdrew from the meeting for a short while at this point)

- the ongoing closer partnership working between the Team and partner agencies, such as West Yorkshire Police, UK Border Agency and Her Majesty's Revenue & Customs, required to gather evidence to tackle problem premises has delivered some excellent outcomes. There is scope to further develop closer partnership working with agencies to utilise agencies' resources and powers in an effective and efficient way, having regard to the Hampton Report.
- Use of media to highlight successful prosecutions and partnership working to act as a deterrent to offending.
- The use of a "Memorandum of Understanding" incorporating an Information Sharing Agreement between the Team and partner agencies to ensure data is securely shared between the agencies. Members requested further information on these documents, in particular inviting the Department for Work & Pensions to become a signatory to the Licensing Act 2003 joint enforcement protocol.
- The use of new initiatives such as "meet and greet" and compliance checks for drinks measures, irresponsible drinks promotions and availability of drinking water to continue to engage with the licensing trade.

RESOLVED –

- a) That the contents of the report be noted
- b) To request officers to draft a letter calling on all Leeds MP's to support the request to the Department for Business, Innovation and Skills, for appropriate officers to be authorised to issue Fixed Penalty Notices to address non compliance in Late Night Refreshment venues

89 Licensing Act 2003 - Changes from 25 April 2012

The Head of Licensing and Registration submitted a report setting out the changes to the Licensing Act 2003 due to be commenced on 25th April 2012 brought about by the Police and Social Responsibility Act 2011, and the implications of those changes on the work of the Licensing Committee and its sub committees.

Appended to the report was a copy of the relevant extract of Part 2 of the Act for reference. The Committee discussed issues relating to:

- The changing roles of local Primary Care Trusts and Licensing Authorities which would be recognised as Responsible Authorities
- The removal of the "in the vicinity" test and likely increase in the number of representations before a Sub Committee
- The changing role of LCC Area Committees and the licensing notification mechanisms likely to be used
- The amendment to the evidential burden
- Changes to the Temporary Event Notice process.

Members also noted that the changes would need to be reflected in the Statement of Licensing Policy and considered establishing a Working Group of Members and officers to review the Policy

RESOLVED –

- a) To note the contents of the report
- b) To agree to the establishment of a small Working Group of Members and officers to undertake a review of the Statement of Licensing Policy (Licensing Act 2003) in order to address the changes brought about by the Police Reform and Social Responsibility Act 2011.

90 Licensing Work Programme

RESOLVED – To note the contents of the Work Programme for the remainder of the 2011/12 Municipal Year

91 Future meeting arrangements

RESOLVED – To note the dates of future meetings as 15th and 25th May 2012 respectively

92 Any Other Business

Several additional matters were discussed:

Sub Committee meetings – the clerk tabled a list of sub committee meetings requiring three Members to attend and requested that Members consider their availability and respond in due course

Councillors Remuneration – Members noted proposals for the Independent Remuneration Panel to consider whether additional remuneration would be appropriate for Members of the Licensing Committee for 2012/13 given the increased workload due to the SEV licensing and Large Casino application process.

Late Night Levy & Early Morning Restriction Orders – Members approved the contents of the draft response for submission to the Home Office consultation

93 Councillor R D Feldman

The Chair noted this would be the last Licensing Committee meeting that Councillor R D Feldman would attend before his retirement in May 2012. Councillor Armitage expressed her personal thanks to Councillor Feldman for his valuable contributions to the work of the Committee, which were appreciated by Members of all political parties. All Members expressed their best wishes to Councillor Feldman for a happy retirement