

Licensing Committee

Tuesday, 6th July, 2021

PRESENT: Councillor P Wray in the Chair

Councillors P Alderson, N Buckley,
R Downes, B Flynn, Gibson, H Bithell,
A Hutchison, Illingworth and L Martin

12 Appeals Against Refusal of Inspection of Documents

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

13 Exempt Information - Possible Exclusion of the Press and Public

There were no late items identified where it was considered necessary to exclude the press or public from the meeting due to the nature of the business to be considered.

14 Late Items

There were no late items of business identified.

15 Declaration of Disclosable Pecuniary Interests

There were no declarations of disclosable pecuniary interests made at the meeting.

16 Apologies for Absence

Apologies for absence were received from Councillor: J Lennox, L Richards A Smart.

17 Minutes of the Previous Meeting

RESOLVED – That the minutes of the previous meeting held on 21st May 2021, were accepted as a true and correct record.

18 Matter Arising from the Minutes

There were no issues raised under Matters Arising.

19 Gambling Act 2005 – Public Consultation on the Council's Statement of Licensing Policy

The Chief Officer Elections and Regulatory submitted a report which presented the draft Statement of Licensing Policy under the Gambling Act 2005 and sought authority to consult with the public and interested parties on the draft policy by way of a 6 week public consultation.

Addressing the report the Principle Licensing Officer highlighted the main changes to the draft Statement of Licensing Policy which included:

- Integration with other guidance, policies, objectives and strategies
- The Best Council Plan
- Covid-19 Pandemic
- Population
- Deprivation
- Updated Licensing Holder Conditions
- Fit for purpose (Reviewed)

Members sought clarification around Statutory Requirements, would the draft policy come back to Licensing Committee

The Principle Licensing Officer explained that following public consultation it should only come back to Licensing Committee for further consideration if further significant changes were requested during the consultation period, otherwise it would be referred to the Executive Board and Council for determination.

RESOLVED –

- (i) That the draft Statement of Licensing Policy be noted
- (ii) That the Chief Officer Elections and Regulatory be authorised to commence the public consultation for a period of 6 weeks as required under the Gambling Act 2005, Section 349.

20 Proposal to Amend Minor Driving Convictions Criteria within the Suitability and Convictions Policy 2020

The Chief Officer Elections and Regulatory submitted a report which sets out the findings of a Licensing Committee Working Group set up to examine the revision of the Minor traffic or vehicle related offences criteria within Table A of the Suitability and Convictions Policy 2020.

Addressing the report, the Taxi & Private Hire Licensing Manager explained that the Suitability and Convictions policy was approved by Executive Board in October 2019, relating to taxi and private hire licence holders, following consultation in Leeds and across West Yorkshire, to commence with effect from 1st February 2020.

Members were informed that following numerous representations and protests from drivers' groups and trade unions, the council did not implement the minor traffic or vehicle related offences criteria set out in Table A to the Policy. This related to the provision for a licence being refused where a DVLA driver's licence was endorsed with seven or more penalty points as a result of minor motoring convictions. The council decided to retain the criterion for minor motoring convictions in the previous Convictions Policy.

A Working Group of the Licensing Committee was formed to enable Committee Members to consult with the Hackney Carriage trade, the Private Hire trade, officers

and other stakeholders, enabling further consultation and representations to be made, with a view to the Working Group making recommendations to the Licensing Committee.

Members were informed that national restrictions in place as a result of the Covid-19 pandemic prevented a meeting of a Working Group until March 2021 where ultimately three options were considered. These were:

- Option 1- Retain the previous clause from the Convictions Policy, allowing candidates and licence holders to have up to 12 points for minor offences;
- Option 2 – to recommend the criteria as adopted be completely rewritten;
- Option 3 – to recommend the criteria as adopted be amended to include a sliding scale of actions linked to the number of points on the DVLA licence.

Referring to the business of the Working Group and the carrying out of further consultation with trade representatives, stakeholders and officers, Members suggested that some members of the trade remained unsatisfied suggesting the consultation was inadequate.

The Taxi & Private Hire Licensing Manager said Option 3 was the consensus of the Working Group.

One Member of the Working Group said that a large proportion of the Hackney Carriage Trade together with “Veezu” were also supportive of option 3, this was not a political issue but one that all parties should be in agreement with.

Members suggested that consultation with the Private Hire trade remained an issue given the number of licence holders without registered email addresses for communication purposes, and with English as a second language.

Members were informed that the consultation was in line with the Corporate Consultation requirements and also met the Council’s equality statistics.

The Chair said it was important that the consultation should reach as many people as possible, contacting licence holders in writing where they did not have an email address, and promoting language advice and support.

Members requested to know if any progress had been made in terms of the harmonisation project.

In responding the Taxi & Private Hire Licensing Manager said harmonisation was a political project, which due to lockdown implications and other priorities had resulted in delays to progress.

The Chair suggested that the harmonisation project would resume as local authorities emerged from lockdown, and he would contact the Licensing Chairs of the respective authorities.

RESOLVED –

- (i) That the content of the report be noted
- (ii) To support the recommendations of the Licensing Committee Working Group (option 3) as set out in the submitted report
- (iii) To recommend to the Executive Board that it approves formal public consultation of option 3 for a period of 4 weeks with a view to amending the Suitability and Convictions Policy by replacing existing criteria with new criterion set out in paragraph 3.11 of the submitted report.

21 Work Programme 2021/22

Members considered the Licensing Committee Work Programme 2021/22.

In the discussion that ensued Members requested if the following Taxi and Private Hire Licensing issues could be added:

Harmonisation Project and Cross Border Working.

RESOLVED – That, with the inclusion of the above, the Licensing Committee Work Programme for 2021/22 be approved.

22 Date and Time of Next Meeting

RESOLVED - To note that the next meeting will take place on Tuesday, 10th August 2021 at 10.00am in the Civic Hall, Leeds.