

## **Licensing Committee**

**Friday, 26th May, 2017**

**PRESENT:** Councillor B Selby in the Chair

Councillors R Downes, J Dunn, B Flynn,  
M Harland, G Hyde, A Khan, C Townsley,  
G Wilkinson, A Garthwaite and J Pryor

### **1 Retirement of Des Broster, Section Head Taxi and Private Hire Licensing**

The Chair referred to the recent retirement of Des Broster, Section Head, Taxi and Private Hire Licensing. The Chair said Des had overseen the Licensing function for the city over the past 15 years, establishing a close working relationship with Members of the Licensing Committee, Council Officers and representatives from the taxi trade.

In paying tribute the Chair said Des was an honest, reliable officer and valued the advice he provided. Referring to the issue of safeguarding, the Chair said Des's expertise and focus had provided the City of Leeds with the best safeguarding procedures and policies in the Country; he had also contributed at a National level.

Members past and present joined the Chair in offering their best wishes to Des on a long and happy retirement and wished him well in his future endeavours.

### **2 Appeals Against Refusal of Inspection of Documents**

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

### **3 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.

### **4 Late Items**

There were no late items of business.

### **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 Councillors: N Buckley, B Gettings and S McKenna.

## **7 Minutes of the Previous Meeting**

**RESOLVED** – That the minutes of the previous meeting held on 3<sup>rd</sup> April 2017, were accepted as a true and correct record.

## **8 Matters Arising**

There were no issues raised under Matters 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 2017/18 Municipal Year, namely:

- To note the terms of reference of the Licensing Committee as agreed at the annual Council meeting on 25<sup>th</sup> May 2017.
- To appoint the five Licensing Sub-Committees for the 2017/18 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 Director of Communities and Environment 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 of Licensing functions to the Director of Communities and Environment (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
- Amendments to the Licensing Sub Committees Terms of Reference

**RESOLVED –**

- (i) To note the terms of reference of the Licensing Committee as approved by full Council on 19<sup>th</sup> May 2016 as shown at Appendix 1
- (ii) That the five Licensing Sub-Committees hearings required under the 2003 and 2005 Acts be established with the following Memberships:
  - A Councillors: Downes, Gettings and Pryor
  - B Councillors: Buckley, Dunn, and Groves
  - C Councillors: Hyde, S McKenna and Townsley
  - D Councillors: Flynn Garthwaite and Selby
  - E Councillors: Harland, Khan and Wilkinson
- (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) To approve the delegation of Licensing functions to the Director of Communities and Environment 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 of the Code of Practice for the Determination of Licensing Matters and sought Members approval and 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.

With reference to section 7 of the Code of Practice and the use of site visits, the Chair sought the views of Members on the use of site visits when determining applications.

It was the general view of Members that site visits be undertaken when it was considered appropriate

### **RESOLVED –**

- (i) That the Licensing Procedure Rules as set out as Appendix 1 of the report be approved
- (ii) To approve and follow the contents of the Code of Practice for the Determination of Licensing Matters as set out in Appendix 2 of the submitted report

- (iii) To note the arrangements for the prescribed training programme.
- (iv) That site visits be undertaken when it was considered appropriate
- (v) That a copy of “the Code of Practice for the determination of Licensing Matters” be circulated to all Members of Council for information

## **11 Update on Shisha Smoking - Enforcement Activity**

The Director of Communities and Environment submitted a report which provided an update on the on-going work to tackle Shisha Smoking in the city and follows on from previous reports provided to this Committee.

Ruth Turner, Team Manager, Health and Safety Team, Environmental Health presented the report.

Issues highlighted from the report included the following:

- The number of complaints received in relation to shisha smoking is low
- Of the 5 businesses visited; 1 case progressed to the Magistrates Court and the business owner was found guilty
- Alternative enforcement action was taken on 2 occasions
- Historically, the fines levied for offenders has been relatively low which provides no deterrent to business operators
- The Council and its partners continue to educate the community about the dangers of shisha smoking

In response to Members comments and questions, the following was discussed:

Members welcomed the report commenting that shisha smoking raised a number of concerns including; health implications and safeguarding issues, continued enforcement activities together with education programmes was also important

The Chair suggested that more control may be achieved by the introduction of new legislation amending the Planning or Licensing Laws

### **RESOLVED –**

- (i) That the contents of the report be noted
- (ii) That a further update be provided to the Committee in 6 months- time (November)
- (iii) That following the forthcoming General Election, a letter from the Chair, be sent, on behalf of the Committee, to all Leeds MP’s seeking their support in lobbying the appropriate Ministers in amending the law to require the licensing of Shisha Smoking Premises.

## **12 Licensing Committee Work Programme**

Members considered the contents of the Licensing Committee Work Programme for 2017/18.

The Chair referred to night time patrols of the City Centre, and requested if arrangements could be made for Members, in particular new Members to the Committee, to participate in night time patrols of the City Centre over the summer months.

Officers reported that joint patrols with the Police were currently not available, however, an alternative option would be for Members to join Taxi and Entertainment Officers on enforcement operations.

### **RESOLVED –**

- (i) To approve the contents of the Licensing Committee Work Programme for 2017/18
- (ii) That arrangements be made for Members to join officers on night time patrols of the City Centre

## **13 Date and Time of Next Meeting**

**RESOLVED** – To note that the next meeting will take place on Tuesday, 4<sup>th</sup> July 2017 at 10.00am in the Civic Hall, Leeds.