

Licensing Committee

Friday, 25th May, 2018

PRESENT: Councillor M Harland in the Chair

Councillors R Downes, B Flynn,
G Wilkinson, A Garthwaite, K Groves,
H Bithell, P Drinkwater, B Garner and
J Heselwood

1 New Members

The Chair introduced and welcomed Councillors: Hannah Bithell, Ben Garner, J Heselwood and Paul Drinkwater as new Members to the Licensing Committee.

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 K Groves

7 Minutes of the previous Meeting

RESOLVED – That the minutes of the previous meeting held on 3rd April 2018, were accepted as a true and correct record.

8 Matters Arising from the Minutes

There were no issues raised under Matters Arising.

9 Licensing Committee - Annual Governance Arrangements

Final Minutes approved at the meeting
held on Tuesday, 3rd July, 2018

The City Solicitor submitted a report which sought to establish the governance arrangements for the Licensing Committee for the 2018/19 Municipal Year, namely: specifically dealing with the Terms of Reference for the Committee and its Sub Committees

- To note the terms of reference of the Licensing Committee as agreed at the annual Council meeting on 24th May 2018.
- To appoint the five Licensing Sub-Committees for the 2018/19 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

Referring to paragraph 3.8 of the submitted report Members sought clarification around the quorum for a Sub Committee

In responding the Section Head, Legal Services confirmed that the quorum for a Sub Committee was three, however, in exceptional circumstances a quorum of two was permissible.

RESOLVED –

- (i) To note the terms of reference of the Licensing Committee as approved by full Council on 24th May 2018 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 Drinkwater
 - B Councillors: Buckley, Groves and B Garner
 - C Councillors: Wilkinson, Bithell and J Gibson
 - D Councillors: Flynn Garthwaite and Heselwood
 - E Councillors: Harland, Harper 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 meetings and hearings of the Licensing Committee and sub-committees and sought the approval of Members to the adoption of these to govern committee procedure.

The report also requested consideration of the Code of Practice for the Determination of Licensing Matters and requested Members to approve and a resolution to follow the Code.

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) To note that once approved “the Code of Practice for the determination of Licensing Matters” will be brought to the attention of all Elected Members

11 Clean Air Zone – Update

The Director of Resources and Housing submitted a report which provided an update on proposals for a clean air zone.

The report informed Members of the timescales for defining the next iteration of the Clean Air Zone to be proposed, the consultation on that and the implementation

period that would follow a successful application to government for funding to support this proposal.

Members noted that the report aimed to illustrate how the process to ensure that Leeds was compliant with National Air Quality standards required support from the Licensing Committee and the Taxi and Private Hire Trade. Successful engagement with the trade would assist with the development of a business case that would include a submission of a bid for funding to government to assist mitigation of the impacts of the CAZ on this sector through the Clean Air Fund (CAF)

Addressing the report the Project Manager, Resources & Housing highlighted the following issues which included:

- A period of consultation and engagement with key stakeholders across the city was undertaken between 2nd January 2018 and 2nd March 2018. The responses to that consultation is in the process of review and analysis in order to inform the revised iteration of the Clean Air Zone to be proposed to Executive Board in June 2018.
- The actions that will be required to support the implementation of the Clean Air Zone in relation to the taxi and private hire sector and timescales that the Council must work to in order to meet a ministerial direction for submission of the Clean Air Zone business case and implementation of measures to ensure compliance with National Air Quality Standards.
- Taxi and Private Hire vehicles will be impacted by Clean Air Zones in all named cities, with the emissions from these vehicles determined as being disproportionately high due to the significant mileage travelled by vehicles in this industry.

Members queried how out of town vehicles would be recognised and charged for entering the clean air zone.

In responding the Project Manager said vehicle ownership details from a National Database would be able to recognise and recharge out of town vehicles accordingly. It was envisaged that once the clean air zone became operational it would act as a deterrent to vehicles which were non-compliant with air quality standards.

Reference was made to the provision of electric charging points and queried if the use of lamppost technology was been considered.

Officers reported that the City of Oxford were carrying out research into various options for the provision of electric vehicles charging points and it was understood that the use of lamppost charging was included. Once the study was complete the information would be shared with other local authorities. In terms of the provision of charging points in Leeds it was reported that up to 28 sites (mainly on council land) had been identified as suitable locations for the installation of rapid charging facilities.

Members queried if electric vehicle charging points would be suitable for all electric vehicle types.

In responding it was reported that Local Authorities had little influence over the variety of electric vehicle charging points vehicle manufacturers developed and it was for the manufacturing trade to take the lead in seeking unification and that government were seeking to legislate to create a consistent approach to vehicle charging.

The Chair thanked officers for their attendance and providing the update.

RESOLVED –

- (i) To note the timescales for the development of the revised Clean Air Zone (CAZ) plan and for submission of Leeds City Council's business case to central government as well as the implementation timescales for the zone itself, particularly in respect of the potential impact on the taxi and private hire trade.
- (ii) To agree to consider the implementation of the CAZ and the vehicle standards that the CAZ is encouraging when reviewing licensing conditions.

12 Gambling Act 2005 Statement of Licensing Policy

The Head of Elections, Licensing and Registration submitted a report which set out the proposed amendments to the City Council's Statement of Licensing Policy and requested approval to release the document for public consultation.

Appended to the report were copies of the following documents:

- Statement of Licensing Policy 2019 - 2021 (Appendix 1 referred)
- A summary of the changes to the Licensing Policy (Appendix 2 referred)
- A completed Equality, Diversity, Cohesion and Integration Assessment and Screening form (Appendix 3 referred)

Addressing the report the Principal Licensing Officer informed Members that under Section 349 of the Gambling Act 2015 the Licensing Authority was required to prepare a statement of principles that they propose to apply in exercising their functions under this act. Members were informed that the process was repeated every 3 years.

Members noted that the intention was to bring back the Statement of Licensing Policy to this Committee in September for determination following public consultation.

RESOLVED – To approve the proposed amendments to the Statement of Licensing Policy and release of the document for public consultation purposes

13 Taxi & Private Hire Licensing - 2018 Fees Review

The Head of Elections, Licensing and Registration submitted a report intended to make Members aware of proposed new fees for the Council's Taxi & Private Hire Licensing function.

Appended to the report was a copy of Leeds City Council Taxi and Private Hire Licensing Fees (Appendix 1 referred)

Addressing the report the Taxi and Private Hire Licensing Manager highlighted the main proposed changes to the fees for 2018/19 which included:

- Introduction of a non-refundable £30 admin fee to be paid by all applicants to cover administrative and verification work before a licence can be issued.
- Application and renewal fees to be slightly increased, e.g. from £120 to £135, but with first application fees remaining slightly higher than renewal fees.
- The fees for hackney carriage and private hire to be set at an equal level.
- Fees for 3 year driver licences and 5 year operator licences to be below the cost of renewing each year for 3 or 5 years respectively.
- New fees for vehicle retests and inspections set at £45.
- Graded fees for operators depending on the number of drivers.
- The timetable for advertising and implementing the proposed fees (Subject to consultation) for 2018-19 is shown in section 4.1.2 of the submitted report.

Members queried if the non-refundable £30 admin fee was justified

In responding the Taxi and Private Hire Licensing Manager said the examination of the older vehicles was often time consuming (30 – 45minutes) and it was the view of officers that the proposed fee was set at an appropriate level given the amount of time required for inspection of the vehicle.

Members queried how drivers from the trade were notified of appointments

The Taxi and Private Hire Licensing Manager said various methods were used: letter, phone call, email and text message.

Members sought clarification on the intention to introduce graded fees for operators depending on the number of drivers they employed.

In responding the Taxi and Private Hire Licensing Manager said this was been introduced to be consistent with neighbouring authorities.

RESOLVED –

- (i) That the contents of the report be noted
- (ii) That the schedule of new fees be released for consultation purposes

14 Taxi & Private Hire Licensing - Review of Driver Conditions and Windscreen Stickers

The Head of Elections, Licensing and Registration submitted a report which informed Members of the initial recommendations of the Driver Conditions Working Group for the review and consultation of the Taxi and Private Hire Licensing policies and conditions.

The report also highlighted the likely areas where the Council's current policies and conditions should be consulted upon and policies updated following receipt of any comments or objections.

Appended to the report were the following documents:

- The contributors to the Working Group (Appendix 1 referred)
- Draft Guidance Note for Drivers (Appendix 2 referred)
- Draft Guidance Note for Driver Training (Appendix 3 referred)
- Draft Guidance Note for Windscreen Stickers (Appendix 4 referred)

Addressing the report the Taxi and Private Hire Licensing Manager reported that the Working Group had met on five occasions with the purpose of reviewing driver policies and conditions and to also review its policy on Windscreen Stickers. The report summarised the findings of the Working Group which drew from a wide range of perspectives and experiences.

Referring to the Conduct of Driver guidance Members, sought clarification on the use of mobile telephone, headset or Bluetooth or similar systems suggesting they should not be used (unless in emergency circumstances)

In responding the Taxi and Private Hire Licensing Manager said such systems were a distraction to the driver and that was a potential problem.

Members questioned if the use of dashboard cameras was supported by the Council.

Members were informed that the use of dashboard cameras was supported but very few drivers had them due to the cost of the equipment.

The Chair expressed her thanks and appreciation to Councillor Garthwaite who had acted as Chair throughout the duration of the Working Group meetings.

RESOLVED –

- (i) That the contents of the report and the draft policies and guidance contained in Appendices 2,3 and 4 be noted
- (ii) That approval be given to release the document for public consultation purposes

15 Licensing Committee Work Programme

Members considered the contents of the Licensing Committee Work Programme for 2018/19.

The Chair made reference 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 such patrols.

Reference was also made to the Committee's annual visit to the Leeds Festival site to view the arrangements in place prior to the start of the Festival.

Officers confirmed that in respect of both visits the necessary arrangements would be made and notified to Members in due course.

RESOLVED –

- (i) To approve the contents of the Licensing Committee Work Programme for 2018/19
- (ii) That arrangements be made for Members to join officers on night time patrols of the City Centre and also to view the arrangements in place at the Leeds Festival site.

16 Date and Time of Next Meeting

RESOLVED – To note that the next meeting will take place on Tuesday, 3rd July 2018 at 10.00am in the Civic Hall, Leeds.