

Licensing Committee

Tuesday, 12th November, 2013

PRESENT: Councillor R Charlwood in the Chair

Councillors N Buckley, R Downes, J Dunn,
T Hanley, M Harland, G Hussain, G Hyde,
A Khan, P Latty, B Selby, C Townsley and
G Wilkinson

64 Opening remarks

The Chair welcomed all present, noting the attendance of representatives of the Hackney Carriage trade. Members of the specialist SEV sub committee, due to sit during the following week, were reminded of the briefing session scheduled to commence at the conclusion of this meeting

65 Late Items

No formal late items of business were added to the agenda. Members were however in receipt of revised cover report for agenda item 9 "hackney carriage petition" due to an error made during production of the agenda (minute 71 refers)

66 Declaration of Disclosable Pecuniary Interests

There were no declarations of interest

67 Apologies for Absence

Apologies were received from Councillors Bruce and Gettings. Councillor Downes would attend in due course as he was attending a Planning Inquiry

68 Minutes

RESOLVED – The minutes of the previous meeting held 15th October 2013 were agreed as a correct record

69 The Leeds Festival - De-Brief Report

The Head of Licensing and Registration submitted a report advising the Committee of matters arising from the 2013 Leeds Festival held in the grounds of Bramham Park between 23rd and 25th August 2013. The report included a copy of the Premises Licence relevant to the event (Appendix A) and a summary of the outcome of the multi-agency de-briefing meeting held 7th October 2013 at Appendix B.

Mr M Benn, Festival Republic, attended the meeting and responded to queries on the impact of the heavy rain and storms during the Festival in respect of the provision of entertainment; access and egress to the site; drainage and safety. The Committee also discussed the impact of mud and discarded belongings after the close of the event on the city centre and railway station. Mr Benn tabled a schedule of changes already implemented to the on-site drainage system and also outlined measures to be considered

in the emerging Event Management Plan for the 2014 Festival in the light of this year's event and comments from the multi-agency meeting.

(Councillor Khan withdrew from the meeting for a short time at this point)

Mr M Everson and Mr M Ward, LCC Environmental Protection Team, also attended the meeting and responded to Members comments in respect of noise issues.

Members expressed their continued support of the Festival and the work undertaken by the organiser with agencies to ensure the smooth running of the event

RESOLVED –

- a) To thank Mr Benn and officers for their attendance
- b) To note the contents of the report on the 2013 event

70 Policy in respect of the Immediate Suspension of Hackney Carriage and Private Hire Driver Licences

The Head of Licensing and Registration submitted a report providing information on the process undertaken by officers in respect of immediate suspension powers.

The Committee previously requested that guidelines on the use of immediate powers of suspension be prepared following receipt of a petition from a representative organisation of some members of the trade. The guidelines (attached as Appendix 1 of the report) were approved by the Committee on 16th October 2012 (minute 60 refers) and released for public consultation.

Additionally, the report drew together the Councils statutory responsibility, the legal guidance and provided an overview of the operational decision making for making immediate suspensions throughout 2012/13. Schedules showing the decision making process and the nature of such cases during 2012/12 were attached as Appendices 2, 3 and 4 respectively.

The result of the public consultation on the guidance was contained at Appendix 5 of the report.

(Councillor Downes joined the meeting at this point)

The Section Head, Taxi and Private Hire Section presented the report and responded to Members comments in respect of the following:

- The impact of immediate suspension on a drivers' livelihood
- The perception held by some elements of the Private Hire Trade that the discretion to use the power to immediately suspend a driver was not used appropriately in some cases
- The length of time an appeal to the Magistrates Court can take and the officer decision process following the outcome of an appeal

Members discussed in detail the following issues relating to Plying for hire

- The status of insurance when a PH driver ply's for hire

- The implications for passengers in terms of public safety, compensation and insurance
- The weight of the evidence required by the Magistrates (beyond reasonable doubt) and by officers reviewing a decision following the outcome of appeals (balance of probabilities)

Members requested a report from the City Solicitor in response to those comments.

Members noted comments on the status of the existing operational procedure and a request that the new Policy should be reviewed by the Licensing Committee Hackney Carriage/Private Hire Working Group (HC/PH WG)

It was acknowledged that the policy had been developed in response to the serious public safety concerns raised by the trade and Committee in respect of plying for hire; however, having regard to all the views now expressed by the trade; the Committee suggested there was a need to review the approach taken to the use of the powers of immediate suspension in plying for hire cases and that this should be undertaken by the HC/PH WG. It was noted that in the interim, the existing procedure would remain in place

RESOLVED –

- a) That the contents of the report and the legal advice from the City Solicitor therein be noted
- b) To note the contents of the draft policy on Immediate Suspensions and Revocation Decisions, including the process already undertaken by officers
- c) That the observations made by Members be noted
- d) That the element of the draft Policy in respect of immediate suspension for plying for hire be removed from the draft Policy and be referred to the Licensing Committee Hackney Carriage and Private Hire Working Group for further consideration. A report back from the WG will be presented in due course to the Committee.
- e) That officers be requested to prepare a report on the draft Policy (with the exception of the Plying for Hire element) for consideration and implementation by the Executive

71 Petition by Hackney Carriage Proprietors and Drivers

The Head of Licensing and Registration submitted a report responding to issues raised in a petition submitted by the Alpha Hire and Hackney Welfare Society on behalf of Hackney Carriage Proprietors and Drivers.

The petition sought Members' consideration of three issues: -

- 1) A request to increase of the current vehicle age criteria to 12 years;
- 2) A request to review of Policy for the Transfer of a Hackney Carriage Proprietor's Licence on the Death of the Proprietor; and
- 3) A request to introduce a new Hackney Carriage Tariff for 5, 6 and 7 seated vehicles

A copy of the covering letter from Alpha Hire and Hackney Welfare Society was included at Appendix A of the report. A copy of the petition containing 134 signatures was available on request and at the meeting

The Committee discussed the following:

Age criteria – Members noted their decision of January 2013 to retain the current age criteria as 7 years, but to request that a vehicle profile of the entire fleet be undertaken in order to inform further consideration of the age criteria in 2016. Members noted that the age criteria was a guide and that vehicles, if properly maintained, could continue as licensed vehicles after 7 years. Members considered that, in response to the request and the current economic climate, it was now appropriate to request that information on the outcome of the fleet profile review undertaken so far be presented to the HC/PH Working Group

Transfer of licence – This issue was currently being reviewed by the HC/PH WG with a report back to Committee expected in the New Year, following consultation with the trade

HC tariff – That issues such as this would usually be presented to the Hackney Carriage (HC) Forum before coming to Committee. Members noted that a HC Forum meeting was scheduled for the end of November and that those trade representatives in attendance today confirmed that this matter could be placed on the Forum agenda for discussion.

Additionally, the Committee requested officers consider how the minutes of the HC and PH Forums could be provided to the Committee in the future. The Committee, having considered the contents of the petition and the report

RESOLVED –

- a) That in respect of the vehicle age criteria, to request that information be provided to the Hackney Carriage Private Hire Working Group on the outcome of the fleet profile review undertaken so far,
- b) That in respect of the Policy for the Transfer of a Hackney Carriage Proprietor's Licence on the Death of the Proprietor, to note that the HC PH WG was currently reviewing the relevant Policy and would report back to full Committee in the New Year
- c) That in respect of a new Hackney Carriage Tariff for 5, 6 and 7 seated vehicles, to note that this matter will now be discussed at the next meeting of the HC Forum on 27th November 2013
- d) That officers be requested to consider a mechanism whereby the minutes of the respective Trade Forums can be provided to Members of the Licensing Committee
- e) To note that a response containing the outcome of the Committee's consideration of the petition would be sent to Alpha Hire and Hackney Welfare Society and copied to Members for their information

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

72 Interim Review of Sex Establishment Fees

The Head of Licensing and Registration submitted a report seeking consideration of proposals to reduce fees for sex shop and sex cinema licence renewals. The report set out the background to the review of the fees.

The Section Head, Entertainment Licensing presented the report and reassured the Committee that the reduced fee for licence renewals would cover the costs of the administrative process.

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

RESOLVED –

- a) That the contents of the report be noted
- b) That a reduced fee for s shop and cinema renewals; variations and transfer application be approved as £1,250 (as set out in paragraph 3.18 of the submitted report)
- c) That the fee for a new application for a s shop or s cinema will remain as £2,884 (as set out in paragraph in 3.19 of the submitted report)
- d) To note that a further review of the fees will take place in March 2014

73 Licensing Work Programme

RESOLVED – That, subject to the inclusion of any additional meets identified at this meeting, the contents of the Licensing Work Programme be noted

74 Date and Time of the Next Meeting

RESOLVED – To note the date and time of the next meeting as Tuesday 17th December 2013 at 10:00 am