

Licensing Committee

Tuesday, 14th January, 2014

PRESENT: Councillor R Charlwood in the Chair

Councillors K Bruce, J Dunn, M Harland,
G Hussain, G Hyde, A Khan, P Latty,
B Selby, C Townsley and G Wilkinson

87 Appeals Against Refusal of Inspection of Documents

There were no appeals against the refusal of inspection of document

88 Exempt Information - Possible Exclusion of the Press and Public

There were no items identified where the press or public would be required to be excluded from the meeting due to the nature of business to be considered.

89 Late Items

No formal late items of business were added to the agenda. Members were however in receipt of supplementary information in respect of Agenda Item No. 9 "Entertainment Licensing Section – Update Report July to December 2013" The report had been amended to include the most up to date information available. (Minute No. 95 refers)

90 Declaration of Disclosable Pecuniary Interests

There were no declarations of disclosable pecuniary interest.

91 Apologies for Absence

Apologies for absence were received from Councillors: N Buckley, R Downes, B Gettings and T Hanley

92 Minutes

The minutes of the previous meeting held on 17th December 2013 were submitted for comment / approval.

Referring to Minute No. 82 "Introduction of three yearly Disclosures and Barring Service checks on Hackney Carriage Drivers, Private Hire Drivers, Hackney Carriage Proprietors and Private Hire Operators" Councillor Hussain suggested that Resolutions (ii) & (iii) appeared to be contradictory.

It was suggested that the resolutions be amended as follows:

Draft minutes to be approved at the meeting
to be held on Tuesday, 11th February, 2014

- (ii) To approve the introduction of three yearly disclosures on all existing licence holders noting that minor administrative changes may be made, as the policy develops
- (iii) To approve that a DBS check is a pre-requisite to the grant of a Hackney Carriage, Private Hire Driver, Hackney Carriage Proprietor and Private Hire Operator licence

RESOLVED – That with the inclusion of the suggested amendments the minutes be approved as a true and correct record

93 Delegated Decisions taken by Taxi and Private Hire Licensing: 1st July to 30th November 2013

The Head of Licensing and Registration submitted a report which provided details of delegated decisions taken by Taxi and Private Hire Licensing which covered the period 1st July to 30th November 2013.

Des Broster, Section Head, Taxi and Private Hire Licensing, presented the report and responded to Members questions and queries.

Detailed discussion ensued on the contents of the report which included:

- The number of delegated decisions taken
- Identifying the reasons for refusal and revocation of a licence
- Categories for the suspension of a licence
- Number of complaints received
- Number of Appeals received and outcomes

In the discussion that ensued, Members raised a number of issues which had implications for earlier decisions made by this Committee in respect of Taxi and Private Hire Licensing Policy.

The Head of Licensing and Registration offered to recirculate the report and associated minutes from the Licensing Committee held in March 2012 when Taxi and Private Hire Licensing Policy was last considered with a view to reviewing existing policy.

The Head of Licensing and Registration suggested that any proposals for review could be added to the Taxi and Private Hire Working Group's agenda for further discussion and the formulation of recommendations which would be brought back to full Licensing Committee in due course.

Commenting on the categories for suspension of a licence, the Chair requested if the category "Inappropriate behaviour" could be expanded to identify types of behaviour.

Officers confirmed that future reports would include types of behaviour within the inappropriate behaviour category

RESOLVED –

- (i) That the contents of the report be noted
- (ii) That the report and associated minutes from the Licensing Committee held in March 2012 dealing with Taxi and Private Hire Licensing Policy be recirculated to all Members of the Licensing Committee with a view to reviewing existing policy.
- (iii) That any proposals for review be added to the Taxi and Private Hire Working Group's agenda for further discussion and the formulation of recommendations which would be brought back to full Licensing Committee in due course

94 Convictions Criteria - Hackney Carriage (HCD) and Private Hire Drivers (PHD), Private Hire Operators (PHO) and Hackney Carriage Proprietors (HCP)

The Head of Licensing and Registration submitted a report which set out proposals to amend the policy in respect of motoring convictions categories for Hackney Carriage Drivers and Operators and also Private Hire Drivers and Operators, in particular the proposal for a requirement to undertake appropriate life skills driver development.

Appended to the report were copies of the following documents for information/comment:

- Current convictions criteria tables(Appendix 1 refers)
- Re-categorised table of sexual offences (Appendix 2 refers)
- Re-categorised table of violence offences (Appendix 3 refers)
- Re-categorised table of dishonesty offences (Appendix 4 refers)
- Re-categorised table of drug offences (Appendix 5 refers)
- Categorised table of race related offences (Appendix 6 refers)
- Current Policy guidelines on motoring convictions and disqualification (Appendix 7 refers)
- Newspaper extracts to illustrate the issues at National level (Appendix 8 refers)
- Driver convictions and penalty point accumulation with existing licensed drivers (Appendix 9 refers)

Des Broster, Section Head, Taxi and Private Hire Licensing, presented the report and responded to Members questions and queries.

Detailed discussion ensued on the contents of the report which included:

- The principals of the existing policy
- An explanation of the totting up process
- Issues around exceptional hardship

RESOLVED – That the report be released for public and trade consultation for a period of three months

95 Entertainment Licensing Section - Update Report July - December 2013

The Head of Licensing and Registration submitted a report, which set out details of issues relevant to the Entertainment Licensing Section during the period 1st July to 31st December 2013. The report provided an overview of the applications received including: reviews and appeals, liaison and enforcement initiatives and actions, policy development and a summary of National statistics collated by the Home Office.

Nicola Raper, Section Head, Entertainment Licensing, presented the report and responded to Members questions and queries.

Detailed discussion ensued on the contents of the report which included:

- Licensing Act 2003
- Applications received in respect of Cumulative Impact Areas
- Temporary Event Notices
- Licensing Act: Reviews and Appeals
- Licensing Act: Policy development and projects
- Gambling Act 2005
- Recent applications for Sex Establishment Licenses
- Scrap Metal
- Enforcement
- National Statistics

In providing an update on the recently considered applications for Sex Establishment Licenses, Mary O'Shea, Section Head, Legal Services reported that of the six applications requesting renewal of a Sex Establishment License, three applications had been granted, the remaining three being refused. Of those refused, two had chosen to seek judicial Review. Officers anticipated that the applications would go before the High Court in early March 2014.

RESOLVED – That the contents of the report be noted

96 Late Night Levy

The Head of Licensing and Registration submitted a report, which provided the views of the Executive Board and Scrutiny Board (Resources and Council Services) on the possible introduction of a late night levy.

Susan Holden, Principal Project Officer, Entertainment Licensing, presented the report and responded to Members questions and queries.

Detailed discussion ensued on the contents of the report which included:

- The investigation undertaking by Scrutiny Board (Resources and Council Services) and its subsequent recommendation to the Executive Board
- The decision taken by the Executive Board to not support the introduction of a Late Night Levy
- The view of Members that any proposed levy should only apply to premises within the City Centre and not the outer areas.
- The development of voluntary initiatives

Providing clarification on Members view that the levy should only apply to premises within the City Centre, Susan Holden, referring to section 2.2 of the submitted report said that the levy would apply to any premises licence or club premises certificate in the whole of the Leeds district which authorised the sale or supply of alcohol during the late night.

Commenting on the development of a City Centre BID and also voluntary initiatives, Officers reported that an update of such BIDs/ initiatives could be provided by Officers from City Centre Management.

RESOLVED –

- (i) To note and support the decision of the Executive Board, informed by the Scrutiny Board (Resources and Council Services) not to progress with the late night levy at this time
- (ii) That the decision taking by the Licensing Committee on 23rd July 2013 to consult upon the late night levy be now not progressed
- (iii) To note that should a City Centre business improvement district not be progressed or if existing voluntary initiatives were not further developed and enhanced, Members may re-consider the issue of a Late Night Levy at a later date.
- (iv) That City Centre Management be requested to provide an update report on the development of a City Centre BID and voluntary initiatives to this Committee in six months' time

97 Licensing Work Programme 2014

Members considered the contents of the Licensing Work Programme for 2014.

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

98 Date and Time of Next Meeting

RESOLVED – To note that the next meeting will take place on Tuesday, 11th February 2014 at 10.00am in the Civic Hall, Leeds.