

Licensing Committee

Tuesday, 2nd October, 2018

PRESENT: Councillor M Harland in the Chair

Councillors N Buckley, R Downes, B Flynn,
G Wilkinson, A Garthwaite, K Groves,
H Bithell, P Drinkwater, J Heselwood and
C Knight

51 Appeals Against Refusal of Inspection of Documents

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

52 Exempt Information - Possible Exclusion of the Press and Public

There were no 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.

53 Late Items

Although not a late item, the Committee did accept the inclusion of supplementary information in respect of Item No.8 "Licensing Act 2003 Statement of Licensing Policy", Minute No.58 referred.

54 Declaration of Disclosable Pecuniary Interests

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

55 Apologies for Absence

Apologies for absence were received from Councillors: B Garner and G Harper.

56 Minutes of the Previous Meeting

The Minutes of the previous meeting held on 4th September 2018 were submitted for consideration/ approval.

RESOLVED – That the Minutes of the meeting held on 4th September 2018 be accepted as a true and correct record.

57 Matters Arising from the Minutes

Leeds Festival 2018 - With reference to the meeting of 14th August 2018 and the decision to approve the event management plan for the Leeds Festival 2018.

During consideration of this item it was suggested by one Member that "sniffer dogs" be used to assist in the detection of drugs.

Media reports following the event suggested that the use of the dogs had been a huge success with a number of drug confiscations been made.

RESOLVED – To welcome and acknowledge the suggestion made by a Member of the Committee to use “sniffer dogs” at the Leeds Festival

58 Licensing Act 2003 Statement of Licensing Policy

The Chief Officer Elections and Regulatory submitted a report which sought acceptance of the final Statement of Licensing Policy, the Cumulative Impact Assessment, the Consultation Response document and the ECDI Impact Assessment.

Appended to the report were copies of the following appendices:

- The Final Policy (Appendix No.1 referred)
- The Cumulative Impact Assessment (Appendix No. 2 referred)
- Consultation Response Document (Appendix No.3 referred)

The Principal Licensing Officer, Communities & Environment explained the background to the report, the main issues to be considered and then spoke in detail about the results of the public consultation, addressing each of the 30 responses received and the proposed changes made to the policy as a consequence.

Referring to responses Nos: 4 – 9, Members sought clarification as to the proposed changes to the Headingley Cumulative Impact Policy.

In responding the Principal Licensing Officer said the cumulative impact assessment demonstrated there was a lack of evidence to justify identifying part of the Headingley area as a cumulative impact area. There was a lack of reported incidences and occurrences that demonstrated there was a cumulative impact of licensed premises in the area along the Otley Road.

Members suggested that there may be an impact on local residents as a consequence of the “Otley Run”

In responding the Principal Licensing Officer said incidences of public nuisance should be reported to the police to ensure they were logged.

Referring to responses Nos: 16 – 27, Members suggested that there appeared to be significant issues in the Harehills area around: alcohol sales, street drinking, instances of public nuisance/ anti - social behaviour, and asked how this would be addressed.

The Principal Licensing Officer explained the current policy consultation included Harehills in the cumulative impact assessment. This assessment identified the area including Harehills Lane and Harehills Road in a cumulative impact area which would allow Members of the Licensing Committee to consider cumulative impact of the other licensed premises in the locality when making determinations for applications

in this area. Where the consultation responses had indicated specific problems, the relevant sections of the council would be informed.

Members requested if a report, addressing the specific issues identified in the consultation responses could be brought back to a future meeting of the Licensing Committee.

Officers confirmed that the Licensing Committee's request for a further report would be referred to the appropriate Team (s) within the authority.

Referring to response No. 29, specifically around planning and the suggestion that the policy should reflect the fact that licensing and planning were separate regimes which over-lapped in terms of the licensing objectives and planning's amenity remit. It was highlighted that the applicant needs to understand that both regimes need to be complied with.

In responding the Principal Licensing Officer said it was recognised that more harmonisation was required around planning and licensing regimes within the same authority but each department had its own priorities. Officers from both departments would continue to work closely to achieve the best outcomes.

In drawing the discussion to a conclusion the Chair thanked Officers for their hard work in pulling together such a comprehensive report.

RESOLVED –

- (i) That the final Statement of Licensing Policy, the Cumulative Impact Assessment, the Consultation Response document and the ECDI Impact Assessment be accepted.
- (ii) That the final Statement of Licensing Policy be referred to Council for approval
- (iii) That a report addressing the specific issue referred to in Harehills & Gipton be the subject of a further report back to this Committee in December

59 West Yorkshire Combined Authority Project to Harmonise Taxi & Private Hire Vehicle and Driver Conditions Across West Yorkshire and York

The Chief Officer Elections and Regulatory submitted a report which provides an update on progress in aligning ("harmonising") taxi and private hire vehicles and driver conditions across West Yorkshire and City of York with a view to improving passenger safety.

Appended to the report were copies of the following appendices:

- The draft West Yorkshire and York convictions and suitability policy (Appendix No.1 referred)
- The draft driver training policy (Appendix No. 2 referred)

The Taxi & Private Hire Licensing Manager, Communities & Environment explained the background to the report, the main issues to be considered and then spoke in detail about the opportunities for harmonisation which included the following:

- CCTV in vehicles
- Convictions policy
- Vehicle specification
- Driver training
- Information sharing between authorities
- Effective cross-border enforcement

Referring to the installation of CCTV in taxi and private hire vehicles, Members queried if it was a mandatory requirement for all local authorities.

Members were informed that currently the use of CCTV in vehicles was voluntary.

Members expressed surprise that currently there was no local supplier for installation/ maintenance of CCTV equipment.

In responding the Taxi & Private Hire Licensing Manager said there was no supplier that met the current Leeds City Council standards, moving forward any such standard would require the agreement of all 6 local authorities under the harmonisation proposals. A further consideration was how CCTV data was retrieved/ stored and used, guidance on this issue may be required from the Information Commissioner.

Members pointed out that bus operators and the fire service already had CCTV systems operational in their vehicles and suggested that such organisations be contacted to gain a further understanding of procurement/ maintenance and data management.

Reference was made to the convictions policy, in particularly the offence of death or serious injury and the proposal to refuse a licence indefinitely. Members queried if it was possible, under these circumstances for a driver to be granted a licence.

In responding the Taxi & Private Hire Licensing Manager said that in applying for a licence the applicant would need to demonstrate that they were a fit and proper person to hold a licence and provide necessary evidence.

It was the general view of Members that the policy should be identical across the region.

Referring to vehicle specification the Taxi & Private Hire Licensing Manager reminded Members that a working group had been established to review vehicle conditions; looking at the issue of safety, vehicle standards and with a view to encouraging more hybrid and electric vehicles. It was reported that the first meeting of the group would take place in the next few days.

Reference was made to the proposed Clean Air Zone (CAZ) with Members querying how out of town hackney carriage and private hire vehicles entering the CAZ would be identified and charged

In responding officers said that vehicles would be identified through the establishment of a National Database for hackney carriage and private hire vehicles which should be operational by 2020.

Commenting on driver training Members expressed the view that minimum standards must include literacy training, one Member suggesting that they would be supportive of the ESOL Entry Level 3 (or at level 2 if written)

A few Members expressed concern about the Local Knowledge Test commenting that on occasions drivers had no knowledge of the local area.

In responding the Taxi & Private Hire Licensing Manager said the test included questions specific to an area and the use of an A - Z map. In respect of literacy, there were numerous other checks to assess the level of understanding.

Commenting on the information sharing, the Taxi & Private Hire Licensing Manager said there was some national legal considerations that needed to be taken into account as part of the harmonisation process, some existing case law did not help and clear guidance was required.

Referring to effective cross-border enforcement, Members queried if other local authorities had the capacity/ resources to undertake effective cross border enforcement activities.

In responding the Taxi & Private Hire Licensing Manager said all 6 local authorities had agreed the same policy but not all had the same capacity/ resources, but it was likely that the burden of traffic would head for Leeds.

Members queried if officers from other authorities undertook taxi and private hire enforcement operations in the Leeds area.

Officers confirmed that approximately every 4 – 6 weeks officers from other local authorities were involved in enforcement operations in Leeds.

In drawing the discussion to a conclusion the Chair thanked officers for their report and welcomed the contributions made by Members.

RESOLVED –

- (i) That the contents of the report be noted and the suggested way forward be supported.
- (ii) To support the priority areas identified for harmonising policies and conditions, or establishing common minimum standards.
- (iii) To support the consultation on the two harmonised policies during October, November and December 2018

60 Licensing Committee Work Programme 2018/19

Members considered the contents of the Licensing Committee Work Programme for 2018/19 and following decisions made earlier in the meeting requested that the following issues be added to the work programme:

- Taxi and Private Hire Vehicle Licensing - Step Towards a Safer and More Robust System (November 2018)
- Harehills & Gipton Action Report – Communities Team (December 2018)

RESOLVED – That subject to the inclusion of the above the contents of the Licensing Committee Work Programme for 2018/19 be approved

61 Date and Time of Next Meeting

RESOLVED – To note that the next meeting will take place on Tuesday, 6th November 2018 at 10.30am in the Civic Hall, Leeds.