

Licensing Committee

Tuesday, 16th November, 2010

PRESENT: Councillor S Armitage in the Chair

Councillors M Dobson, R Downes,
R D Feldman, G Hussain, V Morgan,
B Selby, D Wilson and G Wilkinson

35 Late Items

No formal late items of business were added to the agenda; however Members were in receipt of the following supplementary information: Agenda item 7 NVQ and VRQ qualifications for drivers – additional documents providing up to date information on the modules now available within the training programmes. (minute 39 refers)

36 Declarations of Interest

The following Members declared personal/prejudicial interests for the purposes of Section 81(3) of the Local Government Act 2000 and paragraphs 8 to 12 of the Members Code of Conduct

Councillor Downes – Item 9 The Leeds Festival Event Management Plan – stated his daughter had attended the 2010 Festival although this was not a personal interest under the terms of the Members Register of Interests (minute 40 refers)

37 Apologies for Absence

Apologies for absence were received from Councillors Dunn, Mrs R Feldman; Hanley; G Hyde and Townsley

38 Minutes

RESOLVED – That the minutes of the last Licensing Committee meeting held on 14th September 2010 be agreed as a correct record

39 NVQ and VRQ qualifications for drivers - Update and Review report

The Assistant Chief Executive (Corporate Governance) submitted a report setting out the progress of the mandatory NVQ and VRQ qualification for all existing Hackney Carriage and Private Hire drivers and new applicants entering the trades since they were introduced by the former Licensing and Regulatory Panel in September 2008.

At that time, the former Panel set a target date of December 2011 for all existing drivers to have achieved the mandatory qualifications and new drivers were given 12 months from entering the trade to achieve the qualifications. Members were requested to consider those deadlines in the face of limited Government funding and having regard to the statistical analysis of the uptake and success of the scheme.

LCC Taxi & Private Hire Licensing Section (TPHL) had undertaken public consultation regarding the qualifications and whether they were perceived as remaining necessary in terms of providing a safe and quality service. The report included copies of the consultation and information documents available during the consultation process along with copies of responses received to the consultation from drivers and interested parties. Copies of the Quarterly Licensing Newsletter sent to all licence holders which highlighted the changes to the funding and the consultation were also included.

The report set out the detail of the training modules available and training providers, and Committee had also received additional information on future training modules.

The Committee considered the options available as set out in paragraph 3:2 of the report, and discussed the background to the implementation of the qualifications. The Committee was reassured by the evidence of the widespread consultation undertaken by TPHL and the Licensing Newsletter issued to all licence holders was considered to be a highly effective method for advising and informing drivers.

The Committee noted the following matters:

- The qualifications had been implemented due to the number of complaints regarding drivers' skill and professionalism received from the public and Councillors in Leeds.
- The government drive nationally to improve the standards of passenger carrying trades
- The fact that the time limited nature of the funding had been highlighted to drivers, but some still had not undertaken the course
- Some local providers were still able to source funding for the training
- The mix of comments received from the trade and public in response to the consultation
- The view that more experienced drivers should be exempted from the requirements of the VRQ, but noted the response that many trades required experienced operatives to undertake continual assessment

The Committee heard from Ms K Deane of Go Skills with regard to future funding of the scheme and the funding support likely to be available for drivers.

The Committee raised the following issues

- whether there was evidence that the number of complaints had decreased since the VRQ/NVQ scheme was implemented
- whether there had been an impact on the overall number of drivers from minority ethnic backgrounds
- 40% of drivers had not signed up the scheme. The Committee queried whether there was anything further to be done to attract them to the scheme, or if not, what measures were in place to enforce the mandatory scheme
- the wealth of the material before them and commented this would have been better presented as a list of comments received, rather than each individual letter of representation. Officers responded that the presentation

- of information in response to consultations was being reviewed given the personal information often contained therein
- whether LCC could provide the training modules in-house for drivers. Officers responded that there was a need to remain impartial from the process plus more time was required to fully consider the impact on LCC staffing and resources
 - whether LCC could procure training providers to deliver locally and reduce the cost
 - the possibility of no enforcement having taken place between September 2008 and September 2009 for new applicants.

The Committee welcomed the figures showing 3870 drivers had signed up for the qualifications with 3043 now certificated; and commended those drivers for their effort and those operators who had supported their drivers undertaking the scheme. The Committee also thanked the officers of TPHL Section for their work during the consultation, particularly Mrs K Coldwell, Service Development Officer. Members reiterated the importance of public safety and the benefits to the drivers personally of obtaining a nationally recognised accreditation

RESOLVED – That, due to additional issues raised by the Committee, determination of this matter be deferred until the next meeting. The Committee requested a further report be presented in due course to include responses to Members comments, including:

- cost of in-house procurement of the training modules and the cost of exemptions of experienced drivers from the scheme
- the impact of the above on the licence fees given the ring fencing of the TPHL budget
- statistical information on complaints received since the implementation of the scheme
- appropriate measures which could be implemented to ensure 100% take-up of the scheme
- whether LCC could procure training providers to deliver locally and reduce the cost

The Committee also requested that an explanation of the possibility of no enforcement having taken place between September 2008 and September 2009 for new applicants be provided directly to Committee Members.

40 Leeds Festival 2010 - Grounds of Bramham Park, Bramham, Leeds LS23

The Assistant Chief Executive (Corporate Governance) submitted a report on the outcome and findings of the Leeds Festival Multi-Agency meeting held on 7th October 2010. The Festival had been held over August Bank Holiday weekend and the report referred to the comments made by the various agencies involved in preparations for the Festival.

Members noted the comments of Mr G Mudhar on behalf of LCC Environmental Protection Team regarding the nature of the noise complaints received during the event

The Committee welcomed Mr Benn, the event promoter; and went onto discuss the recent news reports that an application would be made to

increase capacity on the site. Measures introduced to address ticket touts at this Festival and the national initiative to eradicate the illegal trade in tickets were also discussed.

Inspector M Griffiths of West Yorkshire Police then addressed the Committee. He stated that there had been an 11% decrease in reported incidents of crime during the Festival and provided an overview of Operation Northdale – a rape prevention exercise. Mr Benn highlighted the fact that the Leeds Festival 2010 was the only UK festival this year to have no recorded incidents of sexual offences.

The Committee noted that all agencies had been satisfied with the event this year and welcomed the efforts made by the promoter to address issues identified in previous years to provide a successful Festival.

RESOLVED – To note the contents of the report and to extend thanks to Mr Benn and Chief Inspector Griffiths for their attendance. The Chair also thanked all agencies and LCC officers involved in the event for their continued effort to produce a successful Festival.

41 LCC Environmental Protection Team - Premises Licences - Prevention of Public Nuisance

The Chief Officer (Health and Environmental Action Service) submitted a report setting out the process of assessment of applications made under the Licensing Act 2003 undertaken by the Service and the Environmental Protection Team (LCC EPT).

Mr R Bilsborough and Mr B Kenny attended the meeting to provide a presentation on the issues considered when considering whether to make a representation on an application in respect of public nuisance and the evidence to be provided in support of a representation.

(Councillor Downes withdrew from the meeting at this point)

It was noted that LCC EPT was served with a copy of every licensing application made to the Licensing Authority, and the Act 2003 required EPT to take a preventative approach to public nuisance in respect of new licences. Officers highlighted that in those instances, historical factual evidence may not be available.

The Committee noted that if agreement had been reached between an applicant and a Responsible Authority on measures to address the relevant licensing objectives, that RA no longer had the right to attend any subsequent hearing or speak. Sub Committee Members could however request further information, from that RA; and then adjourn the hearing to a given date.

RESOLVED – To thank LCC EPT team for their presentation and to note the contents of the report

(Councillor Dobson withdrew from the meeting at this point)

42 Three Year Review of the Statement of Licensing Policy 2011 - 2013

The Committee considered the report of the Assistant Chief Executive (Corporate Governance) on the review of the Councils' current Statement of Licensing Policy. The report set out the consultation undertaken so far and the comments received, with the likely revisions to the Policy.

Members noted the Policy had been considered by Executive Board on 3rd November 2010 as part of the process for adoption of the revised Policy. Approval by full Council was anticipated at its meeting on 17 November 2010 in time for the deadline of adoption of the Policy as 5th January 2011.

Members noted the contents of Appendix 1 of the report which set out the proposed revisions arising from the consultation and the experience of the licensing authority in detail.

(Councillor Dobson rejoined the meeting at this point)

RESOLVED – That the contents of the report be noted

43 Large Casino Update

The Assistant Chief Executive (Corporate Governance) submitted a report outlining the progress made so far on the two stage process to establish a Large Casino in Leeds.

RESOLVED – To note the contents of the report

44 Sexual Entertainment Venues Update - Local Government (Miscellaneous Provisions) Act 1982

The Assistant Chief Executive (Corporate Governance) submitted a report providing an update on the work so far of the Sexual Entertainment Venue Working Group (SEV WG) which had been established by the former Licensing and Regulatory Panel on 22nd June 2010. A copy of the minutes of the last SEV WG meeting were attached for reference and Members noted the future work programme of the Group

RESOLVED – To note the contents of the report

45 Licensing Work Programme

RESOLVED – To note the contents of the Licensing Work Programme

46 Date and Time of Next Meeting

RESOLVED - To note the date and time of the next meeting as Tuesday 21st December 2010 at 10:00 am