

Licensing Committee

Tuesday, 15th March, 2011

PRESENT: Councillor S Armitage in the Chair

Councillors R Downes, J Dunn,
R D Feldman, T Hanley, G Hussain,
G Hyde, V Morgan and B Selby

IN ATTENDANCE

Ms B Fullard – Public Health Consultant, Leeds Primary Care Trust
Mr B Chard – GMB
Mr J Akhtar – GMB
Mr N Aram – GMB
Mr J Akhtar – LTO Streamline
Mr M Utting – LTO Streamline
Mr K Ahmed – City Cabs

- 64 Exempt Information - Possible Exclusion of the Press and Public**
RESOLVED – That the public be excluded from the meeting during consideration of that part of the agenda designated as exempt information on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present there would be disclosure to them of exempt information so designated as follows:-
Appendix 1 of the report referred to in minute 69 in terms of Access to Information Procedure Rule 10.4 (3) on the grounds that the documents contain information relating to the financial or business affairs of external organisations which if disclosed to the public could disadvantage the future business of those organisations.
- 65 Late Items**
No formal late items of business were added to the agenda although an additional document was tabled at the meeting containing slides of a power point presentation in support of Item 7 “the economic and social cost of alcohol in Leeds”. (minute 70 refers)
- 66 Declarations of Interest**
There were no declarations of interest
- 67 Apologies for Absence**
Apologies for absence were received from Councillors Dobson, Mrs Feldman, Grayshon, Townsley, Wilson and Wilkinson
- 68 Minutes**
RESOLVED – That the minutes of the meeting held 15th February 2011 be agreed as a correct record

69 NVQ & VRQ Qualifications - Officer Response to Licensing Committee - Request to Consider Alternative Training Delivery

Further to minute 39 of the meeting held 16th November 2011 when the Committee deferred determination of the report on the future of mandatory NVQ and VRQ qualifications for Hackney Carriage (HC) and Private Hire (PH) drivers, the Assistant Chief Executive (Corporate Governance) submitted a further report setting out responses to the concerns previously raised by Members.

The November Committee had considered the deadlines given for completion of the qualifications in the face of limited Government funding and having regard to the statistical analysis of the uptake and success of the scheme. Officers referred to the report and responded to the Committees' key concern regarding the number and nature of complaints received since the implementation of the training in particular as follows:

Complaint	2009	2010
Disability	18	5
Race		5
Parking	107	63
Non Compliance	25	14
Criminal complaint	27	51
PH drivers	29	20
HC drivers	2	8

Officers were keen to put the number and nature of complaints into context with the volume of work undertaken by the trades and noted that no link could be proved between the reduction in complaints and the uptake of training. It was suggested that this type of monitoring could be undertaken in the future.

The Committee noted the options to consider, including the consequences of retaining the NVQ VRQ requirement or removing that requirement; and whether to reconsider the options originally presented in 2008. Members discussed:

- whether a review of the number of historical complaints was beneficial to future delivery of the service to the public
- the benefits of continued monitoring of the number and nature of complaints to review the success of the qualifications and positive impact on the service to the public
- whether the volume of trips had decreased during 2009/10 which could have an impact on the number of public complaints received
- a request for monitoring by ethnicity statistics to be submitted as it was stated that some drivers from some cultures felt they were treated less favourably. The Committee considered whether these statistics would be beneficial to the decision and requested that a copy of the TPHL Section Equality Impact Assessment be submitted in the first instance to enable Members to take a collective opinion on whether ethnicity statistics were required
- Members were concerned that funding would cease soon in the Leeds area but training may still be available from a Midlands based firm and felt

- this should be investigated. Members were unhappy at the prospect of part of the contingent of licence holders remaining untrained
- Members welcomed the fact that both the HC and PH trades in recent years had worked collaboratively with the TPHL Section to improve all aspects of the service they provided to the public
 - The fact that no enforcement had taken place between September 2008 and September 2009 of the condition requiring new applicants to undertake the qualification.

(Councillor Selby joined the meeting at this point)

The Committee broadly welcomed the report but felt there was a great deal of information which required further consideration. The Chair suggested a small Working Group be established to consider the possibility of creating a programme of in-house training and testing provided by TPHL Section to drivers. Members considered the recommendations and the options available and

RESOLVED –

- a) That, having regard to the costs detailed in the outcome of the market testing exercise, the procurement of external training providers be discounted at the present time
- b) To note there is no facility for non-Council employees (i.e. members of the HC/PH trade) to obtain accredited vocational training programmes through the Councils' own Corporate Training Programme
- c) That officers be requested to carry out further feasibility work on the design of a training and testing system that would mirror as far as possible the elements and benefits of the existing NVQ and VRQ qualifications
- d) That a small Working Group of Members and relevant officers be established to discuss the feasibility work and training/testing system outlined in c) above and report back
- e) That Members support the approach that there will be no enforcement of the original NVQ/VRQ requirements whilst the feasibility work and training/testing system is investigated
- f) That the Committee continues to encourage drivers to take advantage of the current qualifications whilst they are still free.
- g) To request a copy of the TPHL Section Equality Impact Assessment be sent to Members of the Committee.

70 Economic and Social Cost of Alcohol in Leeds 2008/09

The Committee considered a report previously presented to Scrutiny Board (Health) on the wider economic and social costs of alcohol related harm in Leeds. The Chair of the Scrutiny Board and Chair of Licensing Committee had felt the contents to be pertinent to the work of the Committee and its Sub Committees.

Ms Brenda Fullard, Leeds PCT provided an overview of the documents highlighting the issues which were relevant to the Licensing Committee. It was noted that the Entertainment Licensing Section was a stakeholder in the Alcohol Action Plan 2011-15 which was due to be launched in Leeds on 21 March 2011. Members were also aware that the Public Reform and Social

Responsibility Bill contained proposals to make local health authorities a “responsible authority” under the provisions of the Licensing Act 2003 which would afford PCTs the opportunity to make representations to licensing applications. Ms Fullard highlighted the following key issues:

- 2008/09 saw a 14% increase in the number of alcohol related accident & emergency hospital admissions
- The wider cost of alcohol totalled £438m in that period – in terms of health and social care, criminal justice system, lost productivity.
- That cost needed to be balanced against the benefits (£1.6m in the same period) of Leeds’ strong night time economy
- The Leeds Alcohol Action Plan looked to increase the involvement of all stakeholders in the licensing trade and influence public attitude, to support those who sought to change their drinking behaviour, improve treatment for dependant and hazardous drinkers and tackle child drinkers.

(Councillor Hussain left the meeting at this point)

Members commented on the following matters:

- The report revealed that the increase in alcohol related problems had been building up over a number of years and was not as a result of the implementation of the Licensing Act 2003
- Alcohol was more affordable in real terms now than in 1980
- Commented on the prominent display of alcohol promotions in supermarkets
- Many people now drank cheaply bought alcohol from supermarkets at home prior to going out into town. Alcohol appeared to be embedded in British culture with wide popular media coverage and perhaps a radical sea change of thinking was required to make binge drinking as socially unacceptable as smoking
- Alcohol promotions in nightclubs linked to entry fees were also regarded as an issue by some Members.

Members suggested the report needed a wide distribution to Area Committees and community groups; the Committee also discussed the role of education in showing young people the long term harm to health caused by alcohol and suggested the additional power point documentation should be available to schools.

RESOLVED – To thank Ms Fullard for her presentation and to note the contents of the report and the comments made by Members.

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

The Assistant Chief Executive (Corporate Governance) submitted a report on the progress made by the SEV Working Group established by the Committee to develop a Policy and standard conditions relating to sex establishments - including sex shops; sex cinemas and lap dancing clubs. A copy of the draft Policy and Consultation Report was included for approval prior to the start of the public consultation on 4th April 2011.

The Committee noted the main concerns of the WG at the outset had been dancer's welfare and the daytime appearance of establishments. Discussion followed on:

- The benefits of having met with representatives of the trade and interested parties during the pre-consultation process
- The policy proposal to deal with each application on its own merit, rather than set a definitive number of establishments for the city
- The grounds a Sub Committee could consider as reasons to refuse an application
- The comments that
 - sports/recreational attractions should be listed within para 4:4 of the Policy as well as City Varieties within the arts/heritage attractions
 - para 8:33 to clarify which body an appeal should be made to
 - condition 51 to read "type of misdemeanour" not "fine"

RESOLVED -

- a) That the contents of the report be noted
- b) That approval be given to the consultation methodology and the draft Policy (with the minor amendments outlined above)
- c) That officers be authorised to commence the public consultation period on 4th April 2011.

72 Sex Establishment Fees and Charges - Local Government (Miscellaneous Provisions) Act 1982

The Committee considered the report of the Assistant Chief Executive (Corporate Governance) seeking approval in principal of the proposed fees for Sex Establishments having regard to recent changes in the law brought about by the European Services Directive. Any changes to the fees would require consultation with the relevant trade operators.

The report provided a breakdown of the service provided by the Entertainment Licensing Section as part of the application and administration process and comparative costs with other local authorities. Officers reiterated that only aspects of the administration process could be reflected in the fee. The Committee was keen to ensure that all aspects; including Members' time deliberating on applications and legal advice were provided for. Members were not convinced the proposed fees would achieve this and requested that officers recalculate the costs to include a proportion of Members Allowances.

RESOLVED -

- a) That Committee agree to the revision of the fee to include Members Allowances
- b) That Entertainment Licensing be authorised to consult with members of the industry alongside the wider consultation for the Statement of Licensing Policy which is due to commence in early April 2011
- c) That following consultation, a delegated decision be taken to approve new fees with effect from 1st October 2011 to coincide with the new provisions relating to the licensing of sex establishments adopted by Council in January 2011 which also take effect from 1st October 2011

73 Licensing Work Programme

The Committee noted that the Working Group established at this meeting would be included in the Work Programme and further considered membership of the WG

RESOLVED –

- a) To note the contents of the Licensing Work Programme for the remainder of the 2010/11 Municipal Year
- b) To note the membership of the “driver qualifications Working Group as Councillors Armitage, G Hyde and R D Feldman

74 Date and Time of Next Meeting

RESOLVED - To note the date and time of the next meeting as Tuesday 12th April 2011 at 10.00 am