

Licensing Committee

Friday, 24th May, 2019

PRESENT: Councillor B Garner in the Chair

Councillors N Buckley, B Flynn,
G Wilkinson, A Garthwaite, P Drinkwater,
B Garner, C Knight, A Hutchison, J Lennox,
A Marshall-Katung, A Wenham and P Wray

1 Chair's Opening Remarks

The Chair paid tribute to former Licensing Committee Chair, Councillor Mary Harland, commenting that it would be a "tough act to follow"

The Chair introduced and welcomed Councillors: Andy Hutchinson, Jess Lennox, Paul Wray, Angela Wenham and Abigail Marshall-Katung as new Members to the Licensing Committee.

2 Appeals Against Refusal of Inspection of Documents

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

3 Exempt Information - Possible Exclusion of the Press and Public

There were no late 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.

4 Late Items

The Chair accepted the inclusion of a late Item of business onto the Committee, "Taxi & Private Hire Licensing - Response to Department for Transport consultation on Statutory Guidance" (Minute No. 11 referred. Members were informed that it was in the best interests of the Council and other parties concerned that the matter be considered without delay.

5 Declaration of Disclosable Pecuniary Interests

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

6 Apologies for Absence

Apologies for absence were received for Councillors: R Downes, H Bithell and P Latty

7 Minutes of the Previous Meeting

RESOLVED – That the minutes of the previous meeting held on 2nd April 2019, were accepted as a true and correct record.

8 Matters Arising from the Minutes

There were no issues raised under Matters Arising.

9 Licensing Committee - Annual Governance Arrangements

The City Solicitor submitted a report which sought to establish the governance arrangements for the Licensing Committee for the 2019/20 Municipal Year, namely:

- To note the terms of reference of the Licensing Committee as agreed at the annual Council meeting on 22nd May 2019.
- To appoint the five Licensing Sub-Committees for the 2019/20 Municipal year.
- To approve the Membership of each Sub Committee as set out in Appendix 2 of the submitted report
- To approve terms of reference for the Licensing Sub-Committees as set out in Appendix 3 of the submitted report.
- To approve the delegation of licensing functions to the Director of Communities and Environment as set out in Appendix 4 of the submitted report.

Appended to the report were copies of the following documents:

- Licensing Committee Terms of Reference (Appendix 1 refers)
- Membership of each Licensing Sub Committee (Appendix 2 refers)
- Licensing Sub Committee Terms of Reference (Appendix 3 refers)
- The delegation of Licensing functions to the Director of Communities and Environment (Appendix 4 refers)

The Section Head, Legal Services, presented the report providing a brief overview of its contents

RESOLVED –

- (i) To note the terms of reference of the Licensing Committee as approved by full Council on 22nd May 2019 as shown at Appendix 1
- (ii) That the five Licensing Sub-Committees hearings required under the 2003 and 2005 Acts be established with the following Memberships:
 - A Councillors: R Downes, P Latty and C knight
 - B Councillors: N Buckley, A Marshall-Katung and B Garner
 - C Councillors: Wilkinson, Drinkwater and J Lennox

- D Councillors: H Bithell, P Wray and A Hutchison
E Councillors: B Flynn, A Wenham and A Garthwaite

- (iii) That approval be given to the terms of reference for the Licensing Sub-Committees as set out in Appendix 3 of the report
- (iv) To approve the delegation of Licensing functions to the Director of Communities and Environment as shown in Appendix 4 of the report.

10 Licensing Procedure Rules, the Code of Practice for Determining Licensing Matters and Prescribed Licensing Training

The City Solicitor submitted a report which set out draft procedure rules relating to meetings and hearings of the Licensing Committee and sub-committees and sought the approval of Members to the adoption of these to govern committee procedure.

The report also requested consideration of the Code of Practice for the Determination of Licensing Matters and sought agreement of the Committee to approve and a resolution to follow the Code.

Reference was made to meetings of the Licensing Sub Committee with one Member querying if there was any guidance for Members when; acquaintances, friends and neighbours unexpectedly attended. Should Members acknowledge their presence or should Members remain silent.

Officers were unaware of any formal guidance on such issues and offered to make the necessary enquiries. It was confirmed that Members would not sit on a Licensing Sub Committee where any applications for their own wards were being considered in order to avoid such situations.

RESOLVED –

- (i) That the Licensing Procedure Rules as set out as Appendix 1 of the report be approved
- (ii) To approve and follow the contents of the Code of Practice for the Determination of Licensing Matters as set out in Appendix 2 of the submitted report
- (iii) To note the arrangements for the prescribed training programme.
- (iv) To note that once approved “the Code of Practice for the determination of Licensing Matters” will be brought to the attention of all Elected Members

11 Taxi & Private Hire Licensing - Response to Department for Transport consultation on Statutory Guidance

The Chief Officer, Elections and Regulatory submitted a report which drew to the attention of Members the results of the Council's response to a recent consultation of Licensing Authorities by the Department for Transport (DfT)

The Taxi & Private Hire Licensing Manager, Communities & Environment explained the background to the report and the response to the consultation.

Members were informed that the City Council's response, as set out in Appendix 1 of the submitted report was broadly very supportive of the recommendations, and in many areas of the guidance, the Council already had policies and measures in place. Members noted that with some further changes, the Council could also implement the majority of the recommendations.

Members were informed that in some areas of the draft guidance, the Council had suggested either an alternative way of addressing the area of risk, or suggested that revised guidance would need to be developed. These areas included;

- Administration of the licensing framework and decision making, including officer and Member roles
- Oversees Convictions
- Conviction Policy
- Suspension and revocation of driver licences
- In vehicle visual and audio recording – CCTV
- Convictions guidance

Commenting on the administration of the licensing framework and decision making, reference was made to the complaints procedure, although Members were supportive of the public safety issues, they queried if the timescale for processing malicious complaints could be reduced?

It was understood by Members that often a driver's licence may be suspended whilst an investigation was being carried out, leading to financial hardship for the driver if the investigation was to continue for some time.

In responding the Taxi & Private Hire Licensing Manager said if the complaint was of a serious nature, it may be referred to the Police for further investigation. In such cases evidence would be required; witness statements, inspection of CCTV footage, all of which was a time consuming process.

Reference was made to "oversees convictions" Members recognised that Leeds had strong practices and procedures in place but other authorities did not apply the same standards and would often issue licenses to drivers who could then operate outside their own districts.

Members were informed that the decision of an authority to issue a vehicle license could be challenged "Was this person fit and proper to have a licence" but a successful challenge was rare with only 3 been overturned nationally in the past three years.

One Member commented that the checks and standards implemented in the District of Rotherham were far stricter than in Leeds.

The Taxi & Private Hire Licensing Manager said Members will be aware that in the recent past Rotherham had being the subject of some public safety issues in respect of vehicle licensing and as a direct consequence strong Licensing Policies had been introduced.

One Member suggested that foreign nationals, fleeing their own country and seeking asylum in the UK may find it difficult to obtain the necessary documentation due to their circumstances.

It was suggested that in such instances the applicant be advised about obtaining a Statutory Declaration.

A discussion ensued on the use of "In vehicle visual and audio recording - CCTV)

Members heard from trade representatives that they were supportive of the use of CCTV in licenced vehicles following concerns from their Members about driver safety. It was suggested the use of such equipment may provide the necessary evidence when investigating a complaint. Members were made aware that a CCTV system could now be purchased for less than £100 but Council approved systems (sealed systems) were in excess of £500.

In responding Taxi & Private Hire Licensing Manager said the control and management of a mandatory CCTV system was a significant undertaking. The equipment needs to meet all necessary standards, access and control arrangements requires further consideration and concerns around surveillance and privacy also requires further clarification.

The majority of Members were supportive of the use of CCTV in licenced vehicles, also accepting that further clarification and statutory guidance were required.

Members suggested the establishment of a CCTV Member Working Group to develop a policy around CCTV systems in Licenced Vehicles, the Working Group to include representation from the Taxi and Private Hire Trade and any other partners considered necessary.

Members were supportive of the suggestion.

The Chair thanked everyone for their participation and contributions commenting that further clarification and guidance was required. He said it was the view of Members that the use of CCTV systems in Licenced Vehicles was a priority and officers should seek to progress this issue.

RESOLVED –

- (i) To note the purpose and content of the information contained within the submitted report

- (ii) To note the Council's response to the consultation, in particular the responses where the Council suggests the approach recommended in the Statutory Guidance may not work effectively in Leeds.
- (iii) That a Working Group be established to develop a policy around CCTV systems in Licenced Vehicles

12 Licensing Committee Work Programme

Members considered the contents of the Licensing Committee Work Programme for 2019/20.

Following discussion of an earlier item on Taxi and Private Hire Licensing, Members requested if an update report on the "West Yorkshire Combined Authority Project to Harmonise Taxi & Private Hire Vehicle and Driver Conditions across West Yorkshire and York" could be submitted to the next meeting of the Committee.

RESOLVED – That with the inclusion of the above, to approve the contents of the Licensing Committee Work Programme for 2019/20

13 Date and Time of Next Meeting

RESOLVED – To note that the next meeting will take place on Tuesday, 2nd July 2019 at 10.00am in the Civic Hall, Leeds.