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## **LICENSING COMMITTEE**

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**MEETING TO BE HELD IN CIVIC HALL, LEEDS ON**

**TUESDAY, 13TH AUGUST, 2019 AT 10.30 AM**

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### **MEMBERSHIP**

|                   |   |                              |
|-------------------|---|------------------------------|
| N Buckley         | - | Alwoodley;                   |
| R Downes          | - | Otley and Yeadon;            |
| B Flynn           | - | Adel and Wharfedale;         |
| G Wilkinson       | - | Wetherby;                    |
| A Garthwaite      | - | Headingley and Hyde Park;    |
| H Bithell         | - | Kirkstall;                   |
| P Drinkwater      | - | Killingbeck and Seacroft;    |
| B Garner (Chair)  | - | Ardsley and Robin Hood;      |
| C Knight          | - | Weetwood;                    |
| A Hutchison       | - | Morley North;                |
| P Latty           | - | Guiseley and Rawdon;         |
| J Lennox          | - | Cross Gates and Whinmoor;    |
| A Marshall-Katung | - | Little London and Woodhouse; |
| A Wenham          | - | Roundhay;                    |
| P Wray            | - | Hunslet and Riverside;       |

## A G E N D A

| Item No | Ward/Equal Opportunities | Item Not Open |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Page No |
|---------|--------------------------|---------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|
| 1       |                          |               | <p><b>APPEALS AGAINST REFUSAL OF INSPECTION OF DOCUMENTS</b></p> <p>To consider any appeals in accordance with Procedure Rule 15.2 of the Access to Information Procedure Rules (in the event of an Appeal the press and public will be excluded)</p> <p>(*In accordance with Procedure Rule 15.2, written notice of an appeal must be received by the Head of Governance Services at least 24 hours before the meeting)</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |         |
| 2       |                          |               | <p><b>EXEMPT INFORMATION - POSSIBLE EXCLUSION OF THE PRESS AND PUBLIC</b></p> <ol style="list-style-type: none"> <li>1 To highlight reports or appendices which officers have identified as containing exempt information, and where officers consider that the public interest in maintaining the exemption outweighs the public interest in disclosing the information, for the reasons outlined in the report.</li> <li>2 To consider whether or not to accept the officers recommendation in respect of the above information.</li> <li>3 If so, to formally pass the following resolution:-</li> </ol> <p><b>RESOLVED</b> – That the press and public be excluded from the meeting during consideration of those parts of the agenda designated as containing 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 press and public were present there would be disclosure to them of exempt information</p> |         |

| Item No | Ward/Equal Opportunities | Item Not Open |                                                                                                                                                                                                                                                                                                                    | Page No |
|---------|--------------------------|---------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|
| 3       |                          |               | <b>LATE ITEMS</b><br><br>To identify items which have been admitted to the agenda by the Chair for consideration<br><br>(The special circumstances shall be specified in the minutes)                                                                                                                              |         |
| 4       |                          |               | <b>DECLARATION OF DISCLOSABLE PECUNIARY INTERESTS</b><br><br>To disclose or draw attention to any disclosable pecuniary interests for the purposes of Section 31 of the Localism Act 2011 and paragraphs 13-16 of the Members' Code of Conduct.                                                                    |         |
| 5       |                          |               | <b>APOLOGIES FOR ABSENCE</b><br><br>To receive apologies for absence (If any)                                                                                                                                                                                                                                      |         |
| 6       |                          |               | <b>MINUTES OF THE PREVIOUS MEETING</b><br><br>To consider and approve the minutes of the previous meeting held on 2 <sup>nd</sup> July 2019.<br><br>(Copy attached)                                                                                                                                                | 1 - 4   |
| 7       |                          |               | <b>TAXI &amp; PRIVATE HIRE LICENSING - PROPOSED WORKING GROUP ON CCTV IN TAXI AND PRIVATE HIRE VEHICLES</b><br><br>To consider a report by the Chief Officer, Elections and Regulatory which seeks Committee Members' input to a working group on CCTV in taxi and private hire vehicles.<br><br>(Report attached) | 5 - 14  |

| Item No | Ward/Equal Opportunities | Item Not Open |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Page No    |
|---------|--------------------------|---------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|
| 8       | Harewood;<br>Wetherby    | 10.4(3,<br>7) | <p><b>PREMISES LICENCE, LICENSING ACT 2003 - LEEDS FESTIVAL 2019</b></p> <p>To consider a report by the Chief Officer, Elections and Regulatory which advises Members of the progress of the multi-agency meetings and the Event Management Plan for the 2019 annual festival.</p> <p>The report recommends that the approval of the final Event Management Plan be delegated to the Chief Officer, Elections and Regulatory</p> <p>(Please be aware that Appendix A of the report is exempt from publication and its contents should not be disclosed to third parties)</p> <p>(Report attached)</p> | 15 -<br>26 |
| 9       |                          |               | <p><b>LICENSING COMMITTEE WORK PROGRAMME</b></p> <p>To note the contents of the Licensing Committee Work Programme for 2019/20</p> <p>(Report attached)</p>                                                                                                                                                                                                                                                                                                                                                                                                                                           | 27 -<br>28 |
| 10      |                          |               | <p><b>DATE OF NEXT MEETING</b></p> <p>To note that the next meeting of the Licensing Committee will take place on Tuesday, 3<sup>rd</sup> September 2019 at <b><u>11.00am</u></b> in the Civic Hall, Leeds.</p>                                                                                                                                                                                                                                                                                                                                                                                       |            |

| Item No | Ward/Equal Opportunities | Item Not Open |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Page No |
|---------|--------------------------|---------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|
|         |                          |               | <p><b>Third Party Recording</b></p> <p>Recording of this meeting is allowed to enable those not present to see or hear the proceedings either as they take place (or later) and to enable the reporting of those proceedings. A copy of the recording protocol is available from the contacts named on the front of this agenda.</p> <p>Use of Recordings by Third Parties– code of practice</p> <p>a) Any published recording should be accompanied by a statement of when and where the recording was made, the context of the discussion that took place, and a clear identification of the main speakers and their role or title.</p> <p>b) Those making recordings must not edit the recording in a way that could lead to misinterpretation or misrepresentation of the proceedings or comments made by attendees. In particular there should be no internal editing of published extracts; recordings may start at any point and end at any point but the material between those points must be complete.</p> |         |
| 2       |                          |               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |         |
| a)      |                          |               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |         |
| b)      |                          |               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |         |

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## **Licensing Committee**

**Tuesday, 2nd July, 2019**

**PRESENT:** Councillor B Garner in the Chair

Councillors N Buckley, R Downes, B Flynn,  
A Garthwaite, H Bithell, A Hutchison,  
P Latty, J Lennox, A Marshall-Katung,  
A Wenham and P Wray

### **14 Appeals Against Refusal of Inspection of Documents**

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

### **15 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 confidential nature of the business to be considered

### **16 Late Items**

There were no late items of business identified.

### **17 Declaration of Disclosable Pecuniary Interests**

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

### **18 Apologies for Absence**

Apologies for absence were received for Councillors: P Drinkwater, C Knight and G Wilkinson

### **19 Minutes of the Previous Meeting**

**RESOLVED** – That the minutes of the previous meetings held on 21<sup>st</sup> and 24th May 2019, were accepted as a true and correct record.

### **20 Matters Arising from the Minutes**

There were no issues raised under Matters Arising

### **21 Review of the City Centre Cumulative Impact Area**

The Chief Officer, Elections and Regulatory submitted a report which presented the Annual Review of the City Centre Cumulative Impact Area.

The Chair introduced and welcomed Sergeant Martin Mynard and PC Cath Arkle from West Yorkshire Police.

The Principal Licensing Officer, Communities & Environment explained the background to the report and the results of the consultation and engagement.

Members noted that a four week email consultation had taken place between 13th May 2019 and 9th June 2019 which included all premises licence holders in the city centre, all ward Members who represent the local residents, Members of Parliament, and specialist licensing solicitors who may represent new licensees.

Members were informed that only one response was received from a premises outside of the red zones complaining about street drinking and rubbish accumulation.

Referring to the Police Crime Statistics (Appendix 1 of the submitted report) Members queried why drunk and disorderly offences had declined by 26.5% but public order offences had seen an increase, was this down to how crime was recorded.

In responding the police said they were now dealing with late night drunk and disorderly conduct in a different way due to the shortage of cell space. The police were now being more selective in who they arrest, often intervening early to prevent disorderly conduct later on. Greater CCTV coverage in the city centre was also assisting in identifying disorderly conduct and bar staff and door staff were being more proactive/ vigilant with drunk and disorderly customers.

Members queried if more cell space was the answer

Police representatives said more cell space would be useful but at the moment there were simply not enough officers to make the arrests.

Members noted there had been a slight reduction in crime on Call Lane and sought clarification on the reduction.

Members were informed that a significant amount of work had been done to combat drug dealing and knife crime in the area, a lot of arrests had been made with many individuals now serving prison sentences.

Referring to the Leeds BID, Members queried if Licensed Premises made a financial contributions to the scheme.

The Principal Licensing said most Licensed Premises in the City Centre were too small to contribute to the Leeds BID, but they often contributed towards Street Marshalling

Although not in the cumulative impact area, one Member suggested that there appeared to be drug related issues taking places in the Marlborough estate/ Clarendon Road area, were the police aware of such activity.

In responding the Police said they were not aware of drug activity in that area, there were no nearby licensed premises but further enquiries would be made.

One Member suggested there was no reference within the analysis to sexual offences, would such offences be categorized under assault.

In responding, the police said further analysis would be required to determine the level of sexual offences within the city center, no particular “hot spots” had been identified for this particular offence but further inquiries would be made.

The Chair thanked officers for their attendance and contributions, suggesting it was appreciated by Members.

**RESOLVED –**

- (i) That the interim review of the City Centre Cumulative Impact Area be approved
- (ii) That further information on the issues raised by Members, be circulated to all Members of the Committee, once the information becomes available.

**22 Taxi & Private Hire Licensing - Proposed Suitability Policy and Update on Policy Harmonisation with West Yorkshire & York authorities**

In the absence of the Taxi and Private Hire Licensing Manager and with the agreement of the Chair, this item was deferred until the next meeting of the Committee.

**23 Licensing Committee Work Programme**

That in addition to the Leeds Festival 2019 - Event Management Plan, the report “Taxi & Private Hire Licensing – Proposed Suitability Policy and Update on Policy Harmonisation with West Yorkshire & York Authorities” be also considered at the next meeting of this Committee in August 2019.

Members were informed that a site visit to the Leeds Festival 2019 site at Bramham Park had been arranged for Wednesday, 21<sup>st</sup> August 2019, further details about the visit would be circulated to Members in due course.

Commenting on the Leeds Festival Event 2019, representatives from the Taxi and Private Hire trade said the festival organisers were promoting greater use of a shuttle bus service with no consultation with taxi and private hire trade.

In responding the Chief Officer, Elections and Regulatory said the proposed arrangements met all the statutory requirements, this was not a Leeds City Council event therefore LCC’s influence was limited, but the concerns of the trade would be made known to the festival organiser

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

**24 Date and Time of Next Meeting**

Draft minutes to be approved at the meeting  
to be held on Tuesday, 13th August, 2019

To note that the next meeting would take place on Tuesday, 13<sup>th</sup> August 2019 at 10.00am in the Civic Hall, Leeds.



Report author: Andrew White  
Tel: 37 81562

**Report of** Taxi & Private Hire Licensing Manager

**Report to** Licensing Committee

**Date:** 13 August 2019

**Subject:** Taxi & Private Hire Licensing – Proposed working group on CCTV in taxi and private hire vehicles

|                                                                                                                                              |                                         |                                        |
|----------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------|----------------------------------------|
| Are specific electoral Wards affected?<br>If relevant, name(s) of Ward(s):                                                                   | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |
| Are there implications for equality and diversity and cohesion and integration?                                                              | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No            |
| Is the decision eligible for Call-In?                                                                                                        | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |
| Does the report contain confidential or exempt information?<br>If relevant, Access to Information Procedure Rule number:<br>Appendix number: | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |

## Summary of main issues

- 1 This report presents to committee members the proposed arrangements for a working group, led by members of the Licensing Committee on CCTV in taxi and private hire vehicles.
- 2 This proposal is part of a broader regional project to reduce the differences between licensing policies and enforcement in different licensing authorities.
- 3 The resulting recommendations would be discussed with neighbouring authorities and consulted upon before a new policy and practical and financial arrangements would be developed.

## Recommendations

1. That committee members note the purpose and content of the information in this report.
2. That more than three committee members make themselves available for working group meetings and to consider written and other information.

## **1 Purpose of this report**

- 1.1 To seek committee members' input to a working group on CCTV in taxi and private hire vehicles.
- 1.2 To share an outline for the terms of reference for a working group, identifying the key issues, options and implications which need to be considered, and the different groups of stakeholders or advisers who can provide valuable input to the working group.

## **2 Background information**

- 2.1 Committee members will be aware that the UK taxi and private hire industry is rapidly changing in the UK, although much taxi and private hire law has changed little since the 1970s. In order to continue to keep the travelling public safe, the council's policies and conditions also need to keep pace with new developments, particularly the rise of cross border working (drivers and vehicles licensed in one area and working predominantly in another), the growth in use of smartphone apps enabling customers to book and pay for journeys. The council has a plan to review and consult on each of the specific policies and conditions after either three or five years, to make sure they remain up to date and effective.
- 2.2 Since 2017, officers from the five West Yorkshire Taxi and Private Hire Licensing teams and City of York have worked on the harmonisation project, and the chairs of the Licensing Committees (or equivalents) have met every other month to check progress.
- 2.3 The focus of the WY&Y officers and members groups has been to maintain and improve passenger safety, particularly in light of the safeguarding scandals in other towns and cities in the UK. Owing to the prevalence of cross-border working, authorities cannot work in isolation. The group has agreed that the collaboration approach would be more effective if the authorities were to undertake a project to align their policies and conditions more closely, establishing minimum standards in common, in particular in relation to the following:
  - CCTV in vehicles;
  - Convictions policy;
  - Vehicle specifications;
  - Driver training;
  - Information sharing between authorities; and
  - Effective cross-border enforcement.

At the May Licensing Committee, members indicated their preference for progressing a review of CCTV, with a view to developing a new policy which supports and guides installation of equipment in vehicles, and the use of CCTV in investigating and enforcing the council's licensing policies.

### **3 Main issues**

#### **CCTV in taxi and private hire vehicles**

- 3.1 The council has had a policy on CCTV in taxi and private hire vehicles since 2013. However, the policy and supporting arrangements are in urgent need of revision.
- 3.2 The council currently has a policy of encouraging CCTV on a voluntary basis, and subsidising the cost of installing CCTV equipment in a vehicle (up to a maximum of £250). The council currently has only one CCTV installer who has demonstrated it can meet our requirements.
- 3.3 The national position on CCTV in vehicles has progressed since 2013, and is broadly very supportive, but increasingly mindful of balancing perceived public safety benefits with privacy and data protection concerns. The Task and Finish Group recommended in 2018 that:
- All licensed vehicles must be fitted with CCTV (visual and audio) subject to strict data protection measures, with cost-mitigation measure for small businesses;
- 3.4 The Department for Transport annual report (2018) states that around 95% of licensing authorities allow vehicles to have CCTV, although only 4% (12 authorities) have made CCTV mandatory.
- 3.5 The six West Yorkshire and York (WY&Y) authorities have included CCTV in vehicles, with a view to developing common minimum standards on CCTV across the sub-region. Greater Manchester is currently consulting on a range of proposals, including making CCTV mandatory in taxi and private hire vehicles.
- 3.6 Proposed terms of reference for a working group to consider options and develop draft policy and practical arrangements is attached at **Appendix 1**.

### **4 Corporate Considerations**

#### **4.1 Consultation and Engagement**

- 4.1.1 The working group would have a remit to hear views from stakeholders and suggest policy changes. It is very likely that the council would plan to consult on any proposed policies, financial or practical changes.
- 4.1.2 The council would also plan to discuss with the other authorities in the West Yorkshire & York group to see if the Leeds recommendations could be used to help set common minimum standards on CCTV. This could also

involve consultation or engagement in those authorities, depending on the degree of change from the current policies and arrangements.

## **4.2 Equality and Diversity / Cohesion and Integration**

- 4.2.1 Equality and Cohesion Screening Assessments are carried out on the policies agreed at Licensing Committee and policy changes made under the scheme of sub delegation. An Equality Impact Assessment Screening report will be undertaken where the proposed policies are considered.

## **4.3 Council policies and City Priorities**

- 4.3.1 Taxi & Private Hire Licensing policies contribute to the following aims:

### **Best Council Plan**

#### **Towards being an Enterprising Council**

##### **Our Ambition and Approach**

**Our Ambition** is for Leeds to be the best city and Leeds City Council to be the best council in the UK – fair, open and welcoming with an economy that is both prosperous and sustainable so all our communities are successful.

**Our Approach** is to adopt a new leadership style of civic enterprise, where the council becomes more enterprising, business and partners become more civic, and citizens become more actively engaged in the work of the city.

##### **Our Best Council Outcomes**

Make it easier for people to do business with us.

##### **Our Best Council Objectives**

Promoting sustainable and inclusive economic growth – Improving the economic wellbeing of local people and businesses. With a focus on:

- Helping people into jobs;
- Boosting the local economy; and
- Generating income for the council.

Ensuring high quality public services – improving quality, efficiency and involving people in shaping their city. With a focus on;

- Getting services right first time; and
- Improving customer satisfaction.

- 4.3.2 The Taxi & Private Hire Licensing policies contribute to the following priorities:

- Reduce crime levels and their impact across Leeds;
- Effectively tackle and reduce anti-social behaviour in communities;
- Safeguarding children and adults at risk:

Leeds City Council has both a moral and legal duty of care for both children and adults at risk across all of its services. This cannot be achieved by any single service or agency. Safeguarding is ultimately the responsibility of all of us and depends on the everyday vigilance of staff who play a part in the lives of children or adults at risk.

#### **4.4 Resources and value for money**

- 4.4.1 The Taxi and Private Hire Licensing service is currently cost neutral to the council and by virtue of the Local Government (Miscellaneous Provisions) Act, 1976, raises its own revenue by setting fees to meet the cost of issuing and administering licences.
- 4.4.2 These arrangements mean that if proposals are associated with additional costs, they will be funded via licence fees and will not place additional pressure on the council's budget. It is likely that the working group will generate recommendations for new policies and practical arrangements, each of which will need to be costed.
- 4.4.3 It is very likely that the new CCTV policy will have a significant adverse financial or value for money effect on the council if the council decides to implement any of the following:
- Mandatory CCTV (e.g. in all 5000 vehicles);
  - Continue to subsidise (up to £250) for installation of CCTV equipment; or
  - The council (rather than individuals requesting footage) bears the cost of providing footage on request.

#### **4.5 Legal Implications, Access to Information and Call In**

- 4.5.1 There are possible legal implications arising from a review of CCTV policies and arrangements. These are likely to relate to the Data Protection Act 2018. Licensing authorities as data controllers must comply with all relevant aspects of data protection law, and particular attention should be paid to the rights of individuals which include the right to be informed, of access and to erasure.

#### **4.6 Risk Management**

- 4.6.1 The DfT Statutory Guidance (2019) states that use of CCTV can provide a safer environment for the benefit of taxi/PHV passengers and drivers by:
- deterring and preventing the occurrence of crime;
  - reducing the fear of crime;
  - assisting the police in investigating incidents of crime; and
  - assisting insurance companies in investigating motor vehicle accidents.

- 4.6.2 While only a small minority of licensing authorities have so far mandated all vehicles to be fitted with CCTV systems, the experience of those authorities that have has been positive for both passengers and drivers. In addition, the evidential benefits of CCTV may increase the level of reporting of sexual offences. According to the 2017 Crime Survey for England and Wales only 17% of victims report their experiences to the police, 28% of rape or sexual assault victims indicated that a fear they would not be believed as a factor in them not reporting the crime. The evidential benefits CCTV could provide are therefore an important factor when considering CCTV in vehicles.
- 4.6.3 It is a requirement of data protection law that before implementing a proposal that is likely to result in a high risk to the rights and freedoms of people, an impact assessment on the protection of personal data shall be carried out. The ICO recommends in guidance that if there is any doubt as to whether a Data Protection Impact Assessment (DPIA) is required, one should be conducted to ensure compliance and encourage best practice. A DPIA will also help to assess properly the anticipated benefits of installing CCTV (to passengers and drivers) and the associated privacy risks; these risks might be mitigated by having appropriate privacy information and signage, secure storage and access controls, retention policies, training for staff how to use the system, etc. Licensing authorities are advised to consult on this issue to identify if there are local circumstances which indicate that the installation of CCTV in vehicles would have either a positive or an adverse net effect on the safety of taxi and PHV users, including children or vulnerable adults.

## **5 Conclusions**

- 5.1 The report has outlined the background to the council establishing a working group to review CCTV policy and practical arrangements for installing and maintaining CCTV equipment. The report has summarised the findings and recommendations of recent UK reviews, which are broadly supportive of CCTV in vehicles, but mindful of practical and data protection concerns.
- 5.2 The report proposes arrangements for a working group, including composition of the group and the format of recommendations.
- 5.3 The recommended policies and arrangements will then be discussed with neighbouring authorities as part of policy harmonisation and consultation will also take place.

## **6 Recommendations**

- 6.1 That committee members note the purpose and content of the information in this report.
- 6.2 That more than three committee members make themselves available for working group meetings and to consider written and other information.

## **7 Background documents**

Department of Transport: Taxi and Private Hire Vehicle Licensing: Protecting Users, Statutory Guidance for Licensing Authorities, February 2019:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/778276/taxi-phv-licensing-protecting-users-draft-stat-guidance.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/778276/taxi-phv-licensing-protecting-users-draft-stat-guidance.pdf)

Department for Transport Taxi and Private Hire Vehicle Statistics, England: 2018

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/751202/taxi-and-phv-england-2018.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/751202/taxi-and-phv-england-2018.pdf)

Task and Finish Group for DfT, Taxi and Private Hire Vehicle Licensing: Steps towards a safer and more robust system, September 2018:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/784216/taxi-phv-licensing-protecting-users-draft-stat-guidance.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/784216/taxi-phv-licensing-protecting-users-draft-stat-guidance.pdf)

## **Appendix 1 CCTV Working Group Terms of Reference**

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# Licensing Committee Working Group Terms of Reference

## CCTV in taxis and private hire vehicles



July 2019

### 1. Purpose

1.1. Following recent discussions at Leeds City Council's Licensing Committee, an informal working group has been established to consider the policy for and practical administration of CCTV in taxis and private hire vehicles licensed by Leeds City Council.

### 2. Objectives

2.1. The working group is tasked with considering evidence relating to the policies for CCTV in taxis and private hire vehicles, as set out in statutory guidance by the Department for Transport, and making recommendations for actions to address any priority issues identified. Specifically:

- Understanding the main factors supporting or driving use of CCTV in taxis and private hire vehicles (concerns of travelling public, drivers, licensing authorities, police);
- Considering the privacy risks and implications of installing CCTV in taxis and private hire vehicles (case studies and examples from recent licensing authorities);
- Developing a common and consistent approach to CCTV in vehicles in W Yorks and York;
- Hearing the experience of CCTV installers, maintainers and data controllers, in particular, the adequacy of measures in the licensing system to address those issues;
- Making specific and prioritised recommendations, policy and administrative, for action to address identified and evidenced issues, such as:
  - Whether taxi and private hire vehicles should have mandatory or voluntary CCTV?
  - Audio recording in taxis and private hire, e.g. after a panic button has been pressed?
  - Approved list of CCTV installers?
  - Who should be the data controller?
  - Financial arrangements, e.g. cost of CCTV camera installation, cost of securing CCTV footage on request?
  - Impact of any of the changes on any other taxi and private hire licensing policies and operations?

2.2. The group should provide a concise report summarising its findings to the chair of Licensing Committee and Taxi within 1 month of the final meeting and, subject to its conclusions, including:

- Recommended policy; and
- Recommended guidance (e.g. implementation, data controller).

### 3. Membership

3.1. We want to ensure that a broad range of views are sought, including from a sub group (min 3) of members of Licensing Committee, passengers, from both sides (taxi/private hire) of the trade, from licensing or enforcement officers, from CCTV installers, from other licensing authorities, Parliamentarians and passengers.

3.2. The working group will therefore be comprised of:

- A Chair, who is a member of the Licensing Committee;
- A minimum of two other members of Licensing Committee;
- Taxi and Private Hire Licensing Manager;

- A maximum of three people representing passengers;
- A representative of the council's Information Management team;
- A maximum of six people representing drivers, proprietors and operators (three taxi, three private hire); and
- A maximum of three people representing licensing and enforcement;

3.3 The group will also invite evidence and input from other interested and expert parties, who will not be formal members of the group, such as:

- Officers from other licensing authorities;
- CCTV installers; and
- Other expert witnesses as may be identified.

3.4. One officer from taxi and private hire licensing will attend to provide minutes and action point support to the group.

#### **4. Governance**

4.1. These Terms of Reference will be finalised in correspondence and agreed formally during the first meeting of the working group. Any proposed changes should be sent to the Chair of Licensing Committee for consideration at least a week before the first meeting, and are subject to mutual agreement between the group and the chair of Licensing Committee.

4.2. The group may hold up to five meetings before its summary document is issued.

4.3. The final version of the summary document must be issued within one month of the group's final meeting.

4.4. The group will aim to reach a consensus view, but where that is not possible, differences of view will be recorded in the summary document.

4.5. Meetings will normally be held at Leeds Civic Hall.

4.6. Meeting papers will be issued electronically at least three working days prior to each meeting.

**Report of** Head of Elections & Regulatory

**Report to** Licensing Committee

**Date:** 13<sup>th</sup> August 2019

**Subject:** Premises Licence, Licensing Act 2003 - Leeds Festival 2019

|                                                                                 |                                         |                                        |
|---------------------------------------------------------------------------------|-----------------------------------------|----------------------------------------|
| Are specific electoral Wards affected?                                          | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No            |
| If relevant, name(s) of Ward(s): Wetherby & Harewood                            |                                         |                                        |
| Are there implications for equality and diversity and cohesion and integration? | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |
| Is the decision eligible for Call-In?                                           | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |
| Does the report contain confidential or exempt information?                     | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |
| NB: See para of the report                                                      |                                         |                                        |
| If relevant, Access to Information Procedure Rule number: 10.4(3) & 10.4(7)     |                                         |                                        |
| Appendix number: A. See additional reference in para 1.3 of the report.         |                                         |                                        |

## Summary

### 1. Main issues

The Leeds Festival is an annual event held within the grounds of Bramham Park over the August Bank Holiday weekend. The event is held under the authorisation of a premises licence issued under the Licensing Act 2003.

The Licensing Committee is provided with an annual report to provide information on the forthcoming event and to delegate approval of the final Event Management Plan (EMP).

### 2. Best Council Plan Implications

The licensing regime contributes to Best City Priorities 2019/20:-

- Culture
- Safe, Strong Communities
- Inclusive Growth

### 3. Resource implications

No resource implications for the licensing authority are identified.

## **Recommendations**

The Licensing Committee is required to consider this report, and to delegate approval of the final Event Management Plan (EMP) to the Chief Officer, Elections and Regulatory.

### **1. Purpose of this report**

- 1.1 This report is to provide Members with an update of the agency liaison via the safety advisory group and licensing process in preparation for the Leeds Festival 2019.
- 1.2 Mr Melvin Benn of Festival Republic will be in attendance at the meeting.
- 1.3 In addition to the exempt item at Appendix A, Members may consider it appropriate for the public to be excluded from the meeting to allow Mr Benn provide Members with confidential information associated with the Festival which fall under the Access to Information Procedure Rules 10.4(3) as this includes information relating to the financial or business affairs of any particular person; and 10.4 (7), information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime as in all the circumstances of the matter the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

### **2. Background information**

- 2.1 The premises licence for the Leeds Festival was considered and approved by the Members of the Licensing Committee on the 28 April 2006.
- 2.2 The licence is held for Bramham Park and provides for the Festival to be on occasions as agreed within the multi-agency forum, which historically has been every August Bank Holiday weekend.
- 2.3 Members resolved to grant the application as requested and accepted the applicant's offer to include the following additional three conditions:
  - 1) There shall be an Event Management Plan which incorporates the operating schedule submitted to the Licensing Authority at least 6 months prior to the Festival each year.
  - 2) The Event Management Plan and any revisions to the Event Management Plan must be approved by the Licensing Authority prior to the Festival.
  - 3) The Premises Licence Holder shall comply with the terms and requirements of the Event Management Plan each year.
- 2.4 The Committee reserved the right to determine how the final EMP for the festival should be agreed. As the final version may not be available until the week before the Festival the practice has been for the Licensing Committee to delegate authority to the Chief Officer, Elections and Regulatory upon confirmation that all agencies are satisfied with the EMP contents and final preparations for the event.
- 2.5 Should there be any unresolved matters associated with the EMP then the matter will be referred back to a special meeting of the Licensing Committee before the commencement of the Festival.

- 2.6 The current Premises Licence allows for a capacity upto 89,999 persons, and is for the following activities, days and hours:

|                                     |                                                                                               |
|-------------------------------------|-----------------------------------------------------------------------------------------------|
| Sale by retail of alcohol           | 00:01 – 00:00                                                                                 |
| Provision of late night refreshment | 23:00 – 05:00                                                                                 |
| Regulated Entertainment             |                                                                                               |
| Thursday                            | 19:00 – 03:00                                                                                 |
| Friday to Sunday                    | 12:00 – 06:00<br>(with the exception of films and<br>performance of dance finishing at 03:00) |
| Provision of late night refreshment | 23:00 – 05:00                                                                                 |

Between the hours of 03:00 and 06:00 the provision of regulated entertainment will be confined to the campsites.

### **3 Main issues**

- 3.1 The 2019 event will take place from Friday 23<sup>rd</sup> until Sunday 25<sup>th</sup> August 2019, although the campsites will be opened for early arrivals from Wednesday 21<sup>st</sup> August 2019 from when low key entertainment for campers will be provided.
- 3.2 Festival Republic supplied the first draft of the EMP in February 2019. This was served on agencies and the safety advisory group of Leeds City Council. In addition Festival Republic provided a summary to identify changes for ease of comparison to the 2018 EMP.
- 3.3 A report was brought to the Licensing Committee on the 2<sup>nd</sup> April 2019, the purpose being to provide Members with a briefing from the 2018 event and furthermore to present the summary of changes to the EMP for the 2019 event.
- 3.4 Members heard that no matters of note had been raised at the de-brief meeting and the draft 2019 EMP did not identify any major change to that for 2018.
- 3.5 Attached at Appendix A for Members information is a summary of the debrief meeting.
- 3.6 It should be noted that the contents of appendix A is potentially exempt information under Access to Information Procedure Rules 10.4(3) as this includes information relating to the financial or business affairs of any particular person, and 10.4 (7), information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime as in all the circumstances of the matter the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
- Traffic management
- 3.7 For Members recollection, the 2018 event saw changes to the traffic management plan and during the planning process of the 2018 event Members were provided with full details of the new traffic arrangements in particular affecting the hackney carriage and private hire drop off and pick up arrangements.

- 3.8 A review of previous arrangements had been deemed necessary to address public safety considerations, and to reduce confusion.
- 3.9 In previous years customers would be dropped off in the main car parks (red car parks) but then picked up from the opposite side of the site near yellow gate. This led to confusion and created traffic congestion near the shuttle bus terminus (yellow gate) and encouraged people to walk along Thorner Road bringing danger to pedestrians and motorists.
- 3.10 The change in 2018, which was fully supported by the police and relevant agencies, saw the hackney carriage and private hire drop off and pick up arrangements moved to the red car park. Dedicated fenced areas and egress routes were set aside for hackney carriage and private hire vehicles.
- 3.11 On the busiest night for egress Sunday evening, hackney carriage and private hire vehicles had two routes available for accessing the red car park. They had a choice of either travelling with all other vehicles approaching the car park west bound from the A64, or an alternative dedicated route was available via Thorner Road and accessing the designated area direct via an internal road, Mangrill Lane. All hackney carriage and private hire vehicles were then allowed to leave the site by turning right on to the A64 towards Leeds, whereas all other vehicles were directed east bound along the A64.
- 3.12 Copies of the site map showing the on-site arrangements for hackney carriage and private hire vehicles will be available at the meeting for Members assistance.
- 3.13 Following the 2018 event Entertainment Licensing received email correspondence from a member of the private hire trade complimenting the new arrangement.
- 3.14 Shortly before the date of the Licensing Committee meeting on the 2<sup>nd</sup> April representation was received from Eurocabs, the content raising various faults with the new traffic arrangements. In summary the Eurocabs representation raised the following matters:
- That the new arrangements do not provide suitable access for people with mobility issues as the new drop off/pick up arrangements were at the furthest point of the site.
  - The legality of providing an area for private hire vehicles, which would effectively allow them to rank up.
  - That previous concerns for congestion on the A1/M1 on the Sunday evening when the new traffic plan came into effect was ignored.
  - The original layout plan for the hackney carriage/private hire area was changed without notice, and that the new layout encouraged private hire touting.
  - There was no enforcement activity by the Taxi & Private Hire enforcement section and West Yorkshire Police was observed apart from the first day (Wednesday)
  - It had been reported by hackney carriage drivers that private hire vehicles were constantly ranked up along with Uber vehicles with the clear intent to ply for hire.

- Drivers clearly touting for business, ie approaching customers and agreeing a price.
  - One hackney carriage driver reported of being refused access along Mangrill Lane post 6pm Sunday evening, despite showing the security the information that had been supplied for drivers by Festival Republic. On this contact was made with the police to enquire whether the traffic plan had been changed. The advice provided was that all taxis should use the A64. On this a message was sent to all drivers (by the trade) to ignore the use of Mangrill Lane.
  - Drivers reported a 45 minute to 1 hour delay in arriving at the red car park
- 3.15 Officers from Entertainment Licensing and Taxi and Private Hire Licensing were involved in the pre event traffic management planning meetings with particular focus on the new taxi/private hire drop off and pick up arrangements.
- 3.16 Officers from Entertainment Licensing monitored the new taxi/private hire area on the Friday, Saturday and Sunday evenings from approximately 10.30am until beyond midnight. Apart from some minor remedial work that was identified and carried out by Festival Republic at the time, from officer experience it was considered that the new arrangements worked well and were an improvement on previous years, in particular bringing benefits for public safety.
- 3.17 Officers from Taxi and Private Hire Licensing did attend the festival on an ad hoc basis during the day on the Friday and one evening over the weekend, and maintained the team's usual enforcement activity from 8pm to 4am in Leeds city centre. Only two complaints were made to the council from the public about taxi and private hire vehicles over the weekend of the festival.
- 3.18 At the debrief meeting following the 2018 event, no concerns were raised, and all relevant agencies were supportive of a repeat of the 2018 traffic management plan for 2019.
- 3.19 On the basis of the representation by Eurocabs concerning the prohibited access via Mangrill Lane on the Sunday evening, it has been requested of Festival Republic that security are fully briefed to ensure that hackney carriage and private hire vehicles are able to use this route post 6pm Sunday evening.
- 3.20 The first meeting of the safety advisory group was held in February 2018 and these meetings have continued on a regular basis to-date.
- 3.21 In addition Festival Republic have held sub group meetings, including traffic management sub groups attended by the West Yorkshire Police, Leeds City Council (Highways, Taxi & Private Hire, and Entertainment Licensing), Highways England and Balfour Beatty.
- 3.22 A table exercise will be held on the 6<sup>th</sup> August with the provision for a meeting of the safety advisory group to be held on the same date as necessary.
- The final EMP will be supplied no later than seven days in advance of the event.
- 3.23 Relevant agencies will be visiting the site and reviewing the contents of the EMP in advance of Wednesday 21st August, in readiness for confirming that the EMP and all preparations are to their satisfaction.

- 3.24 Should there be unresolved matters associated with the EMP, then the matter will be brought back to a special meeting of the Licensing Committee.
- 3.25 As in previous years, safety meetings will continue throughout the duration of the event.

#### **4. Corporate Considerations**

##### **4.1 Consultation and Engagement**

- 4.1.1 The application for a premises licence considered in 2006 underwent the full 28 day consultation process as prescribed under the Licensing Act 2003.
- 4.1.2 Full liaison was also held with the Ward Members and responsible authorities.
- 4.1.3 Festival Republic continue to maintain regular liaison with community representatives.

##### **4.2 Equality and Diversity / Cohesion and Integration**

- 4.2.1 There are no identified implications for equality and diversity. Any decision taken by the Licensing Committee will be in accordance with the four licensing objectives as prescribed by the Licensing Act 2003 and the Council's Statement of Licensing Policy (Licensing Act 2003).

##### **4.3 Council Priorities and Best Council Plan**

- 4.3.1 Through the promotion of the four statutory licensing objectives:
- The prevention of crime and disorder
  - The prevention of public nuisance
  - The protection of children from harm, and
  - Public Safety.

the Statement of Licensing Policy 2019-2023, and partnership working the licensing regime contributes to the Best City Priorities 2019/20:-

##### **Culture**

- Enhancing the image of Leeds through major events and attractions
- Ensuring that culture can be created and experienced by anyone
- Enhancing the image of Leeds through major events and attractions

##### **Safe, Strong Communities**

- Tackling crime and antisocial behaviour
- Promoting community respect and resilience

##### **Inclusive Growth**

- Supporting growth and investment, helping everyone benefit from the economy to their full potential
- Supporting business and residents to improve skills, helping people into work and into better jobs

##### **Climate Emergency**

4.3.2 Festival Republic's Staying Green Campaign with links to associated information, including Julie's Bicycle, a not-for profit organisation working on sustainability within the creative industries, may be accessed via their dedicated website at:  
<https://www.leedsfestival.com/information-category/staying-green>

4.3.3 Festival Republic and Leeds City Council's Waste Management are currently in liaison to identify appropriate disposal methods of the non-recyclable items left on site by attendees, where possible turning these in to efficiencies for Leeds..

#### **4.4 Resources, Procurement and value for money**

4.4.1 There are no resource implications to the licensing authority. The premises licence is subject to an annual maintenance fee as prescribed under the Licensing Act 2003.

#### **4.5 Legal Implications, Access to Information and Call In**

4.5.1 There are no legal implications identified at the time of writing this report.

4.5.2 There is no provision for the premises licence to be open for consideration at this point of time given that the licence and subsequent revisions to the terms of the licence have been previously approved.

#### **4.6 Risk Management**

4.6.1 Preparation for the event is subject to a number of multi-agency meetings coordinated through the safety advisory group.

### **5.0 Conclusions**

5.1 The safety advisory group process has not highlighted any issues of concern in respect of the 2018 event.

### **6.0 Recommendations**

6.1 Members are requested to determine how the Event Management Plan and any revisions to the Event Management Plan may be approved by the Licensing Authority.

6.2 Whilst there should be no major amendments to the Event Management Plan there is still scope for minor changes in accordance with the relevant agency approval. It would therefore not be appropriate for members to approve the Event Management Plan today.

6.3 Members may therefore consider it more appropriate, as in previous years to give delegated authority to the Chief Officer of Elections and Regulatory to approve the Event Management Plan prior to the start of the event.

6.4 Should there be any unresolved matters associated with the Event Management Plan then the matter will be referred back to a special meeting of the Licensing Committee before the commencement of the Festival.

## **7 Background documents<sup>1</sup>**

- 7.1 Home Office Guidance issued under s182 Licensing Act 2003  
Leeds City Council Statement of Licensing Policy 2019 to 2023 – Licensing Act 2003

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<sup>1</sup> The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.

Document is Restricted

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**LICENSING COMMITTEE WORK PROGRAMME 2018/19 - LAST UPDATED 2/08/19 (JG)**

| ITEM                                                                                                                                                 | DESCRIPTION                                                                                                                                                                                                                                                                                                                    | Officer  | TYPE OF ITEM |
|------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|--------------|
| <b>Meeting date: 3<sup>rd</sup> September 2019</b>                                                                                                   |                                                                                                                                                                                                                                                                                                                                |          |              |
| <b>Taxi &amp; Private Hire Licensing - Proposed Suitability Policy and Update on Policy Harmonisation with West Yorkshire &amp; York authorities</b> | To consider a report by the Chief Officer, Elections and Regulatory which draws to the attention of Members the results of a recent consultation in Leeds, and consultations and engagement exercises in neighbouring authorities, about the suitability of people to hold a licence to work as a taxi or private hire driver. | A White  | DP           |
| <b>Meeting date: 8<sup>th</sup> October 2019</b>                                                                                                     |                                                                                                                                                                                                                                                                                                                                |          |              |
| <b>The Victoria Gate Casino - Schedule 9 Agreement</b>                                                                                               | To consider a report by the Head of Elections and Regulatory Services which provides details of the benefits to the Council associated with the Schedule 9 Agreement                                                                                                                                                           | N Raper  | B            |
| <b>Policing and the Night Time Economy</b>                                                                                                           | To receive a presentation from Sergeant Martin Mynard, West Yorkshire Police on the issues of "Policing and the Night Time Economy"                                                                                                                                                                                            | M Mynard | B            |

Key:  
 RP – Review of existing policy      DP – Development of new policy      PM – Performance management      B – Briefings      SC – Statutory consultation

**LICENSING COMMITTEE WORK PROGRAMME 2018/19 - LAST UPDATED 2/08/19 (JG)**

| ITEM                                               | DESCRIPTION                                                                                                             | Officer          | TYPE OF ITEM |
|----------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------|------------------|--------------|
| <b>Meeting date: 5<sup>th</sup> November 2019</b>  |                                                                                                                         |                  |              |
|                                                    |                                                                                                                         |                  |              |
| <b>Meeting date: 10<sup>th</sup> December 2019</b> |                                                                                                                         |                  |              |
|                                                    |                                                                                                                         |                  |              |
| <b>Meeting date: 28<sup>th</sup> January 2020</b>  |                                                                                                                         |                  |              |
|                                                    |                                                                                                                         |                  |              |
| <b>Meeting date: 3<sup>rd</sup> March 2020</b>     |                                                                                                                         |                  |              |
| <b>Annual Licensing Report</b>                     | To consider a report by the Chief Officer, Elections and Regulatory which presents the Annual Licensing Report for 2019 | N Raper/ A White | PM           |
| <b>Meeting date: 7<sup>th</sup> April 2020</b>     |                                                                                                                         |                  |              |
|                                                    |                                                                                                                         |                  |              |