



LICENSING COMMITTEE

MEETING TO BE HELD IN CIVIC HALL, LEEDS ON
TUESDAY, 26TH JUNE, 2012 AT 10.00 AM

MEMBERSHIP

Councillors

- S Armitage - Cross Gates and Whinmoor;
K Bruce - Rothwell;
Buckley - Alwoodley;
R Charlwood - Moortown;
R Downes - Otley and Yeadon;
J Dunn - Ardsley and Robin Hood;
B Gettings - Morley North;
T Hanley - Bramley and Stanningley;
G Hussain - Roundhay;
G Hyde - Killingbeck and Seacroft;
A Khan - Burmantofts and Richmond Hill;
P Latty - Guiseley and Rawdon;
B Selby - Killingbeck and Seacroft;
C Townsley - Horsforth;
G Wilkinson - Wetherby;

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A G E N D A

Item No	Ward/Equal Opportunities	Item Not Open		Page No
1			<p>APPEALS AGAINST REFUSAL OF INSPECTION OF DOCUMENTS</p> <p>To consider any appeals in accordance with Procedure Rule 25 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 25, written notice of an appeal must be received by the Head of Governance Services at least 24 hours before the meeting)</p>	
2			<p>EXEMPT INFORMATION - POSSIBLE EXCLUSION OF THE PRESS AND PUBLIC</p> <p>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.</p> <p>2 To consider whether or not to accept the officers recommendation in respect of the above information.</p> <p>3 If so, to formally pass the following resolution:-</p> <p>RESOLVED – 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			<p>LATE ITEMS</p> <p>To identify items which have been admitted to the agenda by the Chair for consideration</p> <p>(The special circumstances shall be specified in the minutes)</p>	
4			<p>DECLARATIONS OF INTEREST</p> <p>To declare any personal/prejudicial interests for the purpose of Section 81(3) of the Local Government Act 2000 and paragraphs 8 to 12 of the Members Code of Conduct</p>	
5			<p>APOLOGIES FOR ABSENCE</p>	
6			<p>MINUTES</p> <p>To approve the minutes of the last meeting held on 25 May 2012</p> <p>(copy attached)</p>	1 - 4
7	Gipton and Harehills;		<p>PROPOSED DESIGNATED PUBLIC PLACES ORDER (DPPO) HAREHILLS</p> <p>To consider the report of the Director of Environment and Neighbourhoods on proposals to create a Designated Public Place Order to cover the Harehills area in East Leeds</p> <p>(Report attached)</p>	5 - 16
8			<p>LAW COMMISSION CONSULTATION PAPER "REFORMING THE LAW OF TAXI & PRIVATE HIRE SERVICES"</p> <p>To consider the report of the Director of Resources informing Members of the issues contained within the Law Commission consultation paper entitled "Reforming the Law of Taxi & Private Hire Services"</p> <p>(Report attached)</p>	17 - 20

Item No	Ward/Equal Opportunities	Item Not Open		Page No
9			<p data-bbox="675 181 1378 322">REVIEW OF THE REQUIREMENT FOR ALL EXISTING LICENSED TAXI & PRIVATE HIRE DRIVERS AND APPLICANTS TO UNDERTAKE NVQ/VRQ ASSESSMENT</p> <p data-bbox="675 365 1402 544">To consider the report of the Director of Resources on the issues arising from the review of the requirement for all existing licensed Taxi and Private Hire drivers and new applicants to undertake NVQ/VRQ assessments</p> <p data-bbox="675 584 927 618">(Report attached)</p>	21 - 34
10			<p data-bbox="675 689 1401 831">INTRODUCTION OF THREE YEARLY CRIMINAL RECORDS BUREAU CHECKS ON TAXI AND PRIVATE HIRE DRIVERS AND PRIVATE HIRE OPERATORS</p> <p data-bbox="675 873 1406 1272">To consider the report of the Head of Licensing and Registration on recommendations concerning the frequency of CRB checks for licensed drivers contained in the DfT best practice guidance, the potential financial impact upon licensed drivers and the potential resource implications for the section and proposing that a full three month public consultation will take place with the results being reported back to the Licensing Committee prior to a final recommendation being made to Executive Board.</p> <p data-bbox="675 1312 927 1346">(Report attached)</p>	35 - 38
11			<p data-bbox="675 1480 1267 1547">GAMBLING ACT 2005 STATEMENT OF LICENSING POLICY</p> <p data-bbox="675 1590 1382 1733">To consider the report of the Head of Licensing and Registration advising of the results of the public consultation for the triennial review of the Gambling Act 2005 Statement of Licensing Policy</p> <p data-bbox="675 1774 927 1807">(Report attached)</p>	39 - 44

Item No	Ward/Equal Opportunities	Item Not Open		Page No
12			<p>LICENSING WORK PROGRAMME</p> <p>To note the contents of the Licensing Work Programme</p> <p>(copy attached)</p>	45 - 46
13			<p>DATE AND TIME OF NEXT MEETING</p> <p>To note the date and time of the next meeting as Tuesday 24th July 2012 at 10.00 am</p>	

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Agenda Item 6

Licensing Committee

Friday, 25th May, 2012

PRESENT: Councillor S Armitage in the Chair

Councillors K Bruce, Buckley, R Downes,
J Dunn, B Gettings, T Hanley, G Hussain,
G Hyde, A Khan, P Latty, B Selby,
C Townsley and G Wilkinson

1 Chairs Opening Remarks

The Chair welcomed all present, to this the first meeting of the 2012/13 Municipal Year, particularly to Councillor Buckley as a new Member of the Committee

2 Late Items

No formal late items of business were added to the agenda however the Committee was in receipt of the following documents

Agenda item 7 Governance Arrangements – Appendix 2 setting out proposed membership of the Licensing Sub Committees, despatched after Annual Council on 21 May 2012 when the final membership of the full Committee had been agreed (minute 7 refers)

Agenda item 9 Changes to the Section 182 Guidance – an article by Professor R Light examining the revised Section 182 Guidance was tabled at the meeting (minute 9 refers)

3 Declarations of Interest

No declarations of interest were made

4 Apologies for Absence

Apologies for absence were received from Councillor Charlwood

5 Minutes

RESOLVED – That, subject to an amendment to minute 83 (Chairs Opening Remarks) to refer to *Alpha* Private Hire & Hackney Carriage Welfare Society, the minutes of the last meeting held 10th April 2012 be agreed as a correct record

6 Matters Arising

Members briefly discussed the contents of an Alpha Radar publication they had received, noting that advice on the contents would be sent to them directly but did not form part of the agenda for this meeting

7 Licensing Committee - Annual Governance Arrangements

The Committee considered the report of the City Solicitor setting out the Annual Governance arrangements for the work of the Committee for the forthcoming year, including the Terms of Reference, the establishment of the Licensing sub committees and the Terms of Reference for the sub committees. Members noted receipt of Appendix 2 of the report which set out

proposed memberships for sub committees A to E and 2 additional sub committees to deal with the Sexual Entertainment Venue (SEV) and Large Casino application processes.

Members' attention was directed to the following:

SEVs and Casino subs

- Only Members who had attended all relevant training sessions would be eligible to sit on the sub committees.
- A pool of 5 trained members was required, of which 3 would make up the daily sub committees.
- A quorum of 3 was proposed for these particular sub committees
- The same 3 members would be required to hear every application

Terms of reference

- an amendment had been made to reflect that LCC Environmental Protection Team could now make representations on applications for Temporary Event Notices
- once the SEV's "conversion" applications had been dealt with, any new sex establishment licence application would be dealt with by the ordinary Sub Committees A to E

Licensing Authority

- Guidance was included on the separation of functions between relevant LCC departments in order for the Licensing Authority to achieve the new function of Responsible Authority

RESOLVED –

- a) That the Terms of Reference as submitted in Appendix 1 of the report and agreed by full Council on 21 May 2012 be noted
- b) That approval be given to the establishment of 5 sub committees to deal with ordinary business and a separate Large Casino sub committee and an SEV sub committee, along with the arrangements for the membership of those sub committee as set out in paragraph 3.6 of the report
- c) That approval be given to the membership of each sub committee as set out in Appendix 2 of the report as follows:
 - I. Sub committee A Councillors Armitage, Bruce & Downes
 - II. Sub Committee B Councillors Dunn, Buckley & G Hussain
 - III. Sub committee C Councillors Hanley, Gettings & G Hyde
 - IV. Sub Committee D Councillors P Latty, Townsley & Selby
 - V. Sub Committee E Councillors Wilkinson, Charlwood & Khan
 - VI. SEV Sub Committee – Councillors Armitage, Selby, Gettings G Hussain & Latty
 - VII. Large Casino Sub Committee – Councillors Armitage, G Hyde, Khan, Wilkinson & Townsley
- d) That the Terms of Reference for the Licensing Sub Committees, as set out in Appendix 3, be approved
- e) That approval be given to the delegation of licensing functions to the Director of Resources as set out in Appendix 4 of the report
- f) That approval be given to the delegation of the function of making an Alcohol Disorder Zone to the Director of Environment and Neighbourhoods as set out in Appendix 5 of the report

8 Licensing Procedure Rules and Code of Practice for Determining Licensing Matters

The Licensing Committee considered the report of the City Solicitor setting out the proposed Rules of Procedure to be followed by the Licensing Committee and its sub committees in respect of the meetings held under the provisions of the Licensing Act 2003 and Gambling Act 2005. The report also referred to the Code of Practice for the Determination of Licensing Matters and Members noted the arrangements for quorum of the sub committees.

RESOLVED –

- a) That the Licensing Procedure rules as set out in Appendix 1 of the report be approved and the contents of the associated information sheet (Appendix 2) be noted
- b) To note and follow the contents of the Code of Practice for the Determination of Licensing Matters (Appendix 3)

9 Changes to Section 182 Guidance

The Head of Licensing and Registration submitted a report highlighting the major changes made to the Licensing Act 2003 which came into effect on 25th April 2012 and the subsequent amendments made to the Section 182 Guidance. Members noted receipt of an additional briefing note tabled at the meeting and briefly discussed matters relating to representations, CIP areas and conditions and went onto consider the following matters in detail:

Planning - the relationship between planning and licensing matters. The revised Guidance, with new emphasis on decisions being “appropriate” rather than “necessary” suggested Members’ deliberations could encompass when and why planning hours had been set; and whether the business now proposed was significantly different to that permitted under the planning permission.

Police evidence - The measures set out in the “Rebalancing the Licensing Act” consultation had been included in the Guidance - Members should give weight to whether or not a police representation had been made, and the police should be the main source of advice on matters relating to the prevention of crime and disorder. This should have an impact on the nature and robustness of police evidence. Members were advised that constituents making a complaint to them about licensed premises should be directed to the police as well.

Health Authority as Responsible Authority – Members were aware that statistics of patients admitted to A&E with alcohol related issues were being collated, and discussions were ongoing with the NHS Trust on the type of information which would be appropriate to submit in representations to the sub committees

RESOLVED – That the contents of the report and the discussions be noted

10 Licensing Act 2003 Statement of Licensing Policy Review

The Head of Licensing and Registration submitted a report advising of the issues related to the revision of the Statement of Licensing Policy (Licensing Act 2003) and setting out options available for Member involvement in that review. The report highlighted the measures now available within the LA2003 following the Police Reform and Social Responsibility Act 2011 which would come into effect in October 2012.

Members noted the interest shown in establishing a CIP area for the Beeston and Holbeck ward and the impact of the changing nature of the city centre/location of licensed premises on the relevance of the current City Centre CIP area.

Officers highlighted the options available and Members considered establishing a small working group of Members and officers to review the Policy in discussions with partner agencies and stakeholders.

RESOLVED –

- a) That the contents of the report be noted
- b) That approval in principle be given to the proposed Working Group of Members and officers to meet with partner agencies and stakeholders to review the Licensing Act 2003 Statement of Licensing Policy
- c) That a further report be presented to the July Licensing Committee meeting setting out the remit and of the Working Group, with a view to the first WG meeting being held soon after

11 Licensing Work Programme 2012/13

The Chief Officer, Democratic and Central Services submitted a report setting out matters proposed for inclusion in the Licensing Programme for the forthcoming year.

RESOLVED – That the draft Work Programme be agreed subject to the inclusion of a report back from the Entertainment Licensing Liaison and Enforcement team being included in the list of items for August 2012 and February 2013

12 Dates of Future Meetings

RESOLVED – To note the calendar of Licensing Committee meetings for the 2012/13 Municipal Year as: 26 June 2012, 24 July 2012, 14 August 2012, 11 September 2012, 16 October 2012, 13 November 2012, 18 December 2012, 15 January 2013, 12 February 2013, 12 March 2013, 9 April 2013 and 14 May 2013

13 Any Other Business

Members Information Packs - The Members information Pack for 2012/13 was distributed to those Members present at the meeting

Remuneration – Members noted that discussions were ongoing with the Independent Remuneration Panel regarding recognition for the significant workload for Members of the Licensing Committee during the 2012/13 Municipal Year

Report of the Director of Environment & Neighbourhoods

Report to the Licensing Committee

Date: 26th June 2012

Subject: Proposed Designated Public Place Order (DPPO) Harehills

Are specific electoral Wards affected? If relevant, name(s) of Ward(s): Gipton & Harehills	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
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? If relevant, Access to Information Procedure Rule number: Appendix number:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

Summary of main issues

1. This report sets out the proposal for a Designated Public Place Order to be made covering the area of Harehills situated in East Leeds.
2. The content outlines the legal framework and summarises the evidence to support such an Order, the consultation and legal implications if Members resolve to make the Order.

Recommendations

3. Members are recommended to consider the evidence in support of making an Order and if satisfied the statutory test has been met and the Order will remedy the problems evidenced:
 - (i) Make a Designated Public Places Order in respect of Harehills
 - (ii) Authorise the Director of Environment and Neighbourhoods to advertise the making of the Order, procure the required signage and carry out any further steps necessary to bring the Order into force.

1 Purpose of this report

- 1.1 The report outlines the recommendation for Harehills to be designated as an area where it would be a criminal offence to consume alcohol after being requested by a Police Constable or a Police Community Support Officer not to do so by making a Designated Public Place Order (DPPO) and invites Members to consider making the DPPO

2 Main issues

2.1 Legal framework

- 2.2 Designated Public Place Orders (DPPOs) are made under the Criminal Justice and Police Act 2001. Under the Act, the Council can by Order (or a series of Orders) designate public places within which it is an offence to consume alcohol after being requested by a Police Constable or a Police Community Support Officer (PCSO) not to do so. An Officer can ask any person to surrender alcohol or open alcohol containers if the Officer reasonably believes the person is, has been or intends to consume alcohol in that place.

- 2.3 Penalties for this offence include a penalty for disorder (PND) £50 or arrest and prosecution for a level 2 fine, maximum of £500. Bail conditions can be used to stop the individual from drinking in the public place pending prosecution for the offence

- 2.4 The legislation does not ban the drinking of alcohol in Designated Public Places, and therefore it **does not** prohibit drinking alcohol in authorised street cafes and at authorised public entertainment events in public areas. Legislation is designed to reduce anti-social street drinking either during the day (typically street users of alcohol and other substances) or in respect of night-time issues such as people drinking in the street and on the way to and from licensed areas or premises, eg in the queue for a club, having left a public house or in a fast food queue.

- 2.5 Section 26 of the Violent Crime Reduction Act 2006 came into force on 6 April 2007. It amended the Criminal Justice and Police Act 2001. Prior to this amendment pubs and clubs that have a licence to sell or supply alcohol under the Licensing Act 2003 could not form part of the DPPO. These premises would include public spaces licensed by local authorities for alcohol and regulated entertainment. This led to a conflict between the local authorities desire to licence public spaces for community events and the desire to use DPPO's to tackle anti-social drinking. This conflict was rectified by the amendment. There are no public places licensed by the Local Authority within the proposed area.

- 2.6 Under the amendment, premises where local authorities are permitted to sell or supply alcohol or premises that are occupied or managed on behalf of local authorities, for the sale and supply of alcohol will be excluded from a DPPO. The exclusion will only last while the premises is in use and for 30 minutes following the last supply/sale of alcohol. At all other times the premises will be subject to the DPPO.

3.0 The Statutory Test

- 3.1 The test for designation is set out at section 13(2) of Criminal Justice and Police Act 2001. Before making the designation, Members must be satisfied that:

(a) nuisance or annoyance to members of the public or a section of the public; or

(b) disorder;

has been associated with the consumption of alcohol in the proposed place for designation.

- 3.2 Home Office guidance suggests that Members, in exercising their discretion to make the Order, must assess the likelihood that the problems evidenced will continue unless the DPPO is made. Members would need to consider if the problems identified will be remedied by use of their powers. Supporting evidence is set out for Members in this report.

4.0 Existing powers

- 4.1 The Confiscation of Alcohol (Young Persons) Act 1997 (as amended) already gives powers to the Police and PCSOs to confiscate alcohol held by or for the use of a young person under the age of 18 in public and certain other places.
- 4.2 Problems with litter, including bottles and glasses outside licensed premises, are dealt with under the Environmental Protection Act 1990. Section 87 allows fixed penalty notices of £50. Section 93 permits street litter control notices to be served on relevant businesses. The penalty and conviction for failing to comply with such a notice is £2,500.

5.0 Supporting evidence

- 5.1 Evidence has been sought from West Yorkshire Police regarding the history of drinking related anti-social behaviour and violent crime in Harehills. A summary of this evidence appears at Appendix 1.

Corporate Considerations

6.0 Consultation and Engagement

- 6.1 As part of the application process to establish a DPPO, statutory consultation has been carried out with relevant agencies and Council Departments. Support for the application has been given by Harehills Elected Members, West Yorkshire Police, North East Divisional Community Safety Partnership. Further statutory consultation with the general public, relevant bodies and licensees in the area has also been completed, in order to inform them of the proposed designated area and the implication of such an Order being granted.
- 6.2 Methods of consultation included:
- Discussions with Superintendent Timothy Kingsman at North East Police Division
 - Discussions with members of North East Divisional Community Safety Partnership (16th March 2012)
 - Discussions with the Police Inspector (Thomas Harrison at Gipton/Harehills Neighbourhood Policing Team
 - Direct consultation via personal visits to all licensees of on and off licensed premises from management at Harehills Neighbourhood Policing Team

- Publication of an "Order of Notice" via the local press (Appendix 2) published on Tuesday 1st May and expired **on 29th May 2012**. Copies have been made available at Killingbeck Police station, Leeds City Councils 'The Compton Centre' and the Councils internet site.
- Direct Consultation at the Harehills (PACT) meeting on 31st May 2012
- A map showing proposed boundaries is presented at Appendix 3. A consultation on the boundary has been undertaken by the methods mentioned above.

6.3 Following consultation, if a Designated Order is approved, compulsory signage will be distributed throughout the area. This will be done by the licensees displaying signage on their premises and via notices situated in prominent positions around the specific area. This signage will inform customers and the general public that they are in a Designated Public Place and explain the conditions attached to this Order.

6.4 The design for the signs has already been established as a result of previous DPPOs established in the city.

7.0 Consultation findings

7.1 At the time of writing this report, no letters have been received supporting the Order, no objections have been received, however one email was received from a local resident. All agencies from PACT Meeting. The deadline for advice to the "Order of Notice" was 29th May 2012, and any comments received between the time of writing this report to Licensing Panel will be presented verbally.

7.2 Comments:

We are writing to you as we are extremely concerned regarding the continuous anti social behaviour we are getting in Back Seaforth Terrace. This problem has not been going on for days, weeks but months on end now. Day in Day out groups of males are gathering in Back Seaforth Terrace, the hotspots usually being the back of Ask Estate Agents, the middle of the street around numbers 30/32 Seaforth Terrace and also the back garden of Back 309 Harehills Lane. The men gather here and participate in drinking alcohol and drug taking, this then has added problems by them urinating, vomiting, littering, shouting, fighting and being disorderly. It is only too evident if you take a walk through Back Seaforth Terrace that you will be welcomed by alcohol cans/bottles throughout the street especially lined up against the wall that is the back of Ask Estate agents, As well as the stubs that they throw behind of cigarettes and drugs, and the marks off urinating and vomiting of the street walls and floor. It's Extremely Disgusting!! We are also aware of the new alcohol ban that you are looking to enforce in public - we welcome this but it must really be pushed through immediately as we have a massive alcohol and anti social behaviour problem in our backstreet. **Seaforth Terrace Residents (Email 13th May to ward councilor)**

PACT Meeting Comments:

It will cut down on ASB" Strathmore View, Leeds.

"Cut down on litter, about time should have done it years ago". Strathmore Street, Leeds.

"We fully support the DPPO" - Bellbrooke Place

"I fully support it" Cowper Mount

"I think it is a great idea. We are 100% behind it" Florence Avenue

"The sooner the better" Trafford Avenue, Leeds

Cost of designating the recommended area and other costs associated with the statutory consultation, statutory advertising, together with the recommended signage to inform the public of the designation

7.3 All costs associated with the consultation process and signage have been approved by Safer Stronger Communities Funding via Intensive Neighbourhood Management officer in consultation with local Councillors. Set out below are approximate costs:

- Advertisement in local press (Yorkshire Post) £956.07
- (statutory notice/consultation) £1000 approx (28 days notice implementation)
- Signage (including fixing to post/wall) 25 x £60.00 each = £1, 500
- Posters for licensees (in house)

8 Equality and Diversity / Cohesion and Integration

8.1 Consideration is given to the equality impact of delivering the Safer Leeds strategy across North East Police Division . Where a negative equality impact is identified action will be taken to mitigate the impact or risk.

8.2 Discussions will be held with identified newly emerging communities within the ward to ensue they have full understanding of the Order

8.3 Council policies and City Priorities

8.1 The North East Divisional community safety partnership delivers directly against The Safer and Stronger Communities Board Partnership plan 2011-2015 and The Designated Public Place order will contribute towards reducing violent crime .

8.4 Resources and value for money

8.5 The work undertaken by the DCSP is underpinned by maximisation of resources through effective partnership work . The policing of the order will be carried out within core services by North East Police Division

8.6 Legal Implications, Access to Information and Call In

8.7 There are no exempt or confidential information contained in this report

8.8 Designated Public Place Orders (DPPOs) are made under the Criminal Justice and Police Act 2001

8.9 Risk Management

8.10 There are no major risks associated with the content of this report

8.11 Conclusions

8.12 The overall evidence suggests that there is a need for implementing a designated public Place Order in the Harehills area in order to increase public confidence, reduce fear of crime and reduce alcohol and violent related incidents

8.0 Recommendations

8.1 Members are recommended to consider the evidence in support of making an Order and if satisfied the statutory test has been met and the Order will remedy the problems evidenced:

- (i) Make a Designated Public Places Order in respect of Harehills
- (ii) Authorise the Director of Environment and Neighbourhoods to advertise the making of the Order, procure the required signage and carry out any further steps necessary to bring the Order into force.

9 Background documents¹

9.1 Crime Analysis report – Safer Leeds – 23rd March 2012

¹ The background documents listed in this section are available for inspection on request for a period of four years following the date of the relevant meeting. Accordingly this list does not include documents containing exempt or confidential information, or any published works. Requests to inspect any background documents should be submitted to the report author.

Research showing the history and evidence of anti-social drinking and disorder in the proposed Harehills Area

1. Introduction

- 1.1 Before it can consult on the making of a Designation Order, the Council must be satisfied that there is a history of anti-social drinking and disorder in the proposed Designated Order.
- 1.2 Within Harehills , there is already evidence of such problems from a number of sources. These can be summarised as night-time issues, consisting of persons moving from licensed areas/premises to other licensed areas/premises and carrying bottles and glasses, which can result in anti-social behaviour (rowdiness, abuse, litter, etc) and crime (damage, public drunkenness and assault).

2. The geography and distribution of alcohol licences in Harehills

- 2.1 The Area has 10 public houses and 23 off license premises in total. The map at Appendix 3 shows the the boundary for the proposed DPPO.

The Licensed premises in the area are:

ON LICENSE PREMISES

ARTI RESTAURANT	ROUNDHAY ROAD, LS8 4HS
DOCK GREEN	ASHLEY ROAD, LS9 7AB
HAREHILLS CONSERVATIVE CLUB	288 HAREHILLS LANE, 288 HAREHILLS LANE
HAREHILLS LABOUR CLUB	FLORENCE STREET, LS9 7BX
HAREHILLS LIBERAL CLUB	BLEAK HOUSE, FOUNDRY APPROACH/SEAFORTH ROAD LS9 6BJ
HAREHILLS WMC	34 COWPER ROAD, LS9 7AP
OLYMPIA CLUB & INST (AKA DELANEY'S BAR)	8 KARNAC ROAD, LS8 5BL
SAFFRON RESTAURANT	331 ROUNDHAY ROAD, LS8 4HT
SHINE	HAREHILLS ROAD, LS8 5HS
ST. ALBANS SOCIAL CLUB	51 ST. ALBANS ROAD, LS9 6LA

OFF LICENSE PREMISES

25 ASHLEY ROAD	LS9 7AB
BAYSWATER STORES	94 BAYSWATER ROAD, LS8 NT
BAYSWATER SUPERMARKET	5 BAYSWATER VIEW, LS8 5LQ
COMPTON NEWS	23 COMPTON ROAD, LS9 7BJ
PIZZA ZONE	39 COMPTON ROAD, LS9 7BJ
1 COWPER TERRACE/ASHLEY ROAD	LS9 7BA
22/24 FOUNDRY APPROACH	LS9 6BL
W M MORRISON'S SUPERMARKET	HAREHILLS LANE, LS8 5JP
HAREHILLS FOOD	274 HAREHILLS LANE, LS9 7BD
NEWS EXTRA	304 HAREHILLS LANE, LS9 7BG
GROSIK	311 HAREHILLS LANE, LS9 6AA
SAINSBURYS SUPERMARKET	318-322 HAREHILLS LANE, LS9 7BG
343 HAREHILLS LANE	LS9 6AX
56 HAREHILLS ROAD	LS8 5LE
ELFORD GROVE POST OFFICE	58 HAREHILLS ROAD, LS8 5LE
BK NEWS	78 HAREHILLS ROAD, LS8 5NU
81/83 HAREHILLS ROAD	LS8 5HS
SUJU'S (SUJI'S) STORE	121A MARKHAM AVENUE, LS8 4JD
MUZIC ASIA	220 ROUNDHAY ROAD, LS8 5AA
KWIK SAVE	264/264A ROUNDHAY ROAD, LS8 5RL
273 ROUNDHAY ROAD	LS8 4HS
275 ROUNDHAY ROAD	LS8 4HS
COST CUTTER	12/14 STRATHMORE DRIVE, LS9 6AB

3. Anti-social behaviour

3.1 For this section ASB data was compared over a six month period (01/09/11-29/02/12) because a change in coding and recording methods at the beginning of September 2011 made direct comparison over a full year impractical.

Between September 2011 and February 2012 the highest alcohol related ASB incidents fell into the category 'Alcohol' which accounted for 82% (84) of the overall total of incidents.

ASB TYPE	September	October	November	December	January	February	Grand Total
ALCOHOL	22	15	13	5	11	18	84
NEIGHBOUR RELATED	3	4	1	4	2	1	15
YOUTH RELATED	0	0	0	0	2	0	2
ADULT NUISANCE - NON ALCOHOL RELATED	0	0	0	0	0	1	1
FIREWORKS/SNOWBALLING	0	1	0	0	0	0	1
Grand Total	25	20	14	9	15	20	103

The table also breaks down the type of incidents by month showing that generally incident numbers decreased in the winter months.

Of the 103 incidents reports, 66 took place in a public place with the remaining 37 occurring in dwellings; the majority of the latter concerned domestic issues.

Top Streets

STREET NAME	TOTAL
HAREHILLS LN	10
ROUNDHAY RD	10
HAREHILLS RD	9
BECKETT ST	6
SEAFORTH TER	2
FOUNDRY PL	2
EDGEWARE MT	2
COMPTON RD	2

The table above shows the worst affected streets in relation to alcohol related incidents occurring in a public place.

Top of the table was Harehills Lane. Incidents that occurred on Harehills Lane were predominantly individuals that were heavily in drink verbally abusing members of staff at supermarkets, convenience stores, takeaways and betting shops.

Calls to Roundhay Road varied from domestic incidents in the street to fights between large groups of youths and individuals in drink outside restaurants causing a nuisance to members of the public shouting and swearing.

Incidents on Harehills Road mainly occurred in or around shops. In particular four of the incidents occurred at B K Newsagents where youths were causing a disturbance in the shop, a drunk male had fallen asleep inside and individuals in drink were using abusive language towards members of the public and staff and also begging at the entrance.

All the calls in respect of Beckett Street were regarding ASB incidents in the vicinity of St James' Hospital. The logs mainly referred to individuals who were in drink and had been aggressive and caused problems at the Hospital only to be moved on by staff to then cause problems in the local vicinity.

Peak times in this area were evening and early morning between 2000 x 0200hrs with the highest peak being at 0200hrs. There was no peak day as incidents were spread out throughout the week.

Crime - 1st March 2011- 29th February 2012

The table below shows the breakdown of alcohol related crimes by month for any crime type which has occurred on more than three occasions within the specified area over the last twelve months. Overall, Assaults accounted for 81% of the total alcohol related offences. This was followed by Theft from Shop (18%) and Public Order offences (5%). Of note is that a number of the Thefts from Shops have been identified as 'drink involved' offences due to the property that was stolen. The month with the greatest amount of offences was July 2011 which had 11 more offences than any other in the twelve month period. There appeared to be a slight decrease in offences during the winter months.

Occurrence Type	March	April	May	June	July	August	September	October	November	December	January	February	Grand Total
ASSAULT	10	9	4	9	19	7	7	13	3	10	7	7	105
THEFT SHOP	1	3	3	3	2	4	3	2	2	6	3	3	35
PUBLIC ORDER	1	2	0	0	3	0	2	0	0	0	0	1	9
CRIMINAL DAMAGE - DWELLING	0	1	2	0	2	2	0	0	0	0	2	0	9
THEFT FROM PERSON	0	2	0	0	0	0	0	4	0	0	0	0	6
THEFT NON SPECIFIC	0	0	0	1	0	1	0	0	0	0	2	0	4
CRIMINAL DAMAGE - MOTOR VEHICLE	1	0	0	0	0	0	0	0	1	0	0	2	4
POSSESS OFFENSIVE WEAPON	0	0	0	1	1	1	0	0	0	1	0	0	4
AFFRAY	0	0	1	1	1	0	0	0	0	0	0	0	3
DRUGS	1	0	0	0	1	1	0	0	0	0	0	0	3
THEFT FROM VEHICLE	0	0	0	1	1	0	1	0	0	0	0	0	3
Grand Total	14	17	10	16	30	16	13	19	6	17	14	13	185

Top Streets

Street Name	Total
HAREHILLS LANE	43
BECKETT STREET	15
ROUNDHAY ROAD	11
HAREHILLS ROAD	8
COMPTON ROAD	5
ASHLEY ROAD	5
KARNAC ROAD	4
BROUGHTON AVENUE	3
BAYSWATER ROAD	3

The worst affected street for alcohol related offences within Harehills by a significant margin was Harehills Lane. 37 of the 43 crimes took place in shops, the majority being Sainsburys and Morrisons. Harehills Lane is a major thoroughfare through the area and would be expected to feature near the top of this list. Beckett Street was next with 15 offences - all of these took place in or around the vicinity of St James' Hospital. The majority of offences that occurred at this location were due to individuals who had been discharged from the hospital shouting and swearing and becoming violent.

Of the 185 alcohol related offences within the twelve month period, 116 were committed in a public place and 84 were committed within a dwelling.

Of the 116 offences committed in a public place, 29 occurred within supermarkets, seven at convenience stores, two at public houses and 48 were committed in the street.

The peak times for alcohol related crimes in public places between March 2011 and February 2012 were from the early evening through to the early hours of the morning (between 17:00 and 02:00). The majority of the offences occurred between Friday and Sunday.

**ALCOHOL CONSUMPTION IN DESIGNATED PUBLIC PLACES FOR THE AREA OF
HAREHILLS
CRIMINAL JUSTICE AND POLICE ACT 2001**

The City of Leeds Metropolitan District Council propose to make an Designated Public Places Order under Section 13 of the Criminal Justice and Police Act 2001 (as amended).

The effect of the Order is that the police will have the power to require a person not to drink alcohol in the designated area and to surrender alcohol to the police. Failure to comply with the request is an offence.

The proposed designated area comprises all public highways, streets, byways and other public places within Harehills

The Area defined to the West along Harehills Avenue from Gledhow Valley Road. South on to Spencer Place, on to Pasture Road, South onto Back Hares Mount and then continue South along Back Rossington Road across to Gathorne Terrace to the junction with Roundhay Road. West along Roundhay Road and South onto Grant Avenue which leads into Rosebud Walk. North onto Gledhow Road up to the border of St James Hospital and east to Stanley Road. South down Stanley Road and East along Compton Road onto Foundry Approach. North along Foundry Place across Hovingham Grove/Junction Hovingham Avenue. Northwards to Easterly Road and West along Easterly Road to junction with Roundhay Road, North on to Roundhay road then to Gledhow Valley Rd and back to junction with Harehills Avenue.

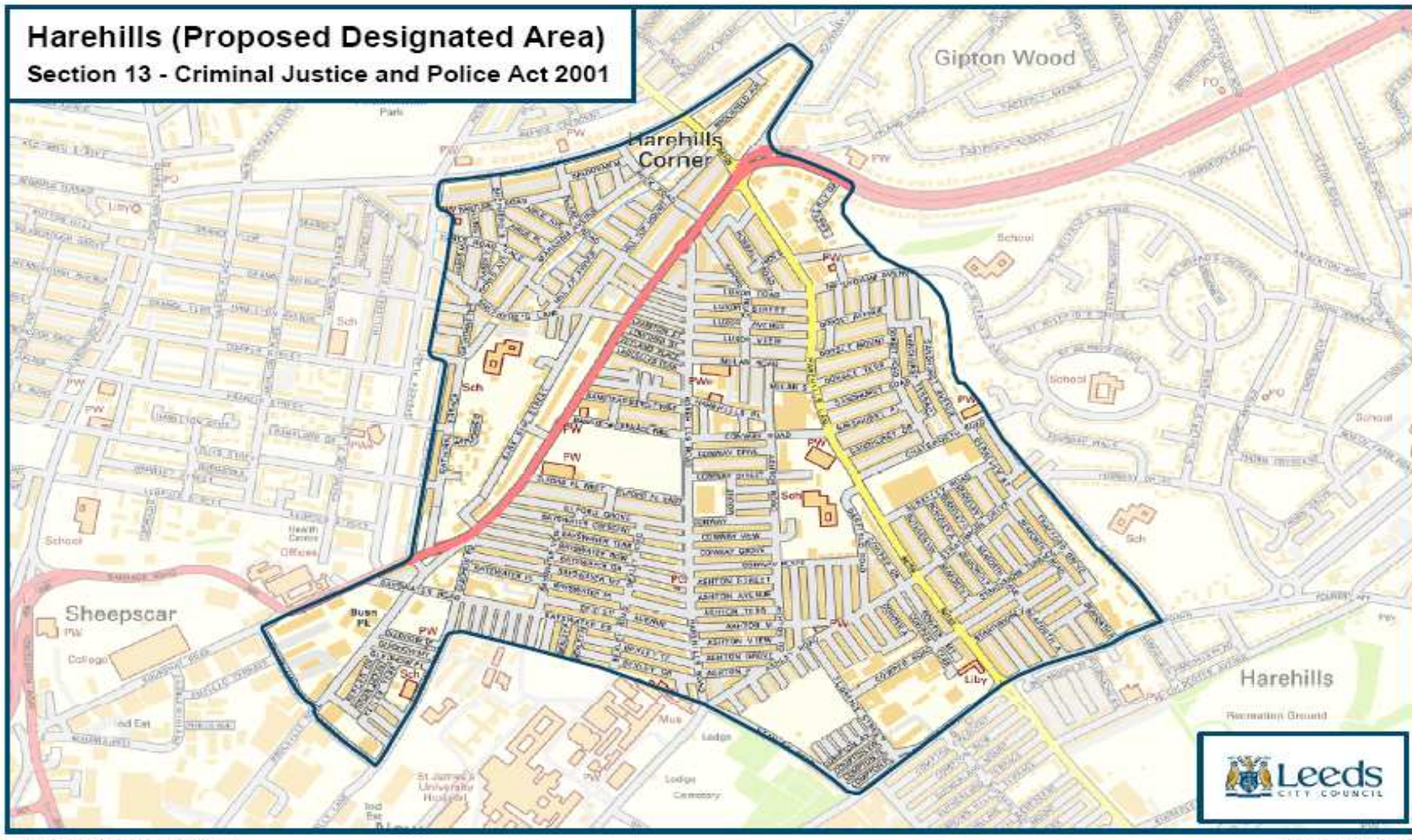
A map identifying the specific location of the designated public place and a list of licensed premises within the area is available for inspection at Killingbeck Police Station, Foundry Lane, Seacroft, Leeds LS14 6NN, and Leeds City Council's Compton Centre at the junction of Compton Road and Harehills Lane, Leeds, LS9 7BG. Alternatively you can view the information at www.leeds.gov.uk.

The Order will not apply to premises with a premises licence or club premises certificate granted by the Licensing Authority. It will not apply within the curtilage of such premises. It will not apply where a temporary event notice authorises use of the premises for the supply of alcohol during the authorised times and for 30 minutes afterwards. It will not apply to outside areas covered by a street café licence.

Any representations as to whether or not the order should be made must be made in writing to Beverley Yearwood, Leeds City Council, East North East Area Management Team, The Reginald Centre, 263 Chapeltown Road, Leeds, LS7 3EX by no later than **29th May 2012**

Alternatively you can contact us through the Leeds Community Safety website www.leeds-csp.org.uk.

Tom Riordan
Chief Executive
Leeds City Council
1st May 2012



Report of Head of Licensing and Registration

Report to Licensing Committee

Date: 26 June 2012

Subject: Law Commission Consultation Paper 'Reforming the Law of Taxi & Private Hire Services'

Are specific electoral Wards affected? 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 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? If relevant, Access to Information Procedure Rule number: Appendix number:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

Summary of main issues

1. The Law Commission has been tasked with reviewing the existing Hackney Carriage and Private Hire legislation.
2. The Commission has committed itself to research, including meeting with Licensing Officers, and has produced a consultation paper on the reform proposals. The deadline for responses to the consultation is 10 September 2012.
3. Leeds City Council should respond to the consultation process and that should include the views of Elected Members, Officers and Legal advice to serve the interests of the public of Leeds.

Recommendations

4. That Officers consider the proposals and questions posed in the Law Commission Report, and prepare a draft response for Members to consider and comment on by 16 July 2012. Members are asked for their comments on the draft response by 31 July 2012 to enable a full response within the consultation timescales.

1 Purpose of this report

- 1.1 To inform Members of the consultation; give an overview of the issues in the consultation paper and to propose that a response is provided to the consultation by Officers on behalf of the council, after the draft has been considered by Members of the Licensing Committee.
- 1.2 To direct Members to the executive summary of the Law Commission report in the first instance, prior to the circulation of the draft Officer's response (this will be sent to all Members electronically. Additional information can be obtained from the link at 7.2).

2 Background information

- 2.1 The primary existing Hackney Carriage legislation dates back to 1847, with a variety of supplementary Acts in-between. The most relevant Act is the Local Government (Miscellaneous Provisions) Act 1976 which was brought into effect to deal with a previously unlicensed private hire service. The 1976 Act also updated legislation around hackney carriages (although it cannot be described as recent).
- 2.2 There have been frustrations around the various Acts which have not always mixed well with changes in society and developing technology. There are opposing views around the country on what shape reform should take, even between licensing officers. The constant pressure for reform from a variety of sources has resulted in the Law Commission undertaking the first stage of review.
- 2.3 The consultation paper sets out the **regulatory and licensing framework** and uses all of the interactions with the existing legislation to highlight **problems with the law and the case for reform**. The paper then addresses **provisional proposals for reform** across the whole of the key functions of licensing regulation and considers consumer benefits and the removal of some business restrictions as key factors.

3 Main issues

- 3.1 The paper is very much a mixed bag of proposals which need careful consideration and considered opinion. What seems to be evident is that some of the proposals have a sound basis for moving forward, i.e. a national minimum standard for drivers; whilst others seem to take little account of the reality of the safety and customer care issues facing the larger licensing authorities so often apparent in the trade. For example, removing some Local Authority powers and limiting the regulation on drivers to address bottom-line safety concerns only, which, in effect, might cause the removal of English comprehension testing or local knowledge testing conditions which are locally set. There are also missed opportunities, i.e. owners of licensed vehicle should not be subject to fit and proper tests or other forms of compliance.
- 3.2 It is very important, as one of the largest licensing authorities, that Leeds City Council provides a comprehensive, proportionate and robust response to the areas of concern and at the same time supports national improvements, taking the opportunity to contribute to the minimum standards.

- 3.3 It would be good practice for the response to have strong Member involvement with advice from the Council's legal officers and licensing officers.
- 3.4 Officers will prepare a draft response for Members' comments by 16 July 2012. Members are asked to ensure any comments are provided before 31 July 2012 to ensure the consultation deadline of 10 September 2012 is achieved. This timetable takes account of the traditional holiday period in August. The final agreed response to the consultation will be emailed to all Members of the Licensing Committee for their information.

4 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.1 Leeds City Council is an individual consultee and the response to this consultation is on behalf of Leeds City Council. The trade or other interested stakeholders should provide their own response to this consultation. On that basis there will be no external consultation feeding into our response.

4.2 Equality and Diversity / Cohesion and Integration

- 4.2.1 This is primarily a responsibility for the authors of the consultation paper but the Taxi & Private Hire licensing section can ensure wider knowledge of the paper by use of the Council's internet site, equality hub and media team. The public and other interested stakeholders will be advised that they need to make their own representations.

4.3 Council Policies and City Priorities

- 4.3.1 All Council policies and city priorities will be considered when discussing the proposals and in drafting a response to the consultation.

4.4 Resources and Value for Money

- 4.4.1 There are no resources or value for money issues as this is a response to a consultation document.

4.5 Legal Implications, Access to Information and Call In

- 4.5.1 The proposals for responding fall within the constitutional scope of the Licensing Committee and it is proposed that a Legal Services Officer will advise on the considerations prior to submission.

4.6 Risk Management

- 4.6.1 Not applicable at this time.

5 Conclusions

- 5.1 That a formal response is necessary from Leeds City Council

- 5.2 The details of the paper and the potential impact of proposals merit a considered and detailed response involving Members and Officers to meet the consultation deadline of 10 September 2012.

6 Recommendations

- 6.1 That Officers consider the proposals and questions posed in the Law Commission Report, and prepare a draft response for Members to consider and comment on by 16 July 2012. Members are asked for their comments on the draft response by 31 July 2012 to enable a full response within the consultation timescales.

7 Background documents

- 7.1 Law Commission Summary of reforming the Law of Taxi and Private Hire Services (forwarded by email to all Licensing Committee Members).
- 7.2 Law Commission Consultation Paper 203 – <http://www.lawcom.gov.uk> (see A-Z of projects >Taxi and Private Hire Services), which includes the summary at 7.1.



Report author: Des Broster
Tel: 2143376

Report of Head of Licensing and Registration

Report to Licensing Committee

Date: 26 June 2012

Subject: Review of the requirement for all existing licensed Taxi & Private Hire drivers and applicants to undertake NVQ/VRQ assessment

Are specific electoral Wards affected? 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? If relevant, Access to Information Procedure Rule number: Appendix number:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Summary of main issues

1. In September 2008 the Licensing and Regulatory Panel placed a condition on all existing Hackney Carriage and Private Hire driver licences and new applicants for such licences that they must attain a NVQ/VRQ qualification for road transport passenger skills in the Taxi and Private Hire industry within specified time frames.
2. The training was funded by the Government, but in early 2010 the majority of funding was withdrawn due to the worsening economic situation. Alternative funding solutions were sought but without success.
3. A Licensing Committee Working Group was formed to consider the merits of continuing with training and, if that was the case, the options for how that might be achieved.
4. The Working Group considers there to be value in continuing a form of training and testing and that it should be delivered by Officers by redesigning the existing training program, at cost to new applicants to the trade from this point on, or on existing licence holders in certain circumstances.

Recommendations

- 5.1 That subject to consultation –

- 5.1.1 The existing NVQ/VRQ requirement on all existing drivers or new applicants in the first year of their licence be withdrawn with immediate effect.
- 5.1.2 Officers re-design the training course to mirror those elements of the nationally recognised vocational qualification considered essential by the working group as far as realistically possible. (**Appendix A**).
- 5.1.3 The cost of the training and testing program is met by those applying for a Hackney Carriage or Private Hire driver licence and those referred for training who are existing licence holders.
- 5.1.4 The requirement to undertake the redesigned training program would apply to those applicants whose application was received after the Licensing Committee decision to adopt the new training program.
- 5.1.5 Existing drivers who had not achieved the NVQ/VRQ would only need to meet the new training requirement in the event of a substantiated complaint or conditions breach.
- 5.1.6 Existing drivers who had already attained the NVQ/VRQ would be exempt from the requirement to undertake the new course.
- 5.1.7 A Leeds City Council certificate of attainment be granted to successful applicants on completion of the course.
- 5.1.8 A further report will be submitted to the committee meeting on 16 October 2012 setting out the results of the public consultation and providing full details on resourcing and costs back to the Licensing Committee for determination.

1 Purpose of this report

- 1.1 To explain the background to the previous training requirement and the issue causing the suspension of that training requirement whilst alternative options were considered.
- 1.2 To enable Members to discuss the recommendations of the Working Group and training benefits weighed against the cost implications.
- 1.3 For Members to consider the recommendations of the Working Group, who the proposed training would apply to and how those existing licensed drivers who have not taken the opportunity of the free training qualification might be effected.
- 1.4 To propose a full consultation process for a three month period prior to making a final decision.

2 Background information

- 2.1 Following a report to the Licensing & Regulatory Panel in September 2008 all drivers were required to undertake NVQ/VRQ assessment within the first year of their Hackney Carriage or Private Hire driver licence as a prerequisite to the renewal of that licence. Existing licensed drivers were given a final date of December 2011 to achieve those same qualifications.
- 2.2 At the time of approval the Council had been allocated adequate training funding to enable the full training of the then licensed trade and new future applicants and this was held by the overseeing body. During 2010 the economic downturn had deepened and the Treasury withdrew the reserved funding. Although some limited funding was available the qualifying conditions were tighter and training providers more difficult to find. The Licensing Committee took a decision to suspend the enforcement of the policy but urged drivers to still take the opportunity to obtain what free training was available. A Licensing Committee Working Group was established.
- 2.3 Members asked Officers to look at alternative options which included:-
- Undertaking a procurement market testing exercise to uncover best value for money – this demonstrated significant personal cost to drivers which was considered to be too high;
 - Training provision within the scope of Leeds City Council's Human Resources – Leeds City Council now largely outsources its training requirement and the opportunities for NVQs only exists for Council employees within the terms of its contract with its preferred training supplier; and
 - In-house training at Taxi & Private Hire Licensing – This is the remaining option and the recommendation of the Working Group.

3 Main issues

- 3.1 The first two options at 2.3 were considered to be self excluding by the Working Group, but further consideration of in-house training solution was requested by the Working Group.
- 3.2 Training and testing of applicants is currently undertaken within the Taxi & Private Hire Licensing Section in the form of a one day course which is a full time post for a Service Development Officer but it is not as expansive as much of the NVQ/VRQ currently recognised nationally.
- 3.3 The Working Group considered and accepted in principle the key elements of cost, resourcing and the training format to form the basis of a program of training which incorporates elements of the existing training and testing program. Although there is little realistic opportunity of achieving an accredited national training standard from the in-house model, the main principles of the national standard could be adopted to accommodate a reasonable standard of training delivery and some testing within much tighter time scales than the national model. The Working Group accepted that additional resourcing would be required if the existing training and testing program was to be expanded in this way. The elements of the programme considered by the

Working Group to be essential from the recognised national qualification are set out at Appendix A.

- 3.4 The implementation of an extended training plan would be dependent on the provisional approval of the Licensing Committee followed by full three month public consultation, an Equality and Diversity Screening Assessment, associated costs and referral back to the Licensing Committee for determination.
- 3.5 Subsequent to any final approval there would need to be a recruitment exercise undertaken for any additional resources required in line with the Council's staffing approval policy with the development of a training program following on.

4 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.1 Historically, recognition of the benefits of training were understood by the trades when the original policy was approved, with some reservations from them about the testing element. This Working Group heard from some members of the trade and Leeds City Council Equality Team before making these recommendations to the Licensing Committee. The consultation to follow this report will draw in a wider expression of views which will give both the trade and public an opportunity to comment for the Licensing Committee to consider.

4.2 Equality and Diversity / Cohesion and Integration

- 4.2.1 An Equality and Diversity Screening Assessment will be undertaken before the consultation process and updated on conclusion of the consultation. A full Impact Assessment will be conducted if required.

4.3 Council Policies and City Priorities

- 4.3.1 A primary function of the Licensing Committee is to meet its statutory obligations in respect of public safety. That in turn contributes to safer communities and the well being of the city by providing a safer and more professional licensed driver. The proposal may directly or indirectly contribute to the policies and priorities.

4.4 Resources and Value for Money

- 4.4.1 The Taxi & Private Hire Licensing Section is self financing and must off-set any costs to the trades (in this case, new applicants, or those affected by recommendation 6.1.5). In that sense the 'value of money' test is in the light of the Section managing its own finances but also ensuring proportionality in setting costs.

4.5 Legal Implications, Access to Information and Call In

- 4.5.1 The Licensing Committee is exercising its powers under the scheme of delegation in respect of the Local Government (Miscellaneous Provisions) Act 1976 by considering what proportionate pre-conditions it might place on the Hackney Carriage and Private Hire drivers prior to grant or renewal of a licence.

- 4.5.2 A key element is consultation and due regard to the Equality and Diversity Screening Assessment which would be undertaken and reported on prior to any final decisions being taken.
- 4.5.3 The whole of the process of considering and determining the issues will be undertaken with legal advice being directly available to the Licensing Committee.

4.6 Risk Management

4.6.1 The key risks are:-

- The existing condition is not being enforced and as such may be considered unnecessary, inappropriate or disproportionate. The council should not impose disproportionate conditions which may be subject to challenge.
- There may be frustrations, complaints or legal challenge to a re-designed training program on the basis of some groups appearing to be excluded due to English comprehension skills (It is anticipated these issues will be identified during Equality and Diversity Screening).

5 Conclusions

- 5.1 The Working Group recognised the need to move away from the existing policy and recommends the withdrawal of the previous condition with the retention of a training and testing element to be re-designed as at Appendix A, delivered by the Council, believing that it makes a valuable contribution to the City and its communities.
- 5.2 If that view is accepted by the Licensing Committee the main issues remaining are the outcomes of the proposed consultation, costs; the training program design, consideration of any identified risks and delivery and to determine to whom it would apply in future, if approved.

6 Recommendations

6.1 That subject to consultation –

- 6.1.1 The existing NVQ/VRQ requirement on all existing drivers or new applicants in the first year of their licence be withdrawn with immediate effect.
- 6.1.2 Officers re-design the training course to mirror those elements of the nationally recognised vocational qualification considered essential by the working group as far as realistically possible. (**Appendix A**).
- 6.1.3 The cost of the training and testing program is met by those applying for a Hackney Carriage or Private Hire driver licence and those referred for training who are existing licence holders.
- 6.1.4 The requirement to undertake the redesigned training program would apply to those applicants whose application was received after the Licensing Committee decision to adopt the new training program.

- 6.1.5 Existing drivers who had not achieved the NVQ/VRQ would only need to meet the new training requirement in the event of a substantiated complaint or conditions breach.
- 6.1.6 Existing drivers who had already attained the NVQ/VRQ would be exempt from the requirement to undertake the new course.
- 6.1.7 A Leeds City Council certificate of attainment be granted to successful applicants on completion of the course.
- 6.1.8 A further report will be submitted to the committee meeting on 16 October 2012 setting out the results of the public consultation and providing full details on resourcing and costs back to the Licensing Committee for determination.

7 Background documents

'Train to Gain' information document 'The NVQ system – who does what'

Licensing and Regulatory Panel report - Introduction of a requirement for occupation accreditation (BTEC & NVQ) for Taxi & Private Hire and Hackney Carriage Driver's - 2.9.2008

Licensing and Regulatory Panel report - NVQ & BTEC testing – further information report – 18.11.2008

Licensing Committee report - NVQ & VRQ Qualifications – further information and review of timescales – 16.11.2010

Licensing Committee minutes of 15.3.2011

NVQ/VRQ Working Group minutes of 1.4.2011

NVQ/VRQ Working Group minutes of 13.5. 2011

NVQ/VRQ Working Group minutes of 10.4.2012

Appendix A

Private Hire Driver Applicant Training and Testing Assessment Areas

Health and Safety – Passengers and Self	Specific Areas Covered	Testing method T & T + Training & Test GD +P = Group Discussion & participation
	Health & safety in the taxi and private hire work environment	GD+P
	Road safety when driving passenger in a taxi or private hire vehicle	T & T
	Road Traffic Acts – accident reporting	T & T
	Personal alarms and panic switches to base	GD+P
	Personal radio, private line contact	GD+P
	Security cameras and their privacy laws	GD+P
	Dataheads/GPS	GD+P
	Safety guards and screens	GD+P
	Limit the money carried	GD+P
	Four door security lock	GD+P
	Take in information by continually scanning the environment and using that information to plan a response	GD+P
	Fire Regulations	T & T

Appendix A

Private Hire Driver Applicant Training and Testing Assessment Areas

Professional customer service and equality	Specific Areas Covered	Testing method T & T + Training & Test GD +P = Group Discussion & participation
	Maintaining punctuality, Honesty and truthfulness, Professional relationships	GD+P
	Providing safety and security for vulnerable customers	GD+P
	Corporate client accounts	GD+P
	Drive with care and consideration	GD+P
	Disability Discrimination Act 1995	T & T
	Race Relations Act 1976	T & T
	Health Act 2006	T & T
	Age	GD+P
	Race	GD+P
	Religious	GD+P
	Sexual orientation	GD+P
	Nationality	GD+P
	Gender and gender reassignment	GD+P
	Disability	GD+P
	Refusing a fare based on own personal prejudice	GD+P
	Refusing a fare without justification	GD+P
	Refusing a fare because of a persons disability	GD+P
	Making it unreasonably difficult or impossible for a customer to make use of any such service	GD+P
	Providing a service which is on inferior terms to that on offer to other members of the public	GD+P

Appendix A

Private Hire Driver Applicant Training and Testing Assessment Areas

	Customers who require assistance could include: Mobility, ambulant disabled and Hearing loss Blindness or partially sighted Physical injury Learning difficulties Disfigurement	GD+P
	Health Act 2006	T & T
	Satellite navigation	GD+P
	Using maps and navigational aids	T & T
	Transporting hospital goods under contract	GD+P
	Transporting blood bank items between NHS locations	GD+P
	Musical instruments	GD+P
	Maintaining punctuality at stops and destinations	GD+P
	Maintaining a communications link	GD+P + T & T
	Knowing essential contact names and phone numbers	GD+P

Appendix A

Private Hire Driver Applicant Training and Testing Assessment Areas

Local Authority Conditions	Specific Areas Covered	Testing method T & T + Training & Test GD +P = Group Discussion & participation
	Being a fit and proper person	GD+P
	Driver's licence	T & T
	Vehicle licence	T & T
	Group 2 medical examinations	GD+P
	Hire and reward insurance – public and private hire	T & T
	Misconduct, including inappropriate language or behaviour	GD+P
	Obstructing Authorised Officers	T & T
	Over charging	T & T
	Taxi – A licensed Hackney Carriage vehicle	T & T
	Residential nuisance – parking, use of horns etc	T & T

Appendix A

Private Hire Driver Applicant Training and Testing Assessment Areas

National Legislation	Specific Areas Covered	Testing method T & T + Training & Test GD +P = Group Discussion & participation
	Local Government (Miscellaneous Provisions) Act 1976	T & T
	Town Police Clauses Act 1847	T & T
	Construction & Use regulations	T & T
	Data Protection Act	T & T

Appendix A

Private Hire Driver Applicant Training and Testing Assessment Areas

Taxi & private hire vehicle maintenance and safety inspections	Specific Areas Covered	Testing method T & T + Training & Test GD +P = Group Discussion & participation
	Construction & Use Regulations	T & T
	Maintenance & safety checks	GD+P

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Report author: Desmond Broster
Tel: 2143376

Report of Head of Licensing and Registration

Report to Licensing Committee

Date: 26 June 2012

Subject: Introduction of three yearly Criminal Records Bureau checks on Taxi & Private Hire Drivers and Private Hire Operators

Are specific electoral Wards affected? 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 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? If relevant, Access to Information Procedure Rule number: Appendix number:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Summary of main issues

1. Currently the Taxi & Private Hire Section conducts a Criminal Records Bureau (CRB) Disclosure on all drivers at the point of application and may also require existing licensed drivers to undertake a CRB in other circumstances. There is no policy in place to direct that additional CRB disclosures be required during the lifetime of a licence.

2. Department of Transport (DfT) best practice guidance of March 2010 states it would be best practice for disclosures to be sought every 3 years in respect of licensed drivers and this guidance that is now being brought forward for Elected Members to consider.

Recommendations

3. Members approve a three month public consultation period immediately following this report.

4. Note that a further report will return to the Licensing Committee meeting on 16 October 2012 with the results of the consultation and exact costings to inform a final decision.

1 Purpose of this report

- 1.1 To inform Members of the recommendations concerning the frequency of CRB checks for licensed drivers contained in the DfT best practice guidance, the potential financial impact upon licensed drivers and the potential resource implications for the section.
- 1.2 To propose that full three month public consultation will take place and the results of that consultation will be reported back to the Licensing Committee prior to a final recommendation being made to Executive Board.

2 Background information

- 2.1 Since 2000 the Taxi & Private Hire Licensing Section has conducted CRB checks on all applicants. Prior to that checks were conducted by the West Yorkshire Police.
- 2.2 The information in a CRB disclosure is vital in the decision making process to ensure the Council meets its statutory requirement to ensure all drivers remain a fit and proper person.
- 2.3 During the life time of a licence the Council can require a Private Hire driver by way of a condition placed upon their licence to undertake CRB vetting but such a condition cannot be placed upon a Hackney Carriage driver licence due to legislative shortfalls. The intention of this condition on a Private Hire driver was to deal with emerging issues and not a specific policy.
- 2.4 DfT best practice guidance is reproduced below:

“It would seem best practice for Criminal Records Bureau disclosures to be sought when a licence is first applied for and then every three years, even if a licence is renewed annually, provided drivers are obliged to report all new convictions and cautions to the licensing authority.”

3 Main issues

- 3.1 The introduction of a three yearly CRB vetting procedure in line with best practice guidance would contribute to a risk reduction in respect of public safety.
- 3.2 Additionally, the Council’s Internal Audit team have identified that the introduction of such a policy would have safety and compliance benefits (see 4.6.1).
- 3.3 There would be an additional cost to licensed drivers in every third year of a licence due to the administrative process that would need to be in place. This would consist of the arranging of appointments, conducting interviews and dealing with the subsequent administrative issues. This process could not be managed within the existing staffing structure and would require additional resources.
- 3.4 The additional cost to an individual driver is estimated to be £64 which is the cost of a CRB application plus the approximate administration cost of two additional staff. This additional cost would be charged every three years when a driver’s CRB is due and prior to the renewal of the existing licence. Exact costs will be provided for the final report before a decision is taken.

- 3.5 This proposal would introduce a new policy which requires the approval of Licensing Committee and a recommendation to Executive Board to adopt the policy, followed by a recruitment process which will be subject to the council's staffing approval process.

4 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.1 As a new policy which would impact on existing licensed drivers it is proposed that a full three month public consultation period is undertaken and the representative views presented to the Licensing Committee prior to approval. This will give an opportunity for the trade, travelling public and any other interested stakeholders to comment on the proposals.

4.2 Equality and Diversity / Cohesion and Integration

- 4.2.1 An Equality and Diversity Screening Assessment will be undertaken before the consultation process and updated on conclusion of the consultation. A full Impact Assessment will be conducted if required.

4.3 Council Policies and City Priorities

- 4.3.1 Best practice guidance suggests that the adoption of this proposal will contribute to safeguarding communities and child safeguarding matters and there are areas that are closely associated to the role of Taxi & Private Hire drivers.

4.4 Resources and Value for Money

- 4.4.1 The cost of additional resource requirements would have to be met by the existing trade on the adoption of the policy in accordance with the Local Government (Miscellaneous Provisions) Act 1976.

4.5 Legal Implications, Access to Information and Call In

- 4.5.1 The Local Government (Miscellaneous Provisions) Act 1976, Section 51 deals with the granting of a licence to a Private Hire driver. Section (1) (a) requires that the Council must be satisfied the applicant is a 'fit and proper' person.
- 4.5.2 Similarly, in respect of Hackney carriage drivers the 'fit and proper person' test is applied at Section 59 (1) (a).
- 4.5.3 The 'fit and proper test' applies not only at the point of first application but also at any renewal and it is proportionate for the Council to apply a means of checking that suitability, using CRB checks at reasonable periods. DfT best practice guidance suggests this should be every three years. This time period is supported by the council's Internal Audit team.

4.6 Risk Management

4.6.1 The following is an extract of an Internal Audit review of the Section completed in February 2012: -

“...To comply with current best practice guidance, the Taxi and Private Hire Licensing section should require CRB disclosures to be renewed every three years, in addition to the requirement for new applicants. Those drivers who have not completed a disclosure in the last three years should be checked as a matter of priority.

“Guidance should be developed which clarifies the CRB disclosure process in respect of drivers. This should include:

- Frequency of undertaking the checks;
- Action to be taken on receipt of an unsatisfactory disclosure; and
- Retention of documentation (in line with the CRB Code of Practice).

“The implementation of this recommendation should ensure that LCC are aware of convictions committed after a licence has been granted and give improved assurance that only “fit and proper” persons are licence holders.”

5 Conclusions

- 5.1 There are strong reasons for the introduction of such a policy as indicated by the DfT and the Council could be at risk if the guidance is not followed.
- 5.2 The adoption of this policy does meet the Councils statutory requirement to ensure drivers are “fit and proper” in a proportionate manner.
- 5.3 The additional cost will be met by the licence holders as and when a CRB is required.
- 5.4 If approved by the Licensing Committee the final policy proposal will need to be referred to Executive Board for approval but those arrangements will be made later.

6 Recommendations

- 6.1 Members approve a three month public consultation period immediately following this report.
- 6.2 Note that a further report will return to the Licensing Committee meeting on 16 October 2012 with the results of the consultation and exact costings to inform a final decision.

7 Background documents

Department of Transport report entitled :taxi and Private Hire Vehicle Licensing: Best Practice Guidance at :-

<http://assets.dft.gov.uk/publications/taxi-private-hire-licensing/taxi-private-hire-licensing-guide.pdf>

Council’s Internal Audit Report of Taxi and Private Hire Licensing dated February 2012



Report author:	Susan Holden
Tel:	51863

Report of the Head of Licensing and Registration

Report to Licensing Committee

Date: 26th June 2012

Subject: Gambling Act 2005 Statement of Licensing Policy

Are specific electoral Wards affected? 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 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? If relevant, Access to Information Procedure Rule number: Appendix number:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

Summary of main issues

1. Every three years the Council is required by the Gambling Act 2005 to review the Gambling Act 2005 Statement of Licensing Policy, and to consult upon any changes.
2. The three yearly review is taking place this year however as the council approved an amendment to the current policy to include information on the large casino licence last year, it was not proposed to make revisions to the current policy at this review, unless the public consultation reveals the need for a further change.
3. The public consultation has now taken place and the council received two responses.

Recommendations

4. That Licensing Committee notes the contents of this report.

1.0 Purpose of this report

- 1.1 To advise Licensing Committee of the results of the public consultation for the triennial review of the Gambling Act 2005 Statement of Licensing Policy.

2.0 Background information

- 2.1 Under Section 349 of the Gambling Act 2005 the Licensing Authority is required to prepare a statement of principles that they propose to apply in exercising their functions under this Act. This process is to be repeated every three years from 31st January 2007.
- 2.2 The consultation process is laid out clearly in the Gambling Act 2005, the Gambling Act 2005 (Licensing Authority Policy Statement)(England and Wales) Regulations 2006 and the Guidance to Licensing Authorities issued by the Gambling Commission (www.gamblingcommission.gov.uk).

3.0 Main issues

- 3.1 The council approved a revised Gambling Act 2005 Statement of Licensing Policy 2010 to 2012 in January 2012. The revisions included the insertion of a comprehensive section relating to the large casino but officers took the opportunity to revise other parts of the policy in light of recent legislation changes.
- 3.2 Officers, under the authorisation of a delegated decision notice, considered that further revisions were not necessary and took the current policy through a public consultation between 12th March to 31st June 2012.
- 3.2 The council received two written responses to the public consultation.
- 3.2 The Association of British Bookmakers responded on 26th April to advise that it was pleased that the Council was not intending to make any changes to the current policy and to request that we advise them if we do make any amendments.
- 3.3 The Racecourse Association Limited responded on the 30th May 2012 (Appendix 1). Three comments relate principally to the section on premises licences and how they relate to racecourses. Two of the comments relate to the section on Tracks. Officers have considered the comments but do not consider that any further changes are required to the policy.
- 3.4 The council did not receive any responses via the online questionnaire.
- 3.5 The approval of the policy is a matter for full Council. The approval process follows the Budgetary and Policy Framework. The suggested timescale for approval is as follows:

Executive Board	July 2012
Scrutiny Board	September 2012
Executive Board	October 2012
Council	November 2012

4.0 Corporate Considerations

4.1 Consultation and Engagement

4.1.1 This report concerns the public consultation undertaken on the Gambling Act 2005 Statement of Licensing Policy. The consultation was undertaken over a 12 week period and included a written mailing in line with the requirement of the Gambling Act 2005.

4.2 Equality and Diversity / Cohesion and Integration

4.2.1 As this is an advisory report there are no issues relating to equality, diversity, cohesion and integration.

4.3 Council Policies and City Priorities

4.3.1 This report concerns the result of the public consultation undertaken on the Gambling Act 2005 Statement of Licensing Policy.

4.4 Resources and Value for Money

4.4.1 There are no implications on resources or value for money.

4.5 Legal Implications, Access to Information and Call In

4.5.1 There are no legal implications for this report.

4.6 Risk Management

4.6.1 There are no issues relating to risk management.

5 Conclusions

5.1 The council has undertaken a 12 week public consultation on the Gambling Act 2005 Statement of Licensing Policy as required by the Gambling Act. This review and consultation is required every three years.

5.2 The council had not planned to make any changes to the policy, as a revised policy was approved by Council in January this year. As such the council only received two written responses to the consultation and does not intend to make any further revision in light of these responses.

5.3 The policy approval is a matter for Council following the Budgetary and Policy Framework. It is intended that the policy follows this framework with final approval expected by Council in November 2012.

6 Recommendations

- 6.1 That Licensing Committee considers the contents of the report which includes the results of the public consultation.

7 Appendices

- 7.1 Letter from The Racecourse Association Limited
- 7.2 Proposed Gambling Act 2005 Statement of Licensing Policy 2013 - 2015

Background Papers

Gambling Act 2005



SCANNED

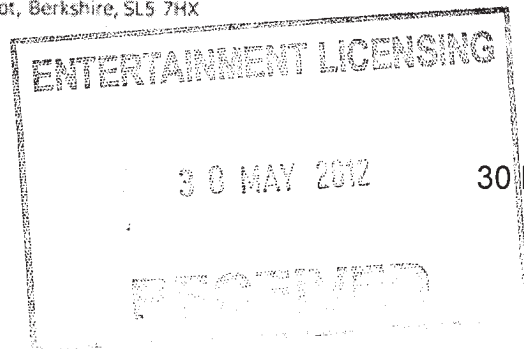
GLC02

The Racecourse Association Limited

Winkfield Road, Ascot, Berkshire, SL5 7HX

HR/B4D

Entertainment Licensing
Leeds City Council
Civic Hall
Leeds
LS1 1UR



Dear Sir/Madam,

Gambling Act 2005 – Statement of Licensing Policy

I am writing on behalf of the Racecourse Association, the trade association for horse racecourses in Great Britain. We have reviewed the Gambling Act 2005 Statement of Licensing Policy for Leeds City Council, to which we would like the opportunity to respond on behalf of our members.

Location (Part C, Paragraph 13.9) - The proposed location of gambling premises may be taken into account when assessing the application. The Council is asked to consider that the location of racecourses will not have altered since its foundation, and cannot be transferred to another location

Conditions (Part C, Paragraph 13.13 and 19.9) – In certain circumstances the Council may impose additional conditions on racecourses to ensure the licensing objectives are met. The Council is asked to ensure that these conditions do not exceed those premises licence conditions outlined in the Premises Licence Mandatory and Default Conditions.

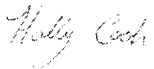
Door Supervisors (Part C, Paragraph 13.19) – The Council is asked to be aware that under the Licensing Act 2003 and the Private Security Industry Act 2001, racecourses are already required to provide licensed door supervisors in some roles. In line with the Government's Better Regulation Agenda, and the stipulation by the Council in Paragraph 13.11 that they will seek to avoid duplication with other regulatory regimes, the Council should not impose any further provisions relating to door supervisors.

Separate Licences for Certain Facilities (Part C, Paragraph 19.3) – The RCA is supportive of the Council's view that arrangements regarding separate premises licences for off-course operators will be at the discretion of the racecourse and the betting operator.

Betting Machines (Part C, Paragraph 19.8) – As racecourses will not hold Operating Licences, they will also not be responsible for the provision of Betting Machines on these premises. These will be provided by third party operators, who will be required to act in accordance with the conditions of their Operating Licence, as issued by the Gambling Commission.

Should you wish to discuss the comments raised any further, please contact me on 01344 873536 or holly.cook@racecourseassociation.co.uk

Kind Regards,



Holly Cook
Racecourse Services Executive
The Racecourse Association Ltd

Cc: Mr Jonjo Sanderson, Wetherby Racecourse

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LICENSING COMMITTEE WORK PROGRAMME 2012/13- LAST UPDATED 13 June 2012 (hg)

ITEM	DESCRIPTION	NOTES	TYPE OF ITEM
Items Currently Unscheduled			
TPHL Policy Review – ongoing review of the policies/conditions	Review timetable was agreed Feb 11, they will return to Committee at the conclusion of the necessary consultation period (to include driver licences nationality & immigration status checks)	D Broster (Sept 2011 – Jan 2012)	DP

ITEM	DESCRIPTION	Officer	TYPE OF ITEM
Meeting date: FRIDAY 25 MAY 2012 held. Annual Gov arrangements/s182 Guidance/Policy WG/SEV Training			
Meeting date: 26 JUNE 2012			
NVQ/VRQs for drivers	Review ongoing arising from the Working Group	D Broster	B
Law Commission Consultation	Government proposals to reform the legal framework relating to HC & PH vehicles	J Mulcahy	B/SC
CRB renewals	Report on regular renewals of CRBs for Licence Holders	D Broster	PM
GA2005	Statement of Licensing Policy	S Holden	DP
Harehills DPPO	Proposals to establish a Designated Public Places Order for Harehills	B Yearwood	DP
Meeting date: 24 JULY 2012			
LA2003	Review of Statement of licensing Policy (Licensing Act 2003)	S Holden	DP
Large Casino	Report on the Large Casino Advisory Panel	S Holden	B
City Centre Policing Update	Discussion on city centre premises, licensing and policing (June/July 2012)(Feb 2013)	WYP	B
Meeting date: 14 AUGUST 2012			
Code of Practice	Revised code of practice for the Determination of Licensing Matters	G Marshall	PM
Enforcement & Liaison	Update on the work of the Entertainment Licensing Enforcement & Liaison Section	S Kennedy	B
Meeting date: 11 SEPTEMBER 2012			

LICENSING COMMITTEE WORK PROGRAMME 2012/13- LAST UPDATED 13 June 2012 (hg)

ITEM	DESCRIPTION	Officer	TYPE OF ITEM
Meeting date: 16 OCTOBER 2012			
Meeting date: 13 NOVEMBER 2012			
Meeting date: 18 DECEMBER 2012			
Meeting date: 15 JANUARY 2013			
Meeting date: 12 FEBRUARY 2013			
Enforcement & Liaison	Update on the work of the Entertainment Licensing Enforcement & Liaison Section	S Kennedy	B
City Centre Policing Update	Discussion on city centre premises, licensing and policing (June/July 2012)(Feb 2013)	WYP	B
Meeting date: 12 MARCH 2013			
Meeting date: 9 APRIL 2013			
Meeting date: 14 MAY 2013			

Key:

RP – Review of existing policy

PM – Performance management

SC – Statutory consultation

DP – Development of new policy

B – Briefings