



LICENSING COMMITTEE

MEETING TO BE HELD IN CIVIC HALL, LEEDS ON
TUESDAY, 7TH OCTOBER, 2014 AT 10.00 AM

MEMBERSHIP

Councillors

N Buckley	Rothwell
R Downes	Alwoodley;
J Dunn	Otley and Yeadon;
B Gettings	Ardsley and Robin Hood;
T Hanley	Morley North;
M Harland (Chair)	Bramley and Stanningley;
G Hussain	Kippax and Methley;
G Hyde	Roundhay;
A Khan	Killingbeck and Seacroft;
B Selby	Burmantofts and Richmond Hill;
C Townsley	Killingbeck and Seacroft;
G Wilkinson	Horsforth;
B Flynn	Wetherby;
M Ingham	Adel and Wharfedale;
	Burmantofts and Richmond Hill;

Agenda compiled by:
Tel No:
Governance Services
Civic Hall
LEEDS LS1 1UR

John Grieve
224 3836

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 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>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 style="padding-left: 40px;">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>DECLARATION OF DISCLOSABLE PECUNIARY INTERESTS</p> <p>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.</p>	
5			<p>APOLOGIES FOR ABSENCE</p>	
6			<p>MINUTES OF THE PREVIOUS MEETING</p> <p>To approve the minutes of the previous meeting held on 9th September 2014</p> <p>(Copy attached)</p>	1 - 6
7			<p>MATTERS ARISING FROM THE MINUTES</p> <p>To consider any matters arising from the minutes.</p>	

Item No	Ward/Equal Opportunities	Item Not Open		Page No
8			<p>SHISHA - PARTNERSHIP WORKING</p> <p>To consider a report by the Director of Environment and Housing which provides an update on Shisha Smoking and the partnership working which goes on in the city to tackle the issue.</p> <p>The report 'Shisha Smoking and Smoke Free Legislation Update' was presented to Licensing Committee in April 2014.</p> <p>(Report attached)</p>	7 - 32
9			<p>LOCAL LICENSING GUIDANCE</p> <p>To consider a report by the Head of Licensing and Registration which provides an updated Local Licensing Guidance for Inner South and new Local Licensing guidance for the Inner West and Inner East areas of Leeds.</p> <p>(Report attached)</p>	33 - 82

Item No	Ward/Equal Opportunities	Item Not Open		Page No
10			<p>OUTCOMES OF THE LICENSING COMMITTEE WORKING GROUP (WG)</p> <p>To consider a report by the Head of Licensing and Registration which sets out the recommendations of a Working Group formed to examine the previously approved policies in respect of:-</p> <ul style="list-style-type: none"> • Wheel Chair Accessible Vehicle's (WAV) age criteria for 5/6/7 passenger seat vehicle. • Immediate suspensions policy – plying for hire. • Taxi & Private Hire Licensing decision making framework. • Other issues raised in the Working Group – bonnet stickers on Private Hire Vehicle's and developing a web based Taxi & Private Hire Licensing enforcement and decisions page. <p>(Report attached)</p>	83 - 94
11			<p>LICENSING COMMITTEE WORK PROGRAMME 2014/15</p> <p>To note the contents of the Licensing Committee Work Programme for 2014/15</p> <p>(Report attached)</p>	95 - 98
12			<p>DATE AND TIME OF NEXT MEETING</p> <p>To note the next meeting will take place on Tuesday 11th November 2014 at 10.00am in the Civic Hall, Leeds.</p>	

Item No	Ward/Equal Opportunities	Item Not Open		Page No
13		10.4(1, 2)	<p data-bbox="675 174 1394 286">INFORMATION AND CONSULTATION REPORT - ADDITIONAL LICENSING SAFEGUARDING PROPOSALS.</p> <p data-bbox="675 327 1406 544">To consider a report by the Head of Licensing and Registration which seeks to identify proposed licensing controls which will contribute to increased public safety and reduce the risk of inappropriate behaviour, including sexually motivated behaviour, to the travelling public</p> <p data-bbox="675 577 927 611">(Report attached)</p> <p data-bbox="675 831 903 857">Third Party Recording</p> <p data-bbox="675 880 1402 976">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 data-bbox="675 999 1182 1025">Use of Recordings by Third Parties– code of practice</p> <p data-bbox="770 1055 1390 1151">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 data-bbox="770 1189 1402 1339">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>	99 - 118

Licensing Committee

Tuesday, 9th September, 2014

PRESENT: Councillor M Harland in the Chair

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

43 Appeals Against Refusal of Inspection of Documents

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

44 Exempt Information - Possible Exclusion of the Press and Public

RESOLVED – That, in accordance with Regulation 4 of The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, the public be excluded from the meeting during Consideration of the following parts of the agenda designated as exempt on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present there would be disclosure to them of exempt information so designated as follows:-

A presentation by West Yorkshire Police entitled “Policing and the Night Time Economy” referred to at Minute No.52 was designated as exempt in accordance with paragraph 10.4(3) of Schedule 12A (3) of the Local Government Act 1972 on the grounds that it contains information relating to crime and disorder which may result in future Legal Proceedings. It was therefore considered that it is not in the public interest to release this information at this time, as this would compromise the Council’s position.

45 Late Items

There were no late items of business, however, the Committee did accept the inclusion of supplementary information, submitted in respect of Agenda Item No.10 “Policing and the Night Time Economy” (Minute No.52 refers) and also correspondence pertaining to a conformity assessment test submitted in respect of Agenda Item No.9 “A proposed Policy – Digital Advertising Screens in Licensed Vehicles” (Minutes No. 51 refers)

46 Declaration of Disclosable Pecuniary Interests

There were no declarations of Disclosable Pecuniary Interests made at the meeting

47 Apologies for Absence

Apologies for absence were received from: Councillor B Flynn

48 Minutes of the Previous Meeting

Councillor Hussain reported that his named appeared in both attendance and apologies for absence. For clarity he was in attendance at the meeting.

RESOLVED – That subject to the deletion of Councillor Hussain in apologies for absence, the minutes of the previous meeting held on 5th August 2014 be confirmed as a true and correct record

49 Matters Arising from the Minutes

There were no issues raised under Matter Arising

50 Hackney Carriage Proprietors (HCP) - Appropriate Suitability Assessment - Update Report.

With reference to the meeting of 10th June 2014 when Members deferred consideration of this item in order to seek clarity around issues of inheritance and possible effects on a business as a consequence of the proprietor not speaking English.

The Head of Licensing and Registration submitted a further report providing clarity on the requested issues.

Appended to the report was a copy of the following documents:

- Hackney Carriage Proprietors (HCP) – Appropriate Suitability Assessment (10th June 2014) (Appendix 1 refers)
- Vehicle Transfer Policy: Who does my Hackney Carriage Licence transfer to in the event of my death (Appendix 2 refers)

Des Broster, Section Head, Taxi and Private Hire Licensing presented the report and responded to Members questions and queries

Detailed discussion ensued on the contents of the report which included:

- The English comprehension requirement
- Clarity around inheritance issues
- Possible indirect discrimination
- Equality Impact Assessment

In offering comment Councillor Selby said that if you have a business you make adequate provision in the event of death. If the policy were to be changed there could be wider implications.

Councillors Buckley and Wilkinson were supportive of Councillor Selby's comments and suggested that "you would not help people by relaxing the English Comprehension Test"

Councillors Hussain and Khan took the opposite view suggesting that some people/groups required extra support around English comprehension. Councillor Hussain said if the current policy had a disproportionate effect it could be indirectly discrimination.

Councillor Hyde, referring to recommendation (c) – "The Policy be amended to enable a longer lead on period to attain the English Comprehension requirement for the spouse or partner when they had been included on the Proprietors license" – Suggested that the recommendation should include a specific time period.

Councillor Dunn suggested that clarity around inheritance issues still required addressing including relevance of Power of Attorney.

Councillors Dunn and Hyde queried if it would be sufficient for someone else in the business to meet the English Comprehension requirement for example a driver or manager.

At this point in the meeting Councillor Selby moved that that Recommendation (A) of the submitted report be approved, this was seconded by Councillor Wilkinson

Upon being put to the vote, the motion was lost.

Councillor Hyde moved that determination of the item be deferred in order to allow amendments to recommendation (c) to include a specific time period, this was seconded by Councillor Dunn

Upon being put to the vote the motion was accepted

On a related matter Councillor Khan referred to the minutes of the Hackney Carriage and Private Hire Trade Forums, he was of the opinion that Minutes should have been included on the agenda for meeting of the Licensing Committee

In providing clarification the Head of Licensing and Registration said that the agreed mechanism for circulation of the minutes was via email to all Members of the Licensing Committee.

RESOLVED –

- (i) That determination of the item be deferred in order to allow amendments to recommendation 6 (c) of the submitted report. In rewording recommendation 6(c) to consider all matters including: whether it is appropriate to include a specific time period for the spouse

or partner or family member to attain the English Comprehension requirement; inheritance issues including the relevance of Power of Attorney; whether it would be sufficient for another member of the business such as a manager or driver to attain the English Comprehension requirement, and to consider the public sector equality duty and the need for any further equality impact assessment. The report to be brought back to this Committee in due course

- (ii) To note that Minutes of the Hackney Carriage and Private Hire Trade Forums are circulated via email to all Members of the Licensing Committee.

51 A Proposed Policy - Digital Advertising Screens in Licensed Vehicles

The Head of Licensing and Registration submitted a report which set out details of a proposal submitted by a digital media company to display advertising and entertainment content on screens fitted in the back of head restraints in licensed Hackney Carriage and Private Hire vehicles.

It was further reported that an application for a variance to existing conditions and policy had also been submitted by a Licensed Hackney Carriage Proprietor.

Appended to the report was a copy of the following documents:

- DigiCAB media.com “Driving customers to your business” (Appendix 1 refers)
- Taxi Owners Frequently Asked Questions (Appendix 2 refers)

Des Broster, Section Head, Taxi and Private Hire Licensing presented the report and together with Mr D Crake, Managing Director, DigiCab Media (York) Ltd, responded to Members questions and queries

Detailed discussion ensued on the contents of the report which included:

- Does the head restraint conform to the necessary European safety standards
- Assurances about the content of issues displayed on the screen
- The facility was already operating in Hull, York Sheffield and Wakefield
- The trade were supportive of the proposal

In offering comment Councillor Bruce asked if the screen content could be switched off.

In responding Mr Crake said that any passengers not wishing to view the advertising could request the driver to switch off the screen, this could only be done by the driver.

Councillor Dunn suggested that the trade appeared to be supportive of the proposal.

Councillor Hyde referring to the safety of the head restraint “modification to a vehicle” asked if there were any issues around vehicle insurance.

In responding Mr Crake said the system was already operating in other Local Authority areas and he was not aware of any issues around insurance.

RESOLVED –

- (i) That the contents of the report be noted

- (ii) To approve in principal the policy proposal together with the control measures as identified in section 3 of the submitted report

- (iii) That the Head of Licensing and Registration be instructed to prepare a further report for consideration of the Executive with a view to approval

52 Policing and the Night Time Economy

Members received a Presentation from PC Cath Arkle, West Yorkshire Police, who spoke about Policing and the night time economy.

A summary of the issues/ incidents involving licensed premises in City & South Leeds, North East Leeds and North West Leeds was presented.

(Due to the confidential nature of the information being presented, this part of the meeting was held in closed session)

The Chair thanked PC Arkle for her attendance and presentation commenting that the session had been informative and interesting.

RESOLVED –

- (i) That the contents of the presentation be noted

- (ii) That the provision of further CCTV coverage within the city centre be raised in future meetings with partner agencies

Licensing Committee Work Programme 2014/15

Members considered the contents of the Licensing Committee Work Programme for 2014/15.

RESOLVED – That the Licensing Committee Work Programme be noted.

54 Date and Time of Next Meeting

RESOLVED – To note that the next meeting will take place on Tuesday 7th October 2014 at 10.00am in the Civic Hall, Leeds.

Report of Rachel McCormack, Team Manager, Health & Safety

Report to: Licensing Committee

Date: 7th October 2014

Subject: Shisha – Partnership Working

Are specific electoral Wards affected? If relevant, name(s) of Ward(s):	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input 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. This update report has been provided at the request of Licensing Committee, following on from the report 'Shisha Smoking and Smoke Free Legislation' presented at October's Committee.
2. Various Partners have contributed to the report which demonstrates the ongoing work in tackling shisha smoking in the city, through partnership working, by education and enforcement, as well as reducing prevalence and tackling tobacco use across the city.

Recommendations

3. The Committee is asked to note the contents of the report, make comments, ask questions, and provide suggestions and guidance on any areas of work they would like prioritising.

Purpose of this report

- 1.1 The purpose of this report is to provide an update on Shisha, and the partnership working which goes on in the city to tackle the issue. It follows on from the report 'Shisha Smoking and Smoke Free Legislation Update' which was presented to Licensing Committee in April 2014.

2 Background information

- 2.1 The above report, and 'Shisha Smoking and Smoke Free Legislation' presented in October 2013, has provided Committee with information on smoke free legislation, and it's application in relation to shisha bars, along with the Health and Safety teams staged enforcement approach.
- 2.2 A number of partners across the City are involved in tackling shisha and general tobacco smoking. This includes Public Health, The NHS, Trading Standards and the Niche Tobacco Group.

3 Main issues

3.1 Health and Safety Team : Enforcement Actions Update – Rachel McCormack

- 3.2 From previous reports, Committee will be aware that compliance visits have been carried out to a number of shisha premises, which were found to be allowing smoking in a smoke free place. Updates on those visits are as follows:
 - 3.3 Arabyia, Cross Stamford Street – Mohammed Ali was fined £1,000, ordered to pay £1,192.50 in costs and a £100 victim surcharge. This related to one offence of allowing smoking in a smoke free place.
 - 3.4 Al Qasa, Cross Stamford Street – Suliman Ahmed was fined £1,500, ordered to pay costs totalling £1,144 and a victim surcharge of £100. This related to 2 offences of allowing smoking in a smoke free place.
 - 3.5 Information was provided to the press office relating to these matters and the story was run in the local press. (A copy of the press release can be found at the end of this report).
 - 3.6 A prosecution case concerning another premises is adjourned in the Magistrates Court until the end of September, a file on another premises has been submitted for prosecution and evidence in a further 3 cases is being gathered and considered.
- ### **3.7 Niche Tobacco Project Update – Joanne Loft**
- 3.8 The Niche Tobacco Project has currently been running for twenty months with funding from Public Health and Adult Social Care. The project started in December 2012 and the first years funding was aimed at raising awareness of the health risks associated with niche tobacco use with community members, frontline workers and professionals.

- 3.9 Education and community engagement sessions were run by two smokeless and niche tobacco project officers. The sessions can last between 30 minutes and 3 hours depending on the target group and their depth of knowledge. The project in Leeds has so far worked with over 2000 people through over 100 awareness raising and training activities.
- 3.10 The Niche Tobacco project in Leeds aims to tackle a number of separate strands of work relating to niche tobacco awareness and usage:
- Develop and produce promotional materials (posters, leaflets and banners) to be located in key venues such as GP practices, dental surgeries and community buildings
 - Provide train the trainer sessions to support staff to understand and raise awareness of the dangers of niche tobacco use.
 - Deliver sessions within the community to raise awareness of niche tobacco use.
 - Provide specific cessation support from Leeds NHS Stop Smoking Services to those wanting to stop using niche tobacco.
 - Provide intelligence information to support retailer education and awareness work and to feed into a programme of multi-agency enforcement work within the target neighbourhoods.
- 3.11 Continued funding of the project was confirmed with a new focus being set for 2014/15. Year two funding was concentrated on making the work sustainable with the main focus being the development of a toolkit for awareness raising to be used once the project workers are no longer in post. The timescales for the development of the toolkit are for completion by October 2014 with the remaining project worker time being used to promote the toolkit and train frontline workers and volunteers on its use.
- 3.12 In July, West Yorkshire and York Trading Standards launched the 'Keep It Out' campaign to raise awareness of and generate intelligence on the illegal tobacco trade as part of the broader programmes to tackle tobacco use.
- 3.13 Keep It Out highlights the availability of illegal tobacco to children in the area through and has two calls to action:
- Report any intelligence on the illegal tobacco trade to Crimestoppers.
 - Visit www.keep-it-out.co.uk to find out more about what is happening in West Yorkshire and York. (Further information on the campaign can be found at the end of this report)

3.14 Public Health Update – Heather Thomson and Paul Lambert

- 3.15 Various Partners sit on the City's Tobacco Control Management Group, which is chaired by Public Health. The purpose of the group is to work together to reduce smoking prevalence and tackle tobacco use across the City.
- 3.16 The group will be meeting at the end of September to review the current plan and agree the priority local actions to complement national and regional programmes of work, which are most likely to have the greatest impact on reducing smoking prevalence. The key to this work progressing is support from all partner organisations both strategically and operationally.
- 3.17 Following the CLear (Challenge, Leadership and Results) assessment in March which reviewed tobacco control activity for Leeds several recommendations were made; including exploring opportunities for compliance and enforcement visits to business premises to be used to proactively distribute public health literature.
- 3.18 The assessment included contributions from a number of internal and external partners and covered issues such as defining local priorities, engagement with politicians, leaders and communities, cross boundary and partnership working and enforcement. (A copy of the CLear report can be found at the end of this report.)
- 3.19 The shisha tool kit from Public Health England is still awaiting sign off from the CIEH, and has therefore not been published yet.
- 3.20 There is little robust evidence to inform the most effective method of supporting niche tobacco uses, particularly where product use is strongly linked to cultural norms and high levels of acceptability among certain population groups. Public Health is working in partnership with York University and a number of smoking services across the country (including the Leeds Service) to explore the adaptations that are required to both the standard treatment programmes used in smoking cessation and the actual deliver of such interventions.

4 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.1 The work of the Niche Tobacco Project includes educating the community, and frontline workers on niche tobacco use and it's associated health risks.
- 4.1.2 Where the Health and Safety Team is made aware of a shisha premises, an initial visit is made to engage with the business and give them advice on how they can comply with smoke free legislation.
- 4.1.3 Updates reports are provided for Licensing Committee, on work going on in relation to Shisha.
- 4.1.1 The Tobacco Control Management Group is attended by a number of partners internal and external to the Council. Updates are provided on the work partners are carrying out in relation to tobacco control – the format of the group is to be reviewed during the September meeting.

4.2 Equality and Diversity / Cohesion and Integration

4.2.2 Shisha smoking is becoming increasingly popular among all groups in cities across the UK. The extension of funding for the Niche tobacco group means that further education work in the target neighbourhoods of Harehills, Beeston and Hyde Park and Burley has continued.

4.3 Council Policies and City Priorities

4.3.3 Tackling shisha and tobacco use in general, fits in with the priority to be the best city for health and wellbeing, by contributing towards helping protect people from the harmful effects of tobacco.

4.4 Resources and value for money

4.4.1 Partners work together to have maximum impact, target resources effectively and provide value for money to the people of Leeds. This is done through education work, stop smoking activities, information sharing and enforcement.

4.5 Legal Implications, Access to Information and Call In

4.5.1 Not applicable

4.6 Risk Management

4.6.1 Shisha smoking (and tobacco smoking in general) is a real risk to public health. Therefore it is important that partners come together, to tackle the issue in order to have maximum impact, through a range of education and enforcement work.

4.6.2 All partners involved in the tobacco control and shisha work play a vital role. If any of the relationships between partners were to breakdown, this would have a detrimental effect on the work completed so far, and any future work. The breakdown of relationships is unlikely as all partners are aware of their own role and that of other partners.

4.6.3 Compliance visits to shisha premises take place outside normal working hours, and there is a potential risk when making these visits. Intelligence gathering and information sharing with other partners takes place beforehand. Visits are supported by the Police to mitigate risk to an acceptable level.

5 Conclusions

5.1 Various partners internal and external to the Council work together in order to address issues relating to shisha smoking and tobacco use in general.

5.2 This work ensures maximum impact when dealing with the issues and includes, education work, stop smoking services, information sharing and enforcement work.

5.3 Use of the CLear improvement model is assisting the Council in demonstrating excellence tobacco control.

6 Recommendations

- 6.1 The Committee is asked to note the contents of the report, make comments, ask questions, and provide suggestions and guidance on any areas of work they would like prioritising.

News Release

30th July 2014

Shisha bars prosecuted

Managers of two shisha bars in the city have been prosecuted for failing to comply with the smoke free legislation.

Mohammed Ali, from Arabyia and Suliman Ahmed from Al Qasa, both on Cross Stamford Street, failed to appear before Leeds Magistrates yesterday. The cases were tried in their absence.

Both were found guilty of allowing shisha to be smoked in an enclosed public space, made illegal by the Health Act 2006.

Ali was fined £1,000, ordered to pay £1,192.50 in costs and a £100 victim surcharge, while a fine of £1,500, costs totalling £1,144 and a victim surcharge of £100 must be paid by Ahmed.

Both shisha bars had received letters in the past relating to smoking indoors, and in October 2013 Environmental Health Officers (EHOs) visited both premises to provide advice on the smoke free legislation and how to comply with the law. The businesses were warned that follow up visits would be made, and if smoking was taking place inside, further action would be taken.

A team including officers from the council's environmental health team, HM Revenue and Customs, West Yorkshire Trading Standards and supported by West Yorkshire Police made further visits in November 2013.

During these visits officers found shisha smoking taking place inside the premises. HMRC, also seized quantities of shisha from both premises where it could not be proved that duty had been paid.

A further visit was made to Al Qasa in March, where smoking was again taking place inside, and Mr Ahmed was charge with a further offence.

The sentences were passed in the month that a wider 'Keep it out' campaign against illegal tobacco was rolled out through West Yorkshire, where members of the public are invited to anonymously share information about illegal tobacco sales by phoning the Crimestoppers 0800 555 111 number or through www.crimestoppers-uk.org .

Shisha smoking involves inhaling smoke from flavoured tobaccos through a waterpipe and despite misconceptions, shisha cafés are subject to the smoking ban.

Councillor Mark Dobson, executive member for the environment said:

“We are responsible for enforcing the smoking ban and this applies to shisha bars too.

“Many people simply aren't aware of the harm shisha can cause. Many believe the myth that it's a safer alternative to smoking cigarettes but that's simply not true. Smoking shisha poses serious health risks.

“Thanks to the combined efforts of our staff and partners, we can help to educate people about the harm it can cause and, and work with businesses to assist them in complying with the law.

“Where our attempts to work with businesses fail, and they continue to operate outside the law we will have no hesitation in taking further action.”

Authorities are keen to ensure places serving shisha comply with the law and hope to educate people about the effects of smoking with a waterpipe.

The council is supporting a project being run by West Yorkshire Trading Standards and NHS colleagues on niche tobacco, which includes shisha smoking. The project is working with black, minority and ethnic communities in specific locations to make people aware of the health risks.

Advice issued by the World Health Organisation (WHO) states that smoking a shisha pipe for one hour involves inhaling 100 to 200 times the amount of smoke inhaled with just one cigarette.

The WHO advice also dispels the myth that smoking through water renders it safe – even after passing through water, the smoke produced by the pipes contain high levels of toxins.

In reality shisha smoke contains carcinogens in similar levels to ordinary tobacco smoke but, as a consequence of the way the tobacco is burnt, the level of carbon monoxide is much higher.

Notes to editors:

- The Health Act 2006 and its associated Smoke-free (Premises and Enforcement) regulations 2006 came into effect on 1 July 2007. The legislation prohibits smoking (including shisha smoking) in enclosed and substantially enclosed workplaces and public places.
- The World Health Organisation advises that:
 1. Using a waterpipe to smoke tobacco poses a serious potential health hazard to smokers and others exposed to the smoke emitted.
 2. Using a waterpipe to smoke is not a safe alternative to cigarette smoking.
 3. A typical one hour water pipe smoking session involves inhaling 100 – 200 times the volume of smoke inhaled with one cigarette.
 4. Even after passing through water, smoke produced by a waterpipe contains high levels of toxic compounds including carbon monoxide, heavy metals and carcinogenic chemicals.
 5. Commonly used heat sources such as wood cinders or charcoal are likely to increase health risks because their combustion produces their own toxicants including carbon monoxide, heavy metals and carcinogenic chemicals.
 6. Pregnant women and the foetus are particularly vulnerable when exposed either actively or involuntarily to waterpipe smoke toxicants.
 7. Second-hand smoke from waterpipes is a mixture of tobacco smoke and smoke from the fuel therefore poses a serious risk for non-smokers.
 8. There is no proof that any device or accessory can make waterpipe smoking safer.
 9. Sharing a waterpipe mouthpiece poses a serious risk of transmission of communicable diseases including tuberculosis and hepatitis.
 10. Waterpipe tobacco is often sweetened and flavoured, making it appealing; the sweet smell and taste attracts people, particularly the young, to use waterpipes where they would not otherwise use tobacco.

**For media enquiries please contact:
Leeds City Council press office (0113) 224 3602**

ENDS

This page is intentionally left blank

ILLEGAL TOBACCO: THE FACTS



**ILLEGAL
TOBACCO**
KEEP IT OUT

WHY TACKLE TOBACCO?

Tobacco use is the leading cause of preventable death and disease globally. In the UK it leads to over 100,000 avoidable early deaths every year and causes many more people to lose years of active life through smoking-related illnesses.

Cigarettes are the only consumer product which, when used exactly as the manufacturer intends them to be used, will kill one in two of all long term smokers. Tobacco smoke contains a toxic cocktail of over 7,000 chemicals, many of which are known to cause cancer, heart disease and lung conditions. All forms of tobacco are harmful regardless of whether it was bought from a legal or illegal source.

WHY IS ILLEGAL TOBACCO AN ISSUE?

The size of the illegal tobacco market has shown a sustained, longterm national decline in recent years as a result of co-ordinated efforts regionally, nationally and internationally. However, illegal tobacco is still a problem in some of our most deprived communities and efforts must be sustained in order to continue this downward trend.

The illegal tobacco trade undermines efforts to reduce smoking rates

Despite good progress, the existence of an illegal trade in tobacco products undermines the effectiveness of measures to reduce these rates even further because:

- Illegal tobacco is often available at low prices, undermining smokers' efforts to cut down or quit
- Children are often able to get hold of illegal tobacco easily within their local communities, enabling them to become hooked at a young age

The tobacco industry is complicit and misuses data to oppose effective regulation

Tobacco smuggling increased in the 1990s due to a vast expansion in British cigarettes being sold overseas in bulk. These cigarettes were destined to be smuggled straight back to the UK with tobacco manufacturers benefitting from the increase in sales of their products at a cheaper tax-free price.

Subsequently, the tobacco multinationals have all signed legally binding agreements with the European Union with massive financial settlements to ensure the security of their supply chains. As well as tobacco companies being implicated in fuelling the illegal trade, the tobacco industry has been criticised for exaggerating the size of the illegal tobacco market to oppose or delay the introduction of tobacco regulations and promote their image as responsible manufacturers.

WHAT IS ILLEGAL TOBACCO?

CIGARETTES

'Illicit White' cigarettes:

- No legal market in the UK
- UK duty has not been paid
- Health warnings and images may not be present
- Some products may be legally sold in countries outside the UK

Counterfeit cigarettes:

- Illegally manufactured
- Sold by a party other than the original trademark or copyright holder
- Can also include the counterfeiting of illicit whites

Genuine cigarettes smuggled into the UK:

- Produced legitimately for a local market
- Includes UK and non-UK brands
- Often have correct health warnings and images
- Also cigarettes meant for sale outside the UK that have been smuggled in or duty free cigarettes being illegally sold, rather than kept for personal use

HAND-ROLLING TOBACCO

- Non-UK hand-rolling tobacco brands that are not intended for legal over the counter sale in the UK
- Counterfeit hand-rolling tobacco is, like cigarettes, illegally manufactured and sold by a party other than the original trademark or copyright owner. It can also include the counterfeiting of non-UK products
- Genuine or UK hand-rolling tobacco brands including products intended for both the UK and non-UK markets

This page is intentionally left blank

THE ILLEGAL TOBACCO MARKET IN WEST YORKSHIRE AND YORK

A major public opinion survey took place across West Yorkshire and York in Spring 2014 to find out the size of the illicit tobacco market, what people think about illegal tobacco, who buys it and where they buy it from. The results told us:

- Illegal tobacco makes up 11% of the total tobacco market
- 85% of people are concerned that children can get hold of illegal tobacco cheaply and easily
- 82% of people are likely to report if sales are being made to children
- The most common sources of illegal tobacco for buyers include pubs, clubs, private houses (sometimes known as fag houses or tab houses), shops, on the street or at a car boot sale
- The average age of starting to smoke is 16

ILLEGAL TOBACCO HAS HALVED SINCE 2000 WITH AROUND ONE IN TEN CIGS NOW ILLEGAL

TACKLING ILLICIT TOBACCO FOR BETTER HEALTH IN WEST YORKSHIRE AND YORK

The local councils that make up West Yorkshire- Bradford, Calderdale, Kirklees, Leeds, Wakefield- along with the City of York Council have collaborated to launch the Tackling Illicit Tobacco for Better Health in West Yorkshire and York programme, in partnership with West Yorkshire Trading Standards.

The programme aims to reduce the demand for and the supply of illegal tobacco through:

- Developing partnerships
- Delivering enforcement activity
- Raising awareness and generating intelligence
- Assessing progress

HOW CAN YOU HELP?

West Yorkshire Trading Standards:

0113 253 0241

City of York Trading Standards:

01904 551569

HMRC:

0800 595 000

Share information or direct members of the public to:

CALL 0800 555 111 ANONYMOUSLY TO SHARE INFORMATION



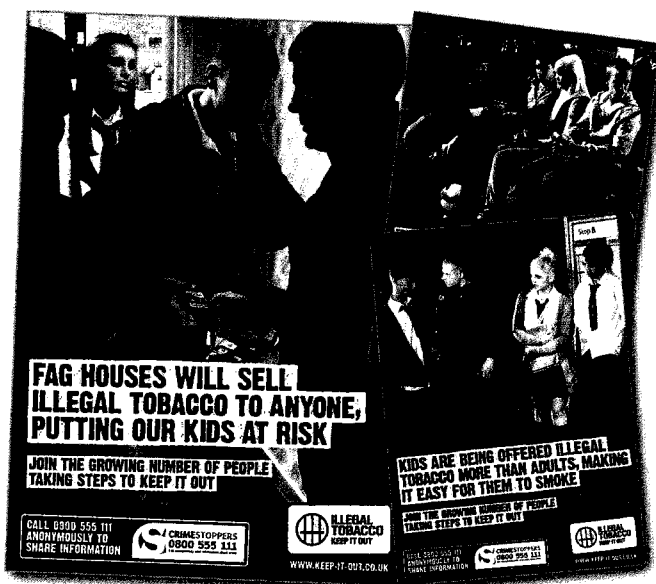
ILLEGAL TOBACCO: KEEP IT OUT CAMPAIGN

The 'Keep It Out' campaign is being launched in West Yorkshire and York to raise awareness of and generate intelligence on the illegal tobacco trade as part of broader programmes to tackle tobacco use. The campaign has run in the North East and North West of England, generating intelligence and making people more aware of the issue and less tolerant of the illegal trade in their communities. *Keep It Out* highlights the availability of illegal tobacco to children in the area through three key messages:

- Children are being offered illegal tobacco more than adults, making it easier for them to smoke
- Illegal tobacco is easy to get hold of, so more children are getting hooked
- Fag houses will sell illegal tobacco to anyone, putting children at risk

The campaign has two calls to action:

- Report any intelligence on the illegal tobacco trade to Crimestoppers
- Visit www.keep-it-out.co.uk to find out more about illegal tobacco and what is happening in West Yorkshire and York



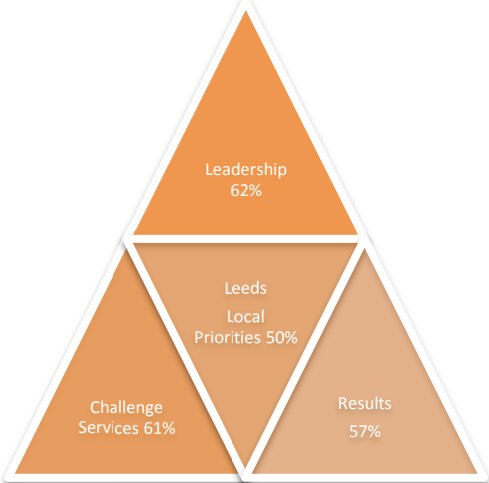
This page is intentionally left blank



CLeaR Thinking

CLeaR Model Assessment for
Excellence in Local Tobacco Control

Leeds
22 March 2014



Leeds CLeaR scores as a % of the total available in each domain

CLeaR Assessment Report

CLeaR Context

CLeaR is an improvement model which provides local government and its partners with a structured, evidence-based approach to achieving excellence in local tobacco control.

The model comprises a self-assessment questionnaire, backed by an optional challenge and assessment process from a team of expert and peer assessors. The purpose of the assessment is to test the assumptions organisations have made in completing the questionnaire and provide objective feedback on performance against the model.

The report also provides a number of recommendations (CLeaR Messages) and the assessors suggestions for revised scores accompanied by detailed feedback on specific areas of the model (CLeaR Results). In addition we suggest some resources you may find useful as you progress your work on tobacco control (CLeaR Resources).

CLeaR in Leeds

Local public health leaders invited the CLeaR team to validate the CLeaR self-assessment process in Leeds as a benchmarking exercise for the tobacco control management group (alliance).

This report summarises conclusions of the CLeaR assessment team following their visit and a series of interviews on 21 March 2014. It sets Leeds's challenge in context, providing information on the economic impact of smoking in the city.

In carrying out the CLeaR assessment we built on the locality's insights into areas that needed improvement, as recognised in through their own self-assessment questionnaire.

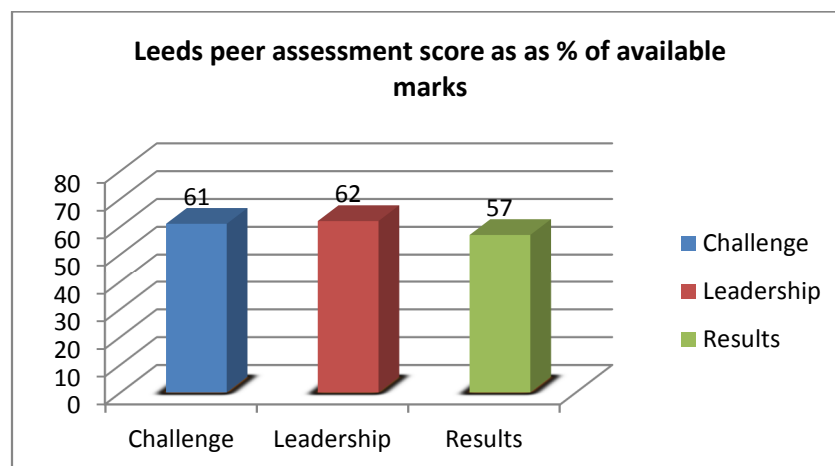
Special thanks go to Paul Lambert for his assistance in co-ordinating responses to the self-assessment and organising the assessment visit.

Thanks also go to all those who gave their time to be interviewed by the CLeaR team; their willingness to engage with the process, honesty and integrity were greatly appreciated.

- Steve Body
- Ian Cameron
- Karen Haw
- Brenda Fullard
- Paul Lambert
- David Lodge
- Jo Loft
- Rachel McCormack
- Phil Morcom
- Cllr Lisa Mulherin
- Charlotte Orton
- Heather Thompson

CLeaR Assessment Report

CLeaR Messages



CLeaR Domain	Max score	Self-assessment score	CLeaR Assessment score
Challenge Services	78	45	48
Leadership	60	38	37
Results	28	14	16

Your insights:

- Tobacco control has remained a priority for the city council during a significant time of transition as the move of public health into the local authority becomes more embedded
- The CleaR process is viewed as a key part of the work to re-invigorate the Leeds Tobacco Control Management Group and move towards more SMART targets
- There is a need to re-evaluate whether current approaches to reducing smoking prevalence are still fit for purpose
- An evidence-based approach to tobacco control is seen as vital, and there is a strong will to retain links with academic researchers
- Engagement with the three clinical commissioning groups (CCGs) in the city could be greatly strengthened

Your strengths:

- The self-assessment had been carried out honestly and realistically and reflected the need to strengthen new structures and relationships in the changed public health landscape
- Protecting people from the harmful effects of tobacco and reducing the number of smokers are highlighted in the City Priority Plan and the Joint Health and Wellbeing Strategy
- There is a desire to see the need to take action on tobacco harms more widely embedded across the council – for instance, through children’s and young people’s services and plans

CLeaR Assessment Report

- The DPH and Executive Member for Health and Wellbeing are strong tobacco control champions locally and more widely
- It is commendable that a healthy schools service has been retained despite severe budget constraints
- There is a commitment to partnership working as evidenced by the funding contributions to the regional tobacco control post and a West Yorkshire illicit tobacco programme
- The local stop smoking service is performing well in terms of quit rates
- Members of the public health team who are involved in tobacco control work are highly experienced and committed to achieving the best returns on investment possible

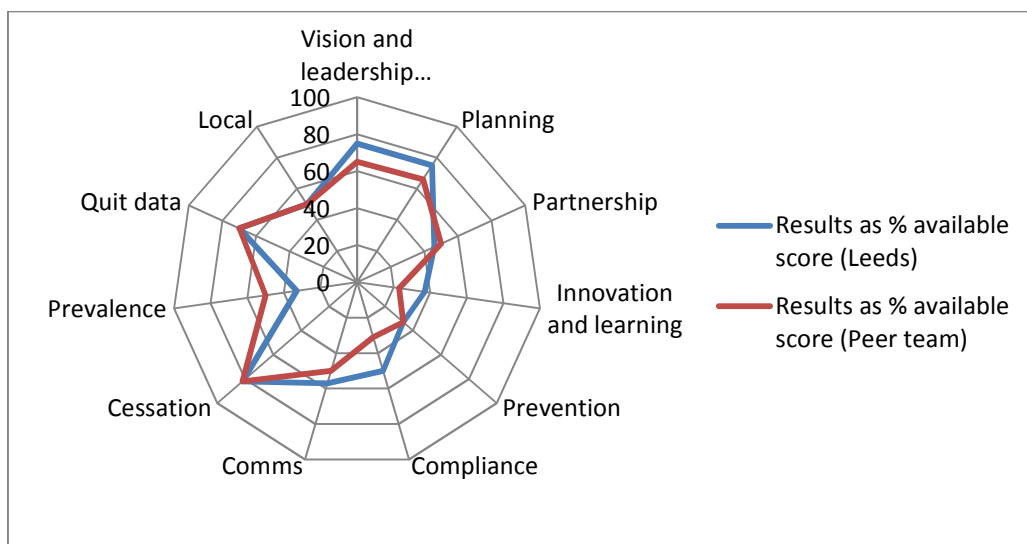
Opportunities for development:

- Endorsing the Local Government Declaration on Tobacco Control through the full Council would be a clear indication of commitment and intent and greatly help to widen elected member engagement. Issues about local authority investments in tobacco stocks should be considered separately and not seen as a barrier to signing the Declaration. ASH is working on refreshed guidance which should be available after the May 2014 local elections
- Signing the Declaration could prove to be a catalyst for Leeds to have a stronger voice on tobacco control policy issues such as standardised packaging and smoking in cars children
- It was pleasing to hear that Leeds Teaching Hospitals NHS Foundation Trust is developing a public health strategy. This presents an opportunity to strengthen clinical engagement with the tobacco control management group and, more specifically, work through the effective implementation of the recent NICE Guidance on Smoking Cessation – Acute, Maternity and Mental Health Services <http://www.nice.org.uk/PH48>
- The tobacco control management group's relationship with the Health and Wellbeing Board (HWB) could be strengthened through more regular reporting and accountability than the annual report mentioned in the current terms of reference. This would ensure that tobacco control's visibility matches its declared priority status
- We would recommend that consideration should be given to reviewing tobacco control management and delivery arrangements within the public health team. Although several very experienced staff are currently involved in commissioning and managing a range of projects and services there is potential to streamline arrangements to provide more focus
- A review and refresh of the tobacco control programme will also be an opportunity to consider the balance of spend between different components. At the moment the great majority of budget is dedicated to the stop smoking service. Although this is delivering good quit rates throughput has dropped considerably and future impact on prevalence is likely to be limited, suggesting there needs to be greater emphasis on other strands of activity.

CLeaR Results

The chart below shows (in blue) Leeds's original self-assessment scoring, as a % of available marks in each section and (in red) the CLeaR team's assessment results. The results of the peer assessment accorded closely with the self-assessment in many areas. However, the peer assessment identified some understated strengths and additional issues for improvement. These are discussed in more detail in this report.

CLeaR Assessment Report



Detailed comments on your assessment are as follows:

Clear Theme	Your score	Our score	Max	Comments
Leadership				
Vision and leadership (including WHO FCTC)	14	15	20	<p>The assessment team was presented with strong evidence that tackling tobacco harms is a priority in Leeds, and it was good to hear that there is a strong will to take action. We therefore scored this section slightly higher than the self-assessment.</p> <p>It was pleasing to learn that a Scrutiny Committee review on the subject was carried out in 2012 and another is planned.</p> <p>Tobacco control is identified in various key council documents and strategies, and there is an appetite to base action on evidence and research.</p> <p>One area for improvement is clinical engagement. Remedying this by closer working with the three Leeds CCGs and the substantial acute sector in the city would be a major step forward. The fact that the acute trust has developed a public health strategy, and the recent publication of NICE Guidance PH 48, suggests that there are real opportunities to strengthen these collaborations.</p> <p>The council should also consider endorsing the Local Government Declaration on Tobacco Control, as outlined earlier in this report.</p>
Planning and commissioning	9	8	12	<p>It was good to hear a commitment to refreshing a comprehensive and multi-strand approach to tobacco control, investing funds in evidence-based activities.</p> <p>However, as in many other localities, the majority of the tobacco control budget is spent</p>

CLear Assessment Report

				<p>on just one strand – the stop smoking service. The service is performing well in terms of quits, but consideration should be given to whether this funding skew presents the best return on investment when the overall objectives of the tobacco control plan also include preventing smoking uptake and protecting the wider population from tobacco harms.</p> <p>We suggest a review of how public health budgets are allocated. This could look at the balance within the current tobacco control spend and the wider public health budget allocations given that – again, as in other geographical areas - spend on drugs and alcohol service and sexual health provision is far higher.</p>
Partnership, cross-agency and supra-local working.	15	14	28	<p>We heard some good examples of partnership working, and it was good to hear that Leeds supports and benefits from the Regional Tobacco Control Manager post, directors of public health networking and regional trading standards expertise.</p> <p>The current collaboration with other local authorities to develop a programme to tackle illicit tobacco (based on the North of England Tackling Illicit Tobacco for Better Health model) is to be welcomed. We would recommend that other opportunities for supra-local working are explored as part of a review of tobacco control activity.</p> <p>More locally there has been good multi-agency work to address problems associated with shisha and other niche tobacco products. For these reasons we scored slightly higher than the self-assessment.</p> <p>There is a recognition that partnership working through the tobacco control management group could be improved through widening membership and making it less ‘health led’.</p>
Challenging Your Services				
Innovation and learning	2	3	8	<p>We heard several examples of participation in research programmes and academic studies to better understand ‘what works’. This is to be commended.</p> <p>It is also good to see that that the tobacco control management group is striving to improve its RAG (red, amber, green) monitoring systems and capability. This prompted the peer reviewers to score slightly higher than the self-assessment</p>
Prevention	8	6	12	<p>The ‘Health for All’ smokefree homes service appears to be doing good work in some of the</p>

CLeaR Assessment Report

				<p>wards with the highest smoking prevalence. However, as this is a relatively new service commission and longer-term evaluation has therefore not yet been possible a score of 'some evidence' rather than 'strong evidence' was more appropriate.</p> <p>Leeds is to be commended for retaining a health schools service despite budgets being under severe pressure and it was good to hear of the work which is going on to reach young people in schools about smoking and tobacco. We also heard that the ASSIST programme has been commissioned for some schools, and that the DAZL anti-smoking dance project is running in community settings in some areas. However, we would recommend that as part of a review of tobacco control activity a close look is taken at this range of work aimed at young people to ensure that separate elements work as a coherent strategy and are based on relevant NICE Guidance e.g. http://guidance.nice.org.uk/PH23</p>
Compliance	5	8	16	<p>This is a strength in the locality and we felt that the self-assessment had underscored this section.</p> <p>The contributions to regional tobacco control and trading standards expertise are to be welcomed, particularly in these times of austerity and are enabling the development of the supra-local illicit tobacco campaign. We heard of good work with a range of partners on shisha and niche tobacco, and the involvement of area/ locality teams. It was also good to hear that lessons learned from other parts of the country which have run shisha campaigns have been adopted.</p> <p>Opportunities for compliance and enforcement visits to business premises to be used to proactively distribute public health literature should be further explored.</p>
Communications and denormalisation	7	8	14	<p>It was pleasing to hear that the council is allocating specific communications and marketing support to public health, including tobacco control. This enables Leeds to amplify national activity such as Stoptober. We also heard that a small budget (£5k) had been used to leaflet drop targeted areas regarding New Year quits. Inevitably such small budgets (less than 0.5% of the overall tobacco control spend) mean that 'earned media' through news outlets is the only viable route to mass audiences.</p>

CLeaR Assessment Report

				<p>We would recommend that a review of budget allocations considers whether it would be possible to increase funding for communications and denormalisation work. Again there are opportunities for achieving better value for money and impacts if collaborative work sharing costs is considered. A strategic approach to communications and engagement developed for the HWB is welcomed, but this (by its own admission) has limited scope and the 'work in progress' specific plan for tobacco control communications needs to be developed and supported.</p> <p>The locality is fortunate to be able to call on the experience and expertise of the Regional Tobacco Control Manager post, and the opportunities to work with and through him on joint activities should continue to be explored.</p>
Cessation	23	23	28	<p>The stop smoking service is a real strength in the locality. However, with significantly reduced throughput even the best-performing service is not the sole answer to delivering reductions in prevalence even though quit rates are good.</p> <p>There appear to be, though, various opportunities to increase the numbers using stop smoking services:</p> <ul style="list-style-type: none"> • improvements to cessation work in secondary care (see earlier reference to NICE PH48). This could be a fruitful area for discussion with the CCGs and the Foundation Trust • improved quality of services provided within GP, pharmacy and dental practices e.g. NCSCT certification for all advisors • review of the effectiveness of the CQUIN operating in the acute trust • we heard that further funding has been found to improve the opt-out referral process for pregnant smokers. This could be accompanied by work to improve the reliability of SATOD (smoking at time of delivery) data
Results				
Prevalence	4	6	12	<p>Prevalence decline appears to have stalled and this has been identified as a key issue to consider when reviewing tobacco control activity in the city.</p> <p>Integrated Household Survey data indicates that SATOD is below the England average,</p>

CLeaR Assessment Report

				<p>although we heard some concerns about the reliability of data collection locally.</p> <p>The Every Child Matters survey work is a useful indicator of youth smoking rates, and the in-development national survey of lifestyle habits at age 15 will also provide more local data www.whataboutyouth.com/</p>
Quit data	7	7	10	<p>Quit rates are a strength in Leeds, but declining numbers being seen by the stop smoking service are an issue to be addressed during a tobacco control review</p>
Local Priorities	3	3	6	<p>Priority 1: 'Establish an infrastructure to achieve comprehensive tobacco control'. We agree that there is some evidence of achievement but recommend that roles and responsibilities relating to tobacco control within the public health team could be reviewed to provide more focus, and that the relationship between the tobacco control management group and HWB could be further strengthened.</p> <p>Priority 2: 'Preventing the uptake of smoking'. Again, some evidence of achievement. However, consideration of a shift of emphasis from stop smoking services to wider denormalisation activity is recommended.</p> <p>Priority 3: Helping tobacco users to quit and protecting the population from the environmental impacts of tobacco'. Some evidence of achievement. Quit rates are good but the numbers being seen by the service are in decline. The activities to encourage more smokefree homes and other spaces are good work in progress.</p>

CLear Assessment Report

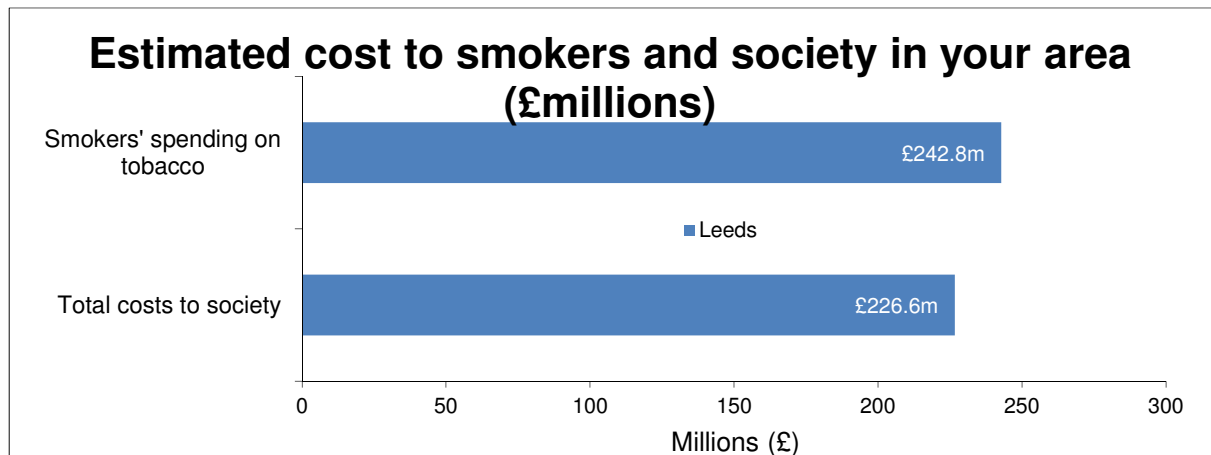
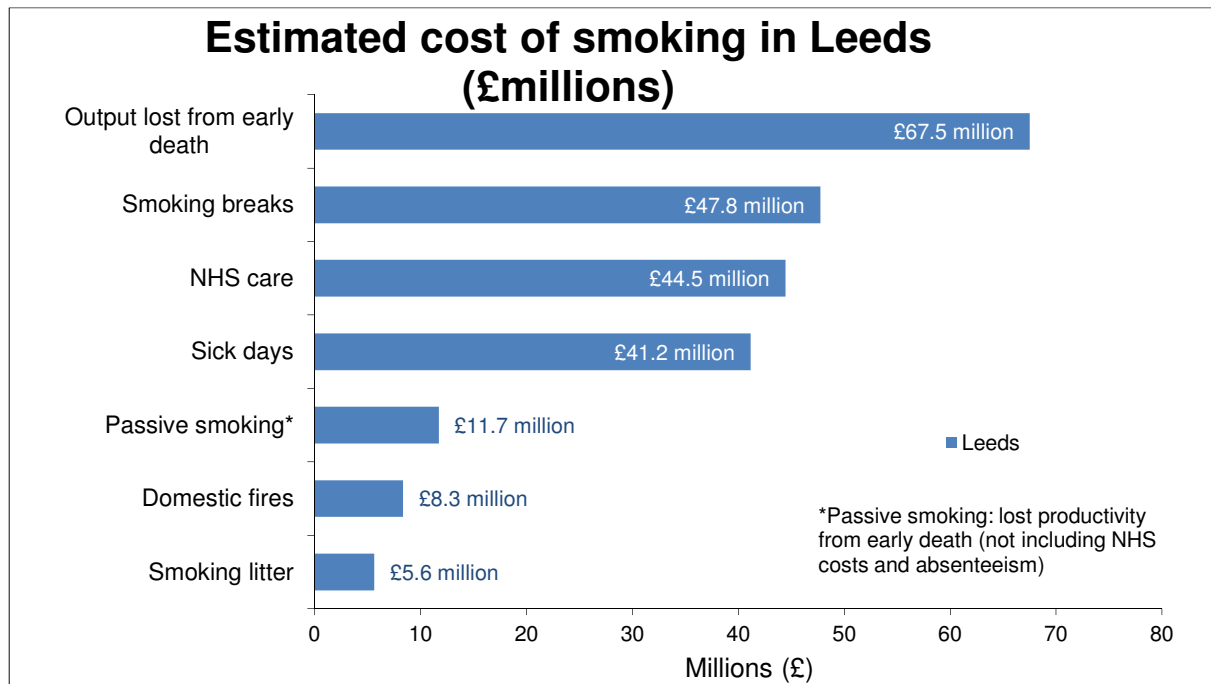
CLear Opportunities

Leeds's estimated smoking population is **137,312** people.

If the wider impacts of tobacco-related harm are taken into account, it is estimated that each year smoking costs society in Leeds **£226.6m**. In addition the local population in Leeds spend **£242.8m** on tobacco related products.

As smoking is closely associated with economic deprivation this money will be disproportionately drawn from Leeds's poorest citizens and communities.

See www.ash.org.uk/localtoolkit/ for more details



CLear Assessment Report

CLear Resources

Information on the business case for tobacco control, and a toolkit of resources for Directors of Public Health, local authority officers and members can be found at <http://www.ash.org.uk/localtoolkit>

Further local information on the business case for tobacco can be found at <http://www.brunel.ac.uk/about/acad/herg/research/tobacco>

A helpful toolkit for conducting effective overview and scrutiny reviews can be found at http://politiquessociales.net/IMG/pdf/CfPSPeelingonionfin_1_1_.pdf

In relation to communications, you may find it useful to review "A social marketing approach to tobacco control: a guide for local authorities"

www.idea.gov.uk/idk/aio/21028178

Excellence in tobacco control: 10 High Impact Changes to achieve tobacco control also contains a useful chapter on communications.

http://www.dh.gov.uk/prod_consum_dh/groups/dh_digitalassets/@dh/@en/documents/digitalasset/dh_084848.pdf

A copy of the tobacco advocacy toolkit can be obtained from Ian Gray – email I.Gray@cieh.org

A briefing on investment and local authority pension funds - http://ash.org.uk/files/documents/ASH_831.pdf

NICE guidance on smoking and tobacco <http://www.ash.org.uk/stopping-smoking/for-health-professionals/nice-guidance-on-smoking>

The NCSCT have a range of resources which may interest you – see for instance

NCSCT Training and Assessment Programme (free) - developed for experienced professionals working for NHS or NHS commissioned stop smoking services who want to update or improve their knowledge and skills - as well as newcomers to the profession, who can gain full NCSCT accreditation.

<http://www.ncsct.co.uk/training>

Very Brief Advice on Smoking – a short training module for GPs and other healthcare professionals to help increase the quality and frequency of Very Brief Advice given to patients who smoke.

<http://www.ncsct.co.uk/VBA>

Very Brief Advice on Second-hand Smoke - a short training module designed to assist anyone working with children and families to raise the issue of second-hand smoke and promote action to reduce exposure in the home and car. <http://www.ncsct.co.uk/SHS>

NCSCT Streamlined Secondary Care System (cost available on request) a whole hospital approach to stop smoking support for patients. For more information – <http://www.ncsct.co.uk/delivery/projects/secondary-care> or contact Liz.Gilbert@ncsct.co.uk

NCSCT Provider Audit - is a system of national accreditation designed to support local stop smoking service commissioners and providers to demonstrate whether the support they provide meets minimum standards of care and data integrity. This aims to complement any

CLeaR Assessment Report

existing internal quality assurance processes whilst its independent nature provides external assurance of quality and performance.

(More information - <http://www.ncsct.co.uk/delivery/projects/audit-of-local-stop-smoking-services> - contact Isobel.williams@ncsct.co.uk)

CLeaR next steps

Thank you for using CLeaR.

Having completed your self-assessment and CLeaR assessment, you will now be awarded CLeaR accreditation until March 2015. This gives you the right to use the CLeaR logo and automatic entry to the annual CLeaR awards.

In the meantime we invite you to:

- share the report with partners and stakeholders, and develop actions based on the recommendations;
- contact us if you'd like to discuss commissioning further support for tobacco control;
- take up CLeaR membership and train members of your staff as peer assessors, to enable you to participate in, and learn from, other assessments in your region;
- repeat self-assessment in 12 months' time to track how your score improves; and
- consider commissioning a CLeaR re-assessment in 2015.

Contacts

Lynsey Bowker	lynsey.bowker@sheffield.gcsx.gov.uk
Scott Crosby	s.crosby@wakefield.gov.uk
Joanne Nykol	joanne.nykol@bradford.gov.uk
David Wiggins (Lead assessor)	david.wiggins@tobaccofreefutures.org

Report of Head of Licensing and Registration

Report to Licensing Committee

Date: 7th October 2014

Subject: Local Licensing Guidance

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

Summary of main issues

1. In 2012 Licensing Committee formed a working group to consider changes to the Licensing Act 2003 in the context of recent changes to the Licensing Act 2003. The review prompted a revision to the Licensing Policy and Statement of Licensing Policy 2014-18 which was adopted by Council in November 2013 and came into effect in January 2014.
2. As part of this review Licensing Committee endorsed Local Licensing Guidance for South Leeds. This guidance was run as a pilot for 12 months from around May 2013.
3. West North West and East North East Community Committees are now seeking endorsement of Local Licensing Guidance for LS12 and LS9.

Recommendations

4. That Licensing Committee endorse revised Local Licensing Guidance for Inner South and new Local Licensing Guidance for Inner West and Inner East.

1 Purpose of this report

- 1.1 To present to Licensing Committee updated Local Licensing Guidance for Inner South and new Local Licensing guidance for the Inner West and Inner East areas of Leeds.

2 Background information

- 2.1 Under the Licensing Act 2003 applicants are required to complete an 'operating schedule'. Applicants are expected to have regard to the Council's Statement of Licensing Policy. They must also be aware of the expectations of the licensing authority and the responsible authorities as to the steps that are appropriate for the promotion of the licensing objectives and to demonstrate their local area when describing the steps they propose to take to promote the licensing objectives.
- 2.2 In order to assist applicants the council has collated information on this area including any special policies that are in place. Applicants are expected to make their own enquiries as well and to demonstrate how they have considered the local area and physical environment in their application.

3 Main issues

Joint Strategic Needs Assessment 2012

- 3.1 It is a fact (Joint Strategic Needs Assessment 2012, NHS Leeds) that if you live in some parts of Leeds you can expect your life expectancy to be lower than that of residents in other areas of Leeds. In LS10 and LS11 this is ten years lower.
- 3.2 The three contributory factors to a reduced life expectancy are alcohol, obesity and smoking. The Licensing Act 2003 authorises the activity of the sale or supply of alcohol and the provision of late night refreshment and therefore the question is whether reducing people's access to alcohol and high fat content takeaway food will have a positive outcome on life expectancy in these areas.
- 3.3 As a result of the Joint Strategic needs Assessment, the area team in South Leeds formed a working group to discuss matters relating to alcohol, specifically alcohol dependency in the LS10 and LS11 areas. A number of measures were discussed including planning, treatment services, youth work, responsible retailing, age related sales, and the availability of alcohol.
- 3.4 One measure that was discussed in detail was the availability of alcohol and take away food, and the lack of provision of healthy food. The main concern was the number of traditional corner shops and newsagents that are now selling alcohol for consumption off the premises. This increase in the availability of alcohol, coupled with a decrease in pubs, which provide a managed social experience of alcohol, is an issue in south Leeds.
- 3.5 A cumulative impact policy was discussed but not considered appropriate because at the time these were mainly used for on-licensed premises and it was felt there was not enough crime, disorder or nuisance evidence to provide a policy that could be defended on appeal.

- 3.6 In addition although the sale of alcohol was not welcomed, these businesses do provide fresh food and other benefits to the community. Therefore it was not the aim to prevent businesses from opening and operating. The responsible sale of retail was seen as a positive outcome that would bring other benefits to the community.
- 3.7 The working group discussed a range of measures that could be adopted by new off licences that would not only help mitigate concerns about the sale of alcohol in the area but may also help with other matters such as signposting people to treatment services and health promotion.

Section 182 Guidance for Licensing Authorities

- 3.8 The requirement to consider the local area is laid out in the revised S182 Guidance, which is attached at Appendix 1.
- 3.9 Although there is ample information on local areas available via the internet, for many applicants this is not accessible. In addition the information may be complex and difficult for a lay person to understand.
- 3.10 Entertainment Licensing has worked with the Community Area managers, local health and wellbeing managers, Environmental Health and other people to produce information in an easy to read format.
- 3.11 This information will be provided to anyone applying for a licence to sell alcohol or provide late night refreshment in these areas. In considering this information, and in negotiation with the licensing authority and the responsible authorities it is expected that applicants will consider and volunteer measures that will contribute to a positive outcome on life expectancy in these areas.
- 3.12 This guidance may be used by residents or other interested people who make a representation against an application. It will be provided to the Licensing subcommittee at any subsequent licensing hearing.
- 3.13 As the Local Licensing Guidance is not a policy there is no formal approval process. However for the guidance to be effective it is important it receives the endorsement of Licensing Committee.

Expanding Guidance to Inner East and Inner West

- 3.14 Licensing Committee endorsed the first Inner South Local Licensing guidance in May 2013 and it has been used in ten licensing applications since that time. There has been good success in discussions with applicants and agreements have been reached in all cases.
- 3.15 The area management teams which are responsible for LS12 and LS8/9 were keen to adopt this approach, specifically for the areas of Armley, Farnley and Harehills.
- 3.16 The problems in these areas are very similar to the problems being experienced in south Leeds. Specifically they have the same statistic in relation to life expectancy. They also suffer from antisocial behaviour caused by people drinking in the street.
- 3.17 In Harehills there has been a sharp increase in the number of off licences, and in common with south Leeds there has been a fall in licensed on-premises.

- 3.18 In Armley there are concerns in relation to the 24 hour off licence store in Armley being a contributory factor in the consumption of alcohol in the area. Also there are a number of older white males with alcohol problems gathering on Armley Town Street and the surrounding area.
- 3.19 Following the model developed by the Inner South team (Appendix 2), Inner West and Inner East Area teams have developed their own guidance which is attached at Appendix 3 and 4.

4 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.1 As Local Licensing Guidance is not a policy document, formal consultation with residents has not taken place. It is for the applicant to read and take note of the guidance and to take action if they think it is relevant. Members may also take note of the guidance when making determinations.
- 4.1.2 The guidance has been compiled with the Area teams, Community Safety Managers, Health and Wellbeing Managers and the approach endorsed by the Community Committees.

4.2 Equality and Diversity / Cohesion and Integration

- 4.2.1 Equality and diversity, cohesion and integration have been considered. At this time there are no implications for equality and diversity/cohesion and integration.

4.3 Council policies and City Priorities

- 4.3.1 The licensing regime contributes to the following Best Council Plan 2013-17 outcomes:
- Improve the quality of life for our residents, particularly for those who are vulnerable or in poverty;
 - Make it easier for people to do business with us.
- 4.3.2 The licensing regime contributes to our best council objective:
- Ensuring high quality public services – improving quality, efficiency and involving people in shaping their city.

4.4 Resources and value for money

- 4.4.1 As these documents are guidance only, there are no physical costs associated with the maintenance of these documents.

4.5 Legal Implications, Access to Information and Call In

- 4.5.1 As these documents are guidance, there are no legal implications, and no implications regarding access to information and call in.

4.6 Risk Management

- 4.6.1 As these documents are guidance only, it is for the applicant to consider if the information provided is relevant to their application. By the same token, if there are representations to the application, the licensing sub-committee considering the application may also consider if the information provided in the guidance is relevant to the application. This can be discussed at the hearing when the decision is made on whether to grant the application. As such the guidance presents a low risk.

5 Conclusions

- 5.1 The Joint Strategy Needs Assessment highlighted that the consumption of alcohol and take away food is a risk factor which impacts upon the life expectancy of people living in certain areas of Leeds. The Area Management Teams have worked with Public Health colleagues to collate information regarding these risk factors and have provided this in a guidance document to applicants who may be seeking alcohol or late night refreshment licences in their areas.
- 5.2 These guidance documents are now being presented to Licensing Committee for endorsement.

6 Recommendations

- 6.1 That Licensing Committee endorse revised Local Licensing Guidance for Inner South and new Local Licensing Guidance for Inner West and Inner East.

7 Background documents¹

- 7.1 There are no unpublished background documents that relate to this matter.

¹ 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.

This page is intentionally left blank

Extract from the Revised Guidance issued under section 182 of the Licensing Act 2003

Published: June 2014

Steps to promote the licensing objectives

- 8.33 In completing an operating schedule, applicants are expected to have regard to the statement of licensing policy for their area. They must also be aware of the expectations of the licensing authority and the responsible authorities as to the steps that are appropriate for the promotion of the licensing objectives, and to demonstrate knowledge of their local area when describing the steps they propose to take to promote the licensing objectives. Licensing authorities and responsible authorities are expected to publish information about what is meant by the promotion of the licensing objectives and to ensure that applicants can readily access advice about these matters. However, applicants are also expected to undertake their own enquiries about the area in which the premises are situated to inform the content of the application.
- 8.34 Applicants are, in particular, expected to obtain sufficient information to enable them to demonstrate, when setting out the steps they propose to take to promote the licensing objectives that they understand:
- the layout of the local area and physical environment including crime and disorder hotspots, proximity to residential premises and proximity to areas where children may congregate;
 - any risk posed to the local area by the applicants' proposed licensable activities; and
 - any local initiatives (for example, local crime reduction initiatives or voluntary schemes including local taxi-marshalling schemes, street pastors and other schemes) which may help to mitigate potential risks.
- 8.35 Applicants are expected to include positive proposals in their application on how they will manage any potential risks. Where specific policies apply in the area (for example, a cumulative impact policy), applicants are also expected to demonstrate an understanding of how the policy impacts on their application; any measures they will take to mitigate the impact; and why they consider the application should be an exception to the policy.
- 8.36 It is expected that enquiries about the locality will assist applicants when determining the steps that are appropriate for the promotion of the licensing objectives. For example, premises with close proximity to residential premises should consider how this impact upon their smoking, noise management and dispersal policies to ensure the promotion of the public nuisance objective. Applicants must consider all factors which may be relevant to the promotion of the licensing objectives, and where there are no known concerns, acknowledge this in their application.

- 8.37 The majority of information which applicants will require should be available in the licensing policy statement in the area. Other publicly available sources which may be of use to applicants include:
- the Crime Mapping website;
 - Neighbourhood Statistics websites;
 - websites or publications by local responsible authorities;
 - websites or publications by local voluntary schemes and initiatives; and on-line mapping tools.
- 8.38 While applicants are not required to seek the views of responsible authorities before formally submitting their application, they may find them to be a useful source of expert advice on local issues that should be taken into consideration when making an application. Licensing authorities may wish to encourage co-operation between applicants, responsible authorities and, where relevant, local residents and businesses before applications are submitted in order to minimise the scope for disputes to arise.
- 8.39 Applicants are expected to provide licensing authorities with sufficient information in this section to determine the extent to which their proposed steps are appropriate to promote the licensing objectives in the local area. Applications must not be based on providing a set of standard conditions to promote the licensing objectives and applicants are expected to make it clear why the steps they are proposing are appropriate for the premises.
- 8.40 All parties are expected to work together in partnership to ensure that the licensing objectives are promoted collectively. Where there are no disputes, the steps that applicants propose to take to promote the licensing objectives, as set out in the operating schedule, will very often translate directly into conditions that will be attached to premises licences with the minimum of fuss.
- 8.41 For some premises, it is possible that no measures will be appropriate to promote one or more of the licensing objectives, for example, because they are adequately covered by other existing legislation. It is however important that all operating schedules should be precise and clear about the measures that are proposed to promote each of the licensing objectives.

You have been sent this guidance note because you have, or are considering, making an application for a licence to sell alcohol or provide late night refreshment in the south Leeds area.

This information is provided to anyone applying for a licence to sell alcohol or provide late night refreshment in LS10 or LS11. It may be used to by residents or other interested people who make a representation against an application. It will be provided to the Licensing subcommittee at any subsequent licensing hearing.

Why have you been sent this information?

Under the Licensing Act 2003 you are required to complete an 'operating schedule'. You are expected to have regard to the council's Statement of Licensing Policy. You must also be aware of the expectations of the licensing authority and the responsible authorities as to the steps that are appropriate for the promotion of the licensing objectives and to demonstrate knowledge of your local area when describing the steps you propose to take to promote the licensing objectives.

In order to assist you, Leeds City Council has collated information on this area including any special policies that relate to the area. You should make your own enquiries as well and demonstrate how you have considered the following in your operating schedule:

- The layout of the local area and physical environment including crime and disorder hotspots, proximity to residential premises and proximity to areas where children and young persons may congregate.
- Any risk posed to the local area by the your proposed licensable activities; and
- Any local initiatives which may help mitigate potential risks.

Scope

The scope of this guidance includes all premises licensed under the Licensing Act 2003 in post code areas LS10 and LS11 which mainly comprises of three wards, City and Hunslet, Middleton and Beeston & Holbeck. This covers the localities of Beeston, Middleton, Belle Isle, Holbeck and Hunslet.

It is a fact (Joint Strategic Needs Assessment 2012, NHS Leeds) that if you live in LS10 or LS11 you can expect your life expectancy to be lower than that of residents in other areas of Leeds. The three contributory factors to a reduced life expectancy are alcohol, obesity and smoking. The Licensing Act 2003 authorises the activity of the sale or supply of alcohol and the provision of late night refreshment and therefore the question is whether reducing people's access to alcohol and high fat content takeaway food will have a positive outcome on life expectancy in LS10 and LS11.

Local Concerns

"The late licensing of local shops and the sale of alcohol to underage persons or to adults who buy it for underage persons has had a negative impact on our community. It has led to large groups of people (largely under 30) congregating around these shops and displaying intimidating behaviour, fighting and creating noise. It means residents sometimes feel you don't want to go there in an evening due to this behaviour. We value our young people and everyone in our community and want to ensure there are positive and safe activities for people, which don't harm their health or result in other's feeling intimidated. We feel that late licensing and underage drink sales undermine this."

Christine Jenkinson, Middleton Community Group, Committee Member

In the LS10 and LS11 area there is concern about:

Alcohol

- The wide and obvious availability of alcohol in convenience stores, newsagents, corner shops and off licences.
- The contributory factor and possible links between violent crime and domestic violence and exacerbated by the availability of alcohol due to the numbers of premises which sell alcohol for consumption off the premises in the area.
- The higher proportion of premises licensed for alcohol for consumption off the premises.
- The ability for people with mental health or alcohol problems to easily obtain alcohol.
- The ability for people who are already intoxicated to easily obtain more alcohol.
- The pack size super strength cider is sold in, which leads to people with alcohol dependency issues to drink more than they need to.

Protection of children

- The normalisation of alcohol abuse and the effect this has on children living in the area
- The sale and supply of alcohol to young people and children and the impact this has on their behaviour in the community and impact on their health.

Nuisance

- The accumulation of premises providing takeaway food and off sales of alcohol in the Dewsbury Road area
- Littering of food wrappers and waste food originating from takeaways.

Responsible Retailing

In 2010 the Government introduced a new Mandatory Code for Alcohol Retailing. This was brought into law by the implementation of 5 new mandatory conditions. These were updated in 2014 and further details can be found on the Home Office website: <https://www.gov.uk/alcohol-licensing#mandatory-licensing-conditions>

Specifically the Government brought in a new mandatory condition prohibiting the sale of alcohol below cost. Cost is defined as the cost of the VAT and duty charge. More information can be found on the Government website: <https://www.gov.uk/government/publications/banning-the-sale-of-alcohol-below-the-cost-of-duty-plus-vat>

However responsible retailing, including age related sales of alcohol, has long been promoted by West Yorkshire Trading Standards. In particular West Yorkshire Trading Standards have been working with alcohol retailers in south Leeds and working together the failure rate for underage sales of alcohol has dropped from 45% to 13%. More information can be found on their website at <http://www.ts.wyjs.org.uk/wyjs-trading-underage-sales.asp>

Other sources of information can be found at:

<http://www.brc.org.uk/Downloads/FCSG0475ResponsibleRetailingofAlcohol.pdf>
<http://biab.bii.org/qualifications/qualification-ARAR>

When considering responsible retailing, you may wish to consider what you would do about:

- The sale of large quantities of alcohol
- The sale of super strength alcohol in large containers (2 and 3 litre plastic bottles)
- The sale of alcohol to people who are already drunk
- How to address selling alcohol to people who are pregnant
- How to refer someone who appears to have a drinking problem

- How to display alcohol
- What to name the premises
- Healthy takeaway options available for example low fat versions of popular dishes
- Nutritional information on all takeaway foods.

It may be useful for you to make yourself aware of organisations in the area that can help people with alcohol addiction, and to get acquainted with the local West Yorkshire Police Neighbourhood Policing Team.

Measures to address local concerns

The availability of alcohol is a major concern, as harmful and hazardous drinking is a contributory factor in many of the concerns mentioned in this document. As such the licensing authority would expect anyone wishing to open or extend premises that sell alcohol, or sell hot food to provide extra measures to ensure these problems are not exacerbated.

It is highly likely that any application which includes the sale by retail of alcohol or the sale of hot food and drink will attract representations from a number of interested people. In order to mitigate the concerns stated in this document, you are encouraged to contact Entertainment Licensing, West Yorkshire Police, Environmental Health and Health to see if there are any specific measures that can be adopted. Contact details for agencies are included in the application packs and on the council website.

If you don't contact the responsible authorities, and you do not offer additional measures you can expect to receive a contact from a number of the agencies about your application. This may be by phone, email or by way of a formal objection to your application.

Entertainment Licensing provides a Proforma Risk Assessment which is a list of suggested measures prospective licensees may like to include in their operating schedule. In addition you may wish to consider if any of the following measures would be appropriate for your business to adopt. These measures could be offered as part of the operating schedule. A form is attached to the end of this document to assist you with this.

Crime and Disorder

- All areas of the premises to be used for the display of alcohol are marked on the plan. The display of alcohol will not change without the consent of the licensing authority by way of a minor variation application to the licence.
- The display of alcohol will be in a designated area of the premises which is capable of being supervised from the counter area.
- The display of spirits shall be in an area accessible only by staff
- The display of high-strength beers, ciders and agers of 7.5% alcohol by volume (abv) or higher will be in an area accessible only by staff.
- There will be no sale of cider and lager of 7.5% alcohol by volume (abv) in 1, 2 or 3 litre plastic bottles.
- All areas where alcohol is displayed shall be covered by CCTV

Prevention of public nuisance

- Staff will make hourly checks around the premises and remove any litter, including takeaway wrappers, can and bottles.

Protection of children

- There will be a Check 25 proof of age verification scheme in place.
- Alcohol will not be displayed next to the public entrance/exit of the premises.
- The name of the premises will not contain reference to alcohol.
- There will be no window display posters or similar advertising contained reference to alcohol displayed on the premises shop frontage or the highway abutting the premises.
- All alcohol sale refusals will be recorded in a register which will be retained on the premises for inspection by responsible authorities on request.

Local Information

Area Profile

Postcode areas LS10 and LS11 mainly comprises of three wards, City and Hunslet, Middleton and Beeston & Holbeck. This covers the localities of Beeston, Middleton, Belle Isle, Holbeck and Hunslet. Data source 2011 Census.

City and Hunslet



Size 1,059 hectares
No of household spaces 16,774 of which
15,207 are occupied

Population 33,705
BME 39.2%

Religion (top 3)
Christian 13,925 (41.3%)
No religion 11,058 (32.8%)
Muslim 4,791 (14.2%)

Middleton Park



Size 997 hectares
No of household spaces 11,719, of which
11,397 are occupied

Population 26,228
BME 11.5%

Religion (top 3)
Christian 14,984 (57.1%)
No religion 8,984 (34.3%)
Religion not stated 1,761 (6.7%)

Beeston and Holbeck



Size	700 hectares
No of household spaces	10,483, of which 9,830 are occupied
Population	22,187
BME	27.4%
Religion (top 3)	
Christian	11,811 (53.2%)
No religion	6,202 (28%)
Religion not stated	1,556 (7%)

Leeds Observatory

The Leeds Observatory is a tool for everyone to explore strategic data, information and intelligence about Leeds' communities and geographies. The observatory provides a clear evidence base for communities and professionals to determine the needs of people in Leeds which will shape decision making and services.

The following links provides statistical data on demographic profile, economic activity, education and skills, community safety, housing and health in this area.

[Inner South Area](#)

Neighbourhood Plans

The Localism Act 2011 introduced major reforms to the planning system that gives local communities new rights to shape and plan their neighbourhood. The Act introduces a new initiative called the neighbourhood plan. These plans are optional – if local communities choose, you can be used to set out policies for the development or use of land but you must be 'pro development'.

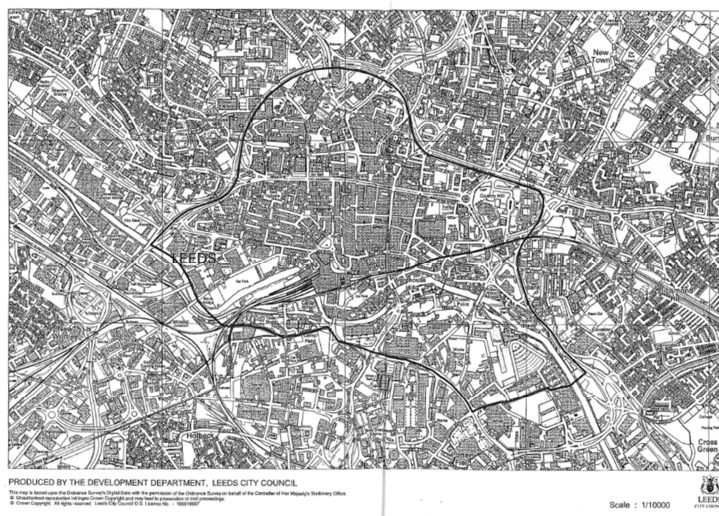
The Act also includes new powers for local communities to prepare a Neighbourhood Development Order (NDO) for their area, which will be able to promote a particular type of development. Related to the NDO, is the Community Right to Build Order (CRtB) and this will provide for community-led site development.

Local communities may also be interested in applying to the Council to have a valued area designated as a Local Green Space.

For regular updates on neighbourhood planning check
<http://www.leeds.gov.uk/council/Pages/Neighbourhood-planning.aspx>

Additional measures already in place

A designated public places order is in place in the following area:



Designated Public Place Orders (DPPOs) give police officers discretionary powers to require a person to stop drinking and confiscate alcohol or containers of alcohol in public places. Failure to comply with alcohol restrictions in DPPOs can result in arrest and/or a fine of up to £500. DPPOs are implemented by local councils in order to address alcohol-related crime and disorder in public places under section 13 of the Police and Criminal Justice Act 2001.

Licensing Profile

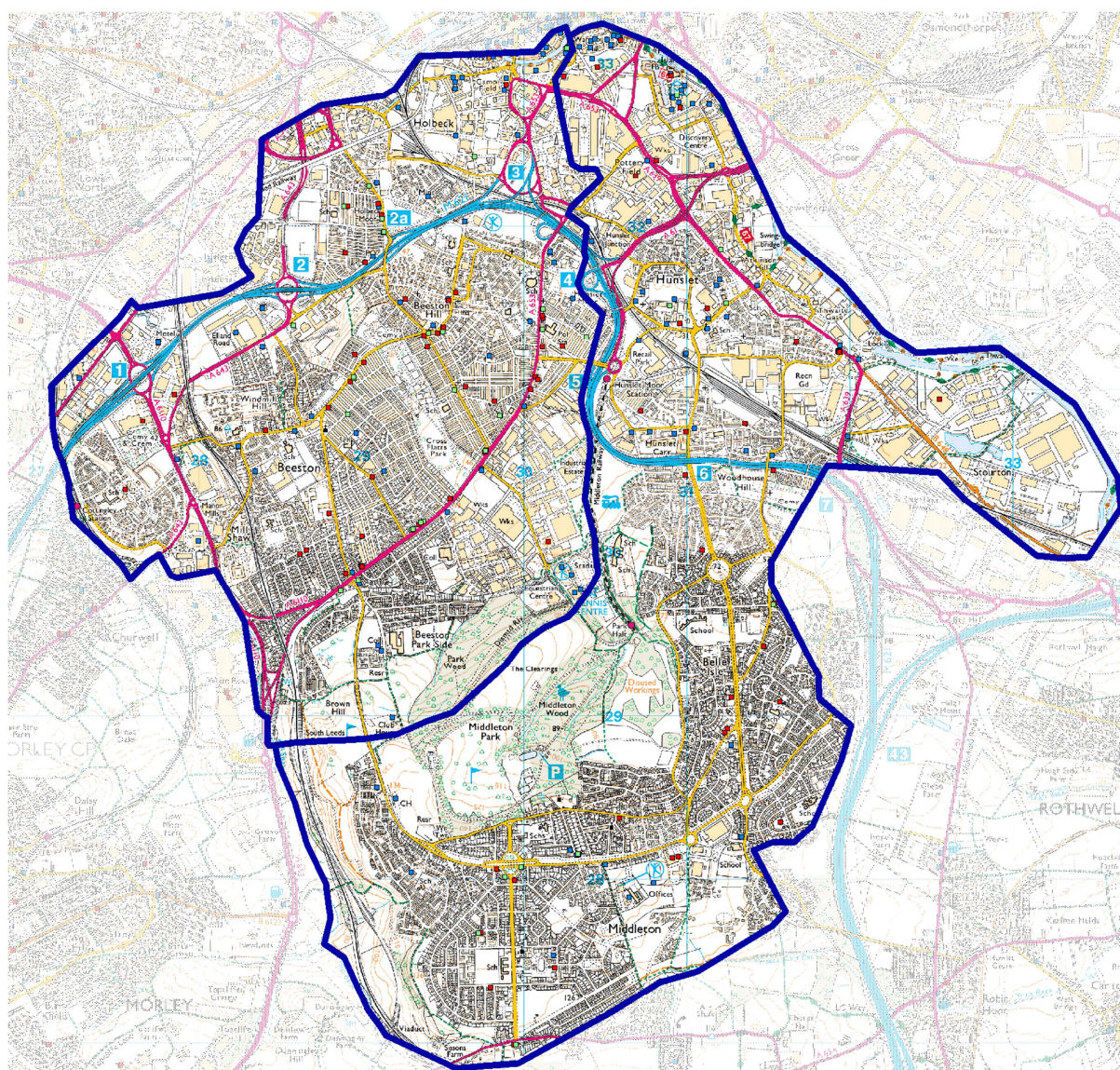
As of October 2012, Inner South Leeds (LS10 and LS11) has a total of 223 licensed premises. 116 are “on licensed” premises (pubs, restaurants, hotels, clubs) and 79 are off licensed premises (off licences or takeaways that sell alcohol). There are 28 licensed takeaways in the area that sell hot food after 11pm. Before 11pm takeaways do not require a licence.

LS10 and LS11	Event Space	Hotels	Takeaways	Off licences	Pub and Bars	Registered club	Restaurant	Sports or social clubs	Total
Ardsley & Robin Hood	0	0	0	0	1	0	0	0	1
Beeston & Holbeck	2	1	10	23	13	8	1	6	64
City & Hunslet	0	3	12	31	37	7	8	10	108
Middleton Park	0	0	6	21	4	6	0	7	44
Morley North	1	0	0	4	0	0	1	0	6
Total	3	4	28	79	55	21	10	23	223

The majority of “on licensed” premises cease selling alcohol at 11pm with a smaller number ceasing alcohol sales at midnight or 1am. This is significantly earlier than the city centre, but in keeping with other residential areas. In the main late night refreshment premises (takeaways) are open until 2am, with a number closing at 11.30pm or midnight.

There has been a steady increase in the number of premises selling alcohol for consumption off the premises in LS10 and LS11.

2005	2006	2007	2008	2009	2010	2011	2012	Current
65	66	72	74	76	74	76	77	79



Red – Off licence

Green – On licences

Blue – Takeaway

On-licensed premises

There are a number of areas where there is an accumulation of licensed premises. Top Moor Side in Holbeck, Dewsbury Road and Hunslet all have a number of licensed premises, but not in the concentrations found elsewhere in the city. The accumulation of licensed premises is localised. This, in itself, prevents the council from applying a formal cumulative impact policy in south Leeds. However any application in this area will be scrutinised and cumulative impact will be considered if the application is for premises in an area that already has an accumulation of similar premises.

Off licensed premises

The number of premises licensed for the sales of alcohol for consumption off the premises (off licences) is high in comparison to other wards in the city. On a city wide ranking Beeston and Holbeck sits at 7th while Middleton Park is ranked 10th out of 33 wards. In contrast when looking at pubs, Beeston and Holbeck is ranked 16th and Middleton Park is ranked 32nd.

Trading Standards has worked with premises licensed to sell alcohol for consumption off the premises to reduce the number of failed test purchase attempts over the last two years. This has meant an overall improvement in this area to a level below that experienced across Leeds.

Late night takeaways

Dewsbury Road is an area of special concern with a total of 31 late night takeaways operating from this busy area of Beeston. Not all the takeaways are licensed for the sale of hot food after 11pm and most are not controlled by conditions relating to litter nuisance. This has led to this area becoming of concern on the grounds of public nuisance caused by the amount of litter accumulations in the area.



This is a back street in Beeston Hill.



Once the clean-up crews, the area looks a lot better. However within a week, litter is starting to accumulate again.



The littering around takeaway and off licence premises is a much bigger concern.

Health and Community Safety Information

There is clear evidence that some areas of south Leeds have high levels of problems associated with alcohol misuse. These include:

- During 2011, there were almost 14,000 domestic related *incidents* reported to the police across Leeds with approximately 4,000 of them in City and Holbeck Division.
- There were approximately 4,000 domestic related *crimes* in the same period across Leeds. Domestic Violence accounted for 33.6% of violent crimes in City and Holbeck Division.
- There were 5 domestic homicides and 192 MARAC cases in Leeds during 2011.
- Children were present at 4,966 incidents of domestic violence during 2011 which is an increase of 24% compared to the previous twelve month period. As some households have more than one child, each incident is potentially witnessed by more than one child. So the number of children recorded as being present is 6,145. This has changed significantly compared with 4,233 children present at the time of the last profile.
- The age group for victims most likely to be assaulted appears to be between the ages of 18 and 24.
- Alcohol was the most frequently cited contributing factor, accounting for 49% of incidents and 46% of crimes in the most recent period compared with 52% incidents at the time of the last profile. Drugs contributed to about 8% of incidents and 7% of crimes, which is an increase of around 5% from the time of the last profile.

Source: West Yorkshire Police crime data

Hospital Admissions

In Leeds there were a total of 53,910 all-age alcohol related admissions between April 2009 and March 2010 of people registered with a Leeds GP and living in Leeds. Of these admission 48% were male and 52% were female. This is an increase from 37,709 in 2007/08 and 42,538 in 2008/09.

Of the 48 postcode districts in the Leeds area, LS11 has the highest number of people being admitted to hospital with an average of 36 people admitted three or more times per year, followed by LS9 with 29 people.

10 postcode districts have one or more residents who had been admitted on 10 or more occasions per year (2007-09 average). LS11 had the highest number with an average of 3.3 people admitted, followed by LS13 with 2.3 people.

In comparison the overall hospital admission rates for alcohol specific and alcohol attributable admissions in Inner South Leeds are much higher than the rest of Leeds:

	Holbeck	South Leeds	Leeds Average
Alcohol specific admissions (/1000)	17.6	10.9	6
Alcohol attributable admissions (/1000)	30.8	24.6	18.7

Fires

Most alcohol related fires in Leeds happen between 21:00 and 03:00 at night with 90% of incidences occurring in residential properties. The majority of incidences are related to cooking. 52% of the injuries occurred in an area of Leeds ranked in the 10% most deprived nationally. Between 2008/09 and 2010/11 56 people suspected of being under the influence of drink or drugs were injured by fires and of these 31 were suspected to be under the influence of alcohol.

Drinking while pregnant

The UK Chief Medical Officers' advice to women is:

'Women who are pregnant or trying to conceive should avoid alcohol altogether. However, if they do choose to drink, to minimise the risk to the baby, we recommend they should not drink more than 1-2 units once or twice a week and should not get drunk.'

The National Institute for Health and Clinical Excellence (NICE) advises healthcare professionals (GPs and nurses):

- Pregnant women and women planning to become pregnant should be advised to avoid drinking alcohol in the first three months of pregnancy, because there may be an increased risk of miscarriage.
- Women should be advised that if they choose to drink alcohol while they are pregnant, they should drink no more than 1-2 units of alcohol once or twice a week. There is uncertainty about how much alcohol is safe to drink in pregnancy, but at this low level there is no evidence of any harm to their unborn baby.
- Women should be advised not to get drunk or binge drink (drinking more than 7.5 UK units of alcohol on a single occasion) while they are pregnant because this can harm their unborn baby.
- If women want to avoid all possible alcohol-related risks, they should not drink alcohol during pregnancy because the evidence on this is limited.

Obesity

Tackling obesity is one of the most significant public and personal health challenges facing our society. Obesity is a serious threat to health with 22% of men and 23% of women now classed as clinically obese (BMI greater than 30kg/m²). Among people aged 55 – 74 years two thirds of women and three quarters of men are overweight or obese.

The Leeds Joint Strategic Needs Assessment (JSNA) outlines key lifestyle behaviours that are of significance, which includes obesity. The findings suggest obesity levels are rising. The JSNA describes obesity as the second most important preventable cause of death after smoking. The cost to NHS in Leeds was £205m in 2010.

In relation to children, 1 in 10 in reception class and this rises to 1 in 5 for those children in Year 6 (primary school) are obese.

The recent MSOA health area profiles produced by NHS Leeds 2012, suggests Middleton and Westwoods as one of four neighbourhoods in the south east area with significant numbers of cases classed as obese. The profiles highlight linked factors such as deprivation and alcohol.

An overview of the area, in relation to obesity in the areas known as Middleton and Westwoods shows a number of indicators and highlighted below are those that directly show an impact on people's health:

- 7,535 people live in the area.
- The population is predominately white British.
- There is a higher than average proportion of children and young people
- 55% of residents rent their homes from the local authority
- The number of JSA claimants is 9.2% compared to 4.5% in Leeds
- Secondary school absenteeism is 19.4% compared to 11.3% for Leeds
- There are a higher number of young persons classified as NEETS (not in education, employment or training) - 14.2% compared to 7% for the rest of Leeds
- Educational attainment at key stage 4 = 5+ A-C including English & Maths is 31.5% compared to 53.4% for the rest of Leeds
- Obesity is higher than the Leeds average
- Smoking rates are almost double the Leeds average
- Diabetes is higher than the Leeds overall figure
- COPD is much higher than the Leeds average and the age standardised rate is also high
- CHD is higher than the Leeds average
- Admissions for alcohol related conditions are high
- Cancer rates are slightly lower than the Leeds average however when standardised against age it is in line with the Leeds average
- Mortality rates for under 75 are much higher than the Leeds average

The National Obesity Observatory's Report on Obesity and alcohol states that the relationship between obesity and alcohol consumption is complex. Associations between the two are heavily influenced by a number of factors including: patterns and levels of drinking; types of alcoholic drinks consumed; gender; body weight; diet; genes; physical activity levels and other lifestyle factors.

Some of the key points from the report include:

- Many people are not aware of the calories contained in alcoholic drinks
- The effects of alcohol on body weight may be more pronounced in overweight and obese people
- Alcohol consumption can lead to an increase in food intake
- Heavy, but less frequent drinkers seem to be at higher risk of obesity than moderate, frequent drinkers
- The relationships between obesity and alcohol consumption differ between men and women
- Excess body weight and alcohol consumption appear to act together to increase the risk of liver cirrhosis

- There is emerging evidence of a link between familial risk of alcohol dependency and obesity in women

All of this leads to a concern about the availability of alcohol and unhealthy foods.

Sources

Local information	provided by http://openlylocal.com
Additional data	provided by http://www.westyorkshireobservatory.org/home
Licensing information	provided by Entertainment Licensing (extracted October 2012)
Crime data	provided by West Yorkshire Police
Health information	provided by NHS Leeds (Leeds Alcohol Harm Reduction Action Plan 2011-2015, Alcohol Needs Assessment Info 2011 & Tackling Alcohol and Community Safety in South Leeds – Summary Findings) Joint Strategic Needs Assessment 2012, NHS Leeds

Contact Details

Entertainment Licensing Section	Phone:	0113 247 4095
Leeds City Council	Fax:	0113 224 3885
Civic Hall	Website:	www.leeds.gov.uk/licensing
Leeds LS1 1UR	Email:	entertainment.licensing@leeds.gov.uk

This document should be used as a guidance tool. Only the courts can give an authoritative opinion on statute law. Every effort has been made to ensure this document is both comprehensive and accurate but in an attempt to simplify the law omissions have been made. Please refer to the Licensing Act 2003 and associated regulations for full details of the law. You should seek your own legal advice on the matters raised in this guidance note.

Risk Assessment Proforma – South Leeds

Premises name: _____

Premises Address: _____

Applicants Name: _____

Please be advised I wish to amend my application to add the following measures to the operating schedule.

Crime and Disorder

Suggested measures	
All areas of the premises to be used for the display of alcohol are marked on the plan. The display of alcohol will not change without the consent of the licensing authority by way of a minor variation application to the licence.	
The display of alcohol will be in a designated area of the premises which is capable of being supervised from the counter area.	
The display of spirits shall be in an area accessible only by staff	
The display of high-strength beers, ciders and agers of 7.5% alcohol by volume (abv) or higher will be in an area accessible only by staff.	
There will be no sale of cider and lager of 7.5% alcohol by volume (abv) in 1, 2 or 3 litre plastic bottles.	
All areas where alcohol is displayed shall be covered by CCTV	

Prevention of public nuisance

Suggested measures	
Staff will make hourly checks around the premises and remove any litter, including takeaway wrappers, can and bottles.	

Protection of children

Suggested measures	
There will be a Check 25 proof of age verification scheme in place.	
Alcohol will not be displayed next to the public entrance/exit of the premises.	
The name of the premises will not contain reference to alcohol.	
There will be no window display posters or similar advertising contained reference to alcohol displayed on the premises shop frontage or the highway abutting the premises.	
All alcohol sale refusals will be recorded in a register which will be retained on the premises for inspection by responsible authorities on request.	

**Please return this page to Entertainment Licensing, Civic Hall, Leeds, LS1 1UR
or by email to entertainment.licensing@leeds.gov.uk**

This page is intentionally left blank

You have been sent this guidance note because you have, or are considering, making an application for a licence to sell alcohol or provide late night refreshment in the inner west Leeds area.

This information is provided to anyone applying for a licence to sell alcohol or provide late night refreshment in LS12. It may be used to by residents or other interested people who make a representation against an application. It will be provided to the Licensing subcommittee at any subsequent licensing hearing.

Why have you been sent this information?

Under the Licensing Act 2003 you are required to complete an 'operating schedule'. You are expected to have regard to the council's Statement of Licensing Policy. You must also be aware of the expectations of the licensing authority and the responsible authorities as to the steps that are appropriate for the promotion of the licensing objectives and to demonstrate knowledge of your local area when describing the steps you propose to take to promote the licensing objectives.

In order to assist you, Leeds City Council has collated information on this area including any special policies that relate to the area. You should make your own enquiries as well and demonstrate how you have considered the following in your operating schedule:

- The layout of the local area and physical environment including crime and disorder hotspots, proximity to residential premises and proximity to areas where children and young persons may congregate.
- Any risk posed to the local area by the your proposed licensable activities; and
- Any local initiatives which may help mitigate potential risks.

Scope

The scope of this guidance includes all premises licensed under the Licensing Act 2003 in post code areas LS12, which is comprised of Armley, Farnley, New Farnley and Wortley.

In LS12, your life expectancy will be lower than that of residents in other areas of Leeds (Joint Strategic Needs Assessment 2012, NHS Leeds). The three contributory factors to a reduced life expectancy are alcohol, obesity and smoking. The Licensing Act 2003 authorises the activity of the sale or supply of alcohol and the provision of late night refreshment and therefore the question is whether reducing people's access to alcohol and high fat content takeaway food will have a positive outcome on life expectancy in LS12.

Local Concerns

Local GP Andrew Sixsmith, who works at the Thornton Medical Centre has expressed his concerns about problematic drinking in the LS12 area and has supported Leeds West Clinical Commissioning Group projects to address this issue. Inner West Community Committee has also expressed concerns about alcohol abuse.

In the LS12 area there is concern about:

Alcohol

- The wide and obvious availability of alcohol in convenience stores, newsagents, corner shops and off licences.

- The contributory factor and possible links between violent crime and domestic violence and exacerbated by the availability of alcohol due to the numbers of premises which sell alcohol for consumption off the premises in the area.
- The higher proportion of premises licensed for alcohol for consumption off the premises.
- The ability for persons with mental health or alcohol problems to easily obtain alcohol.
- The ability for persons who are already intoxicated to easily obtain more alcohol.
- The pack size super strength cider is sold in, which leads to people with alcohol dependency issues to drink more than they need to.

Protection of children

- The normalisation of alcohol abuse and the effect this has on children living in the area
- The sale and supply of alcohol to young persons and children and the impact this has on their behaviour in the community and impact on their health.

Nuisance

- The accumulation of premises providing takeaway food and off sales of alcohol.
- Littering of food wrappers and waste food originating from takeaways.

Responsible Retailing

In 2010 the Government introduced a new Mandatory Code for Alcohol Retailing. This was brought into law by the implementation of 5 new mandatory conditions. These were updated in 2014 and further details can be found on the Home Office website: <https://www.gov.uk/alcohol-licensing#mandatory-licensing-conditions>

Specifically the Government brought in a new mandatory condition prohibiting the sale of alcohol below cost. Cost is defined as the cost of the VAT and duty charge. more information can be found on the Government website: <https://www.gov.uk/government/publications/banning-the-sale-of-alcohol-below-the-cost-of-duty-plus-vat>

However responsible retailing, including age related sales of alcohol, has long been promoted by West Yorkshire Trading Standards. More information can be found on their website at <http://www.ts.wyjs.org.uk/wyjs-trading-underage-sales.asp>

Other sources of information can be found at:

<http://www.brc.org.uk/Downloads/FCSG0475ResponsibleRetailingofAlcohol.pdf>
<http://biib.bii.org/qualifications/qualification-ARAR>

When considering responsible retailing, you may wish to consider what you would do about:

- The sale of large quantities of alcohol
- The sale of super strength alcohol in large containers (2 and 3 litre plastic bottles)
- The sale of alcohol to people who are already drunk
- How to address selling alcohol to people who are pregnant
- How to refer someone who appears to have a drinking problem
- How to display alcohol
- What to name the premises
- Healthy takeaway options available for example low fat versions of popular dishes
- Nutritional information on all takeaway foods.

It may be useful for you to make yourself aware of organisations in the area that can help people with alcohol addiction, and to get acquainted with the local West Yorkshire Police Neighbourhood Policing Team.

Measures to address local concerns

The availability of alcohol is a major concern, as harmful and hazardous drinking is a contributory factor in many of the concerns mentioned in this document. As such the licensing authority would expect anyone wishing to open or extend premises that sell alcohol, or sell hot food to provide extra measures to ensure these problems are not exacerbated.

It is highly likely that any application which includes the sale by retail of alcohol or the sale of hot food and drink will attract representations from a number of interested people. In order to mitigate the concerns stated in this document, you are encouraged to contact Entertainment Licensing, West Yorkshire Police, Environmental Health and Health to see if there are any specific measures that can be adopted. Contact details for agencies are included in the application packs and on the council website.

If you don't contact the responsible authorities, and you do not offer additional measures you can expect to receive a contact from a number of the agencies about your application. This may be by phone, email or by way of a formal objection to your application.

Entertainment Licensing provides a Proforma Risk Assessment which is a list of suggested measures prospective licensees may like to include in their operating schedule. In addition you may wish to consider if any of the following measures would be appropriate for your business to adopt. These measures could be offered as part of the operating schedule. A form is attached to the end of this document to assist you with this.

Crime and Disorder

- All areas of the premises to be used for the display of alcohol are marked on the plan. The display of alcohol will not change without the consent of the licensing authority by way of a minor variation application to the licence.
- The display of alcohol will be in a designated area of the premises which is capable of being supervised from the counter area.
- The display of spirits shall be in an area accessible only by staff
- The display of high-strength beers, ciders and agers of 7.5% alcohol by volume (abv) or higher will be in an area accessible only by staff.
- There will be no sale of cider and lager of 7.5% alcohol by volume (abv) in 1, 2 or 3 litre plastic bottles.
- All areas where alcohol is displayed shall be covered by CCTV

Prevention of public nuisance

- Staff will make hourly checks around the premises and remove any litter, including takeaway wrappers, can and bottles.

Protection of children

- There will be a Check 25 proof of age verification scheme in place.
- Alcohol will not be displayed next to the public entrance/exit of the premises.
- The name of the premises will not contain reference to alcohol.
- There will be no window display posters or similar advertising contained reference to alcohol displayed on the premises shop frontage or the highway abutting the premises.
- All alcohol sale refusals will be recorded in a register which will be retained on the premises for inspection by responsible authorities on request.

Local Information

Area Profile

The area with the postcode LS12 is situated within Farnley and Wortley and Armley wards. However the scope of this guidance relates to any premises with a LS12 prefix on the postcode. It mainly comprises of Armley, Farnley, New Farnley and Wortley.

Armley

Size	607 hectares	
Dwellings	11,311	
Population	24,958	
Religion (top 3)	Christian	16,148
	No religion	5,010
	Religion not stated	2,358



Farnley and Wortley

Size	1,240 hectares	
Dwellings	10,131	
Population	23,184	
Religion	Christian	16,700
	No religion	4,065
	Religion not stated	2,000



Leeds Observatory

The Leeds Observatory is a tool for everyone to explore strategic data, information and intelligence about Leeds' communities and geographies. The observatory provides a clear evidence base for communities and professionals to determine the needs of people in Leeds which will shape decision making and services.

The following links provides statistical data on demographic profile, economic activity, education and skills, community safety, housing and health in this area.

[West North West area](#)

[Armley](#)

[Farnley and Wortley](#)

Neighbourhood Plans

The Localism Act 2011 introduced major reforms to the planning system that gives local communities new rights to shape and plan their neighbourhood. The Act introduces a new initiative called the neighbourhood plan. These plans are optional – if local communities choose, they can be used to set out policies for the development or use of land but they must be ‘pro development’.

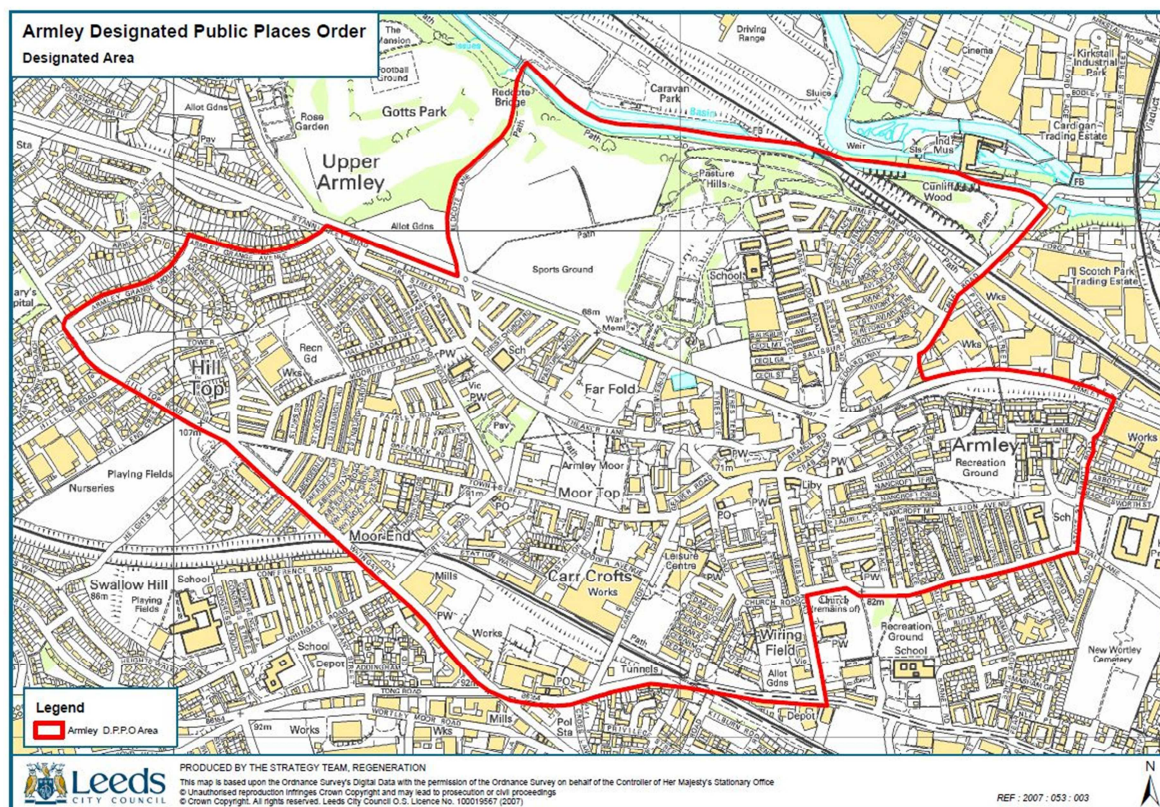
The Act also includes new powers for local communities to prepare a Neighbourhood Development Order (NDO) for their area, which will be able to promote a particular type of development. Related to the NDO, is the Community Right to Build Order (CRtB) and this will provide for community-led site development.

Local communities may also be interested in applying to the Council to have a valued area designated as a Local Green Space.

For regular updates on neighbourhood planning check <http://www.leeds.gov.uk/council/Pages/Neighbourhood-planning.aspx>

Additional measures already in place

A designated public places order is in place. Designated Public Place Orders (DPPOs) give police officers discretionary powers to require a person to stop drinking and confiscate alcohol or containers of alcohol in public places. Failure to comply with alcohol restrictions in DPPOs can result in arrest and/or a fine of up to £500. DPPOs are implemented by local councils in order to address alcohol-related crime and disorder in public places under section 13 of the Police and Criminal Justice Act 2001.



Licensing Profile

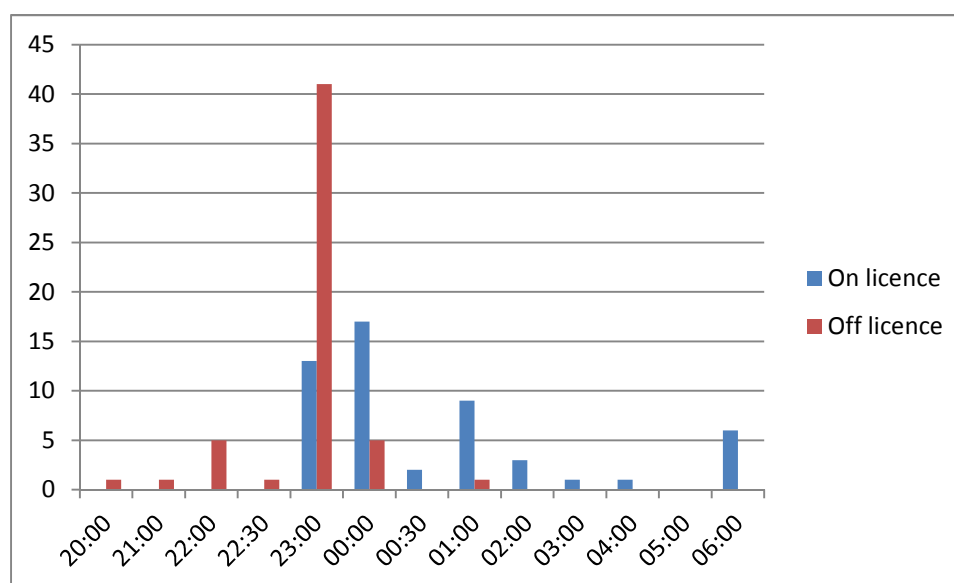
As of January 2014, the profile of licensed premises in this area is as follows:

LS12	Off licences	Pubs/bars/ nightclubs	Registered clubs	Sports/social club	Restaurants	Takeaways with alcohol sales	Gambling premises	Hotel	Other
Armley	52	25	9	4	2	2	2	1	6

Although the number of on licence premises has decreased, there has been a steady increase in the number of premises selling alcohol for consumption off the premises in LS12. Overall the total number of premises selling alcohol has remained steady.

	2006	2007	2008	2009	2010	2011	2012	2013	2014
On the Premises	59	62	60	60	55	52	51	53	48
Off the Premises	43	43	43	49	51	54	56	57	57
Total	102	105	103	109	106	106	107	110	105

The majority of "on licensed" premises cease selling alcohol at midnight with a smaller number ceasing alcohol sales at 11pm or 1am. This is significantly earlier than the city centre, but in keeping with other residential areas. In the main off licensed premises cease selling alcohol at 11pm.



Crime Profile

The table shows the number of alcohol related violent crimes offences committed over the last year with comparisons to the previous two years.

Offence Description	01/05/04 - 30/04/05	01/05/05 - 30/04/06	01/05/06 - 30/04/07
Assault Occasioning Abh - S.47	59	55	70
Assault On A Constable S.89 Police Act 1996	1	0	0
Common Assault And Battery	6	10	31
Racially Religiously Aggravated S.4 Poa 1986	1	0	1
Racially Religiously Aggravated S.4A Poa 1986	1	2	0

Racially Religiously Aggravated S.47 Abh	0	0	1
Threat To Kill	1	1	1
Unlawfully Inflict Gbh Without Intent - S.20	1	0	0
Unlawfully Wound Without Intent - S.20	1	0	2
Wound With Intent To Cause Gbh - S.18	0	1	1
Grand Total	71	69	107

There have been 107 alcohol related violent crime offences recorded in the Armley district over the last year.

Domestic violence, which often has a causative link to alcohol consumption, is shown below.

Ward Name	DV Incidents (2012/13)	% of Leeds	DV Repeats (2+)	% DV Repeats
Armley	734	5.53	300	40.9

Health data

Alcohol prevalence data

Alcohol specific admission rates in this area are split roughly between being above or around the Leeds rate; the Bramley Hill Top, Raynville and Wyther Park MSOA has the 5th highest rate in Leeds overall, and for men also.

The above data is not broken down into age or ethnicity however GP records from the Inner West ward show that there are larger proportions of 'white background' (73%) than Leeds (66%).

LS12	Average	Male	Female
Leeds average	5.9	8.11	3.8
Deprived quintile	10.6	14.5	6.3
Farnley and Wortley	13.5	21.4	6.8
Armley (Bramley Hill Top, Raynville, Wyther Park)	13.2	20.5	5.6
Farnley and Wortley	11.7	16.4	5.5
Armley and New Wortley	11.4	15.2	7.4
Upper Armley	7.6	12.0	3.4
Farnley and Wortley	6.2	9.12	3.1
Farnley and Wortley	4.4	7.0	1.7

Alcohol specific hospital admissions - overall crude rate per 1,000 (MSOA data 2009/10)

Public Health Commissioned Alcohol Treatment Services Performance

Numbers in Treatment

The specialist alcohol treatment services report activity to the National Monitoring Data System (NDTMS). The numbers in structure specialist alcohol treatment for Quarter 2, 2013/14 were 1364.

Quarterly Comparisons 12-13 vs 13-14:

Provider	No. in Treatment (YTD)			
	Q1 12/13	Q1 13/14	Q2 12/13	Q2 13/14
ADS	419	471	642	608
LAU	671	555	795	626
St Anne's	79	69	125	130

Year to Date Numbers in Treatment for both ADS and LAU were lower by the end of Q2 2013/14 than at the same point in 2012/13. The difference for ADS was only 5% but the decrease for LAU was 21%. St Anne's shows a slight decrease between the two Q1 figures and a slight increase by the end of Q2.

Provider	Average Waiting Time			
	Q1 12/13	Q1 13/14	Q2 12/13	Q2 13/14
ADS	12 days	13 days	10 days	14 days
LAU	20 days	16 days	16 days	19 days
St Anne's	47 days	41 days	39 days	34 days

Average waiting times haven't changed much for ADS and LAU, with the most noticeable change being a reduction in waiting times for St Anne's.

ADS

Numbers in treatment has remained consistent, with a decline in new presentations and discharges. There has been a slight increase in average waiting times; however 90% are under 3 weeks and 10% within 3-6 week wait. The number of successful completions has declined from 2012/13 baseline of 284 to 249 quarter 1 and 245 quarter 2 of this year.

Postcode data from ADS (YTD)

Tier 3 assessments	LS12	57 patients
Tier 2 assessments	LS12	34 patients

Leeds Addiction Unit

The numbers in treatment dropped between April and October 2013. There was less than half the number of new presentations in September and October than in April. Between April and October there has been a decrease in discharges.

Waiting times do not appear to have not changed significantly in quarter 2, however, waiting times for 32% of people were between 3-6 weeks, 2% 6-9 weeks and 1% greater than 9 weeks. Therefore 35% of people waited longer than the national target of 3 weeks.

Between 1 April 2013 to 31st January 2014 had 150 active clients who come from LS12.

St Anne's

Numbers in treatment have remained consistent, but there was a decline in new presentations and a slight increase in discharges. There has been a reduction in waiting times and the numbers for successful completions remain constant, people usually remain in treatment through residential or community rehabilitation. St Anne's have 34 clients in treatment who come from LS12.

Fires

Most alcohol related fires in Leeds happen between 21:00 and 03:00 at night with 90% of incidences occurring in residential properties. The majority of incidences are related to cooking. 52% of the injuries occurred in an area of Leeds ranked in the 10% most deprived nationally. Between 2008/09 and 2010/11 56 people suspected of being under the influence of drink or drugs were injured by fires and of these 31 were suspected to be under the influence of alcohol.

Drinking while pregnant

The UK Chief Medical Officers' advice to women is:

'Women who are pregnant or trying to conceive should avoid alcohol altogether. However, if they do choose to drink, to minimise the risk to the baby, we recommend they should not drink more than 1-2 units once or twice a week and should not get drunk.'

The National Institute for Health and Clinical Excellence (NICE) advises healthcare professionals (GPs and nurses):

- Pregnant women and women planning to become pregnant should be advised to avoid drinking alcohol in the first three months of pregnancy, because there may be an increased risk of miscarriage.
- Women should be advised that if they choose to drink alcohol while they are pregnant, they should drink no more than 1-2 units of alcohol once or twice a week. There is uncertainty about how much alcohol is safe to drink in pregnancy, but at this low level there is no evidence of any harm to their unborn baby.
- Women should be advised not get to drunk or binge drink (drinking more than 7.5 UK units of alcohol on a single occasion) while they are pregnant because this can harm their unborn baby.
- If women want to avoid all possible alcohol-related risks, they should not drink alcohol during pregnancy because the evidence on this is limited.

Obesity

Tackling obesity is one of the most significant public and personal health challenges facing our society. Obesity is a serious threat to health with 22% of men and 23% of women now classed as clinically obese (BMI greater than 30kg/m²). Among people aged 55 – 74 years two thirds of women and three quarters of men are overweight or obese.

The Leeds Joint Strategic Needs Assessment (JSNA) outlines key lifestyle behaviours that are of significance, which includes obesity. The findings suggest obesity levels are rising. The JSNA describes obesity as the second most important preventable cause of death after smoking. The cost to NHS in Leeds was £205m in 2010. In relation to children, 1 in 10 in reception class and this rises to 1 in 5 for those children in Year 6 (primary school) are obese.

The National Obesity Observatory's Report on Obesity and alcohol states that the relationship between obesity and alcohol consumption is complex. Associations between the two are heavily influenced by a number of factors including: patterns and levels of drinking; types of alcoholic drinks consumed; gender; body weight; diet; genes; physical activity levels and other lifestyle factors.

Some of the key points from the report include:

- Many people are not aware of the calories contained in alcoholic drinks
- The effects of alcohol on body weight may be more pronounced in overweight and obese people
- Alcohol consumption can lead to an increase in food intake
- Heavy, but less frequent drinkers seem to be at higher risk of obesity than moderate, frequent drinkers
- The relationships between obesity and alcohol consumption differ between men and women
- Excess body weight and alcohol consumption appear to act together to increase the risk of liver cirrhosis
- There is emerging evidence of a link between familial risk of alcohol dependency and obesity in women

All of this leads to a concern about the availability of alcohol and unhealthy foods.

Sources

Local information	provided by http://openlylocal.com
Additional data	provided by http://www.westyorkshireobservatory.org/home
Licensing information	provided by Entertainment Licensing (extracted October 2012)
Crime data	provided by West Yorkshire Police
Health information	provided by NHS Leeds (Leeds Alcohol Harm Reduction Action Plan 2011-2015, Alcohol Needs Assessment Info 2011 & Tackling Alcohol and Community Safety in South Leeds – Summary Findings) Joint Strategic Needs Assessment 2012, NHS Leeds

Contact Details

Entertainment Licensing Section	Phone:	0113 247 4095
Leeds City Council	Fax:	0113 224 3885
Civic Hall	Website:	www.leeds.gov.uk/licensing
Leeds LS1 1UR	Email:	entertainment.licensing@leeds.gov.uk

This document should be used as a guidance tool. Only the courts can give an authoritative opinion on statute law. Every effort has been made to ensure this document is both comprehensive and accurate but in an attempt to simplify the law omissions have been made. Please refer to the Licensing Act 2003 and associated regulations for full details of the law. You should seek your own legal advice on the matters raised in this guidance note.

Risk Assessment Proforma – Inner West Leeds

Premises name: _____

Premises Address: _____

Applicants Name: _____

Please be advised I wish to amend my application to add the following measures to the operating schedule.

Crime and Disorder

Suggested measures	
All areas of the premises to be used for the display of alcohol are marked on the plan. The display of alcohol will not change without the consent of the licensing authority by way of a minor variation application to the licence.	
The display of alcohol will be in a designated area of the premises which is capable of being supervised from the counter area.	
The display of spirits shall be in an area accessible only by staff	
The display of high-strength beers, ciders and agers of 7.5% alcohol by volume (abv) or higher will be in an area accessible only by staff.	
There will be no sale of cider and lager of 7.5% alcohol by volume (abv) in 1, 2 or 3 litre plastic bottles.	
All areas where alcohol is displayed shall be covered by CCTV	

Prevention of public nuisance

Suggested measures	
Staff will make hourly checks around the premises and remove any litter, including takeaway wrappers, can and bottles.	

Protection of children

Suggested measures	
There will be a Check 25 proof of age verification scheme in place.	
Alcohol will not be displayed next to the public entrance/exit of the premises.	
The name of the premises will not contain reference to alcohol.	
There will be no window display posters or similar advertising contained reference to alcohol displayed on the premises shop frontage or the highway abutting the premises.	
All alcohol sale refusals will be recorded in a register which will be retained on the premises for inspection by responsible authorities on request.	

**Please return this page to Entertainment Licensing, Civic Hall, Leeds, LS1 1UR
or by email to entertainment.licensing@leeds.gov.uk**

This page is intentionally left blank

You have been sent this guidance note because you have, or are considering, making an application for a licence to sell alcohol or provide late night refreshment in the Gipton & Harehills area.

This information is provided to anyone applying for a licence to sell alcohol or provide late night refreshment in Gipton or Harehills. It may be used to by residents or other interested people who make a representation against an application. It will be provided to the Licensing subcommittee at any subsequent licensing hearing.

Why have you been sent this information?

Under the Licensing Act 2005 applicants are required to complete an 'operating schedule'. Applicants are expected to have regard to the council's Statement of Licensing Policy. They must also be aware of the expectations of the licensing authority and the responsible authorities as to the steps that are appropriate for the promotion of the licensing objectives and to demonstrate knowledge of their local area when describing the steps they propose to take to promote the licensing objectives.

Applicants are, in particular, expected to obtain sufficient information to enable them to demonstrate when setting out the steps they propose to take to promote the licensing objectives, that they understand:

- The layout of the local area and physical environment including crime and disorder hotspots, proximity to residential premises and proximity to areas where children may congregate;
- Any risk posed to the local area by the applicants' proposed licensable activities ; and any local initiatives (for example, local crime reduction initiatives or voluntary schemes including local taxi-marshalling schemes, street pastors and other schemes) which may help to mitigate potential risks.

Scope

The scope of this guidance includes all premises licensed under the Licensing Act 2003 in Gipton and Harehills ward.

It is a fact (Joint Strategic Needs Assessment 2012, NHS Leeds) that if you live in Gipton and Harehills ward you can expect your life expectancy to be lower than that of residents in other areas of Leeds. The three contributory factors to a reduced life expectancy are alcohol, obesity and smoking. The Licensing Act 2003 authorises the activity of the sale or supply of alcohol and the provision of late night refreshment and therefore the question is whether reducing people's access to alcohol and high fat content takeaway food will have a positive outcome on life expectancy in Gipton and Harehills ward.

This information will be provided to anyone applying for a licence to sell alcohol or provide late night refreshment in Gipton and Harehills ward. It may be used to by residents or other interested people who make a representation against an application. It will be provided to the Licensing subcommittee at any subsequent licensing hearing.

Local Concerns

The North East Locality Safety Partnership has agreed to prioritise the Harehills area during 2014/15 for increased partnership work to address increases in violent crime and antisocial behaviour. This has been supported by our Inner East lead community safety member Cllr Selby and local ward councillors. One of the main concerns raised by partners, local traders and community members is the constant problematic street drinking and intimidation caused by large numbers of adults congregating on the streets. The Neighbourhood policing team continue to enforce the Designated Public Place Order but are unable to police the area 24 hours a day. We have similar issues in the Gipton area, the Coldcotes Circus shopping area is often highlighted as a repeat location for call for service to West Yorkshire Police.

In Gipton and Harehills ward there is concern about the following issues:

Alcohol

- The wide and obvious availability of alcohol in convenience stores, newsagents, corner shops and off licences.
- Possible links between violent crime and domestic violence which are often exacerbated by the availability of alcohol in the area due to the numbers of local premises which sell alcohol for consumption off the premises.
- The higher proportion of premises licensed for alcohol for consumption off the premises
- The ability for persons with mental health or alcohol problems to easily obtain alcohol
- The ability for persons who are already intoxicated to easily obtain more alcohol

Protection of children

- The normalisation of alcohol abuse and the effect this has on children living in the area
- The sale and supply of alcohol to young persons and children and the impact this has on their behaviour in the community and impact on their health.

Nuisance

- The accumulation of premises providing takeaway food and off sales of alcohol in the Harehills Lane area
- Littering of food wrappers and waste food originating from takeaways

Responsible Retailing

In 2010 the Government introduced a new Mandatory Code for Alcohol Retailing. This was brought into law by the implementation of 5 new mandatory conditions. These were updated in 2014 and further details can be found on the Home Office website: <https://www.gov.uk/alcohol-licensing#mandatory-licensing-conditions>

Specifically the Government brought in a new mandatory condition prohibiting the sale of alcohol below cost. Cost is defined as the cost of the VAT and duty charge. More information can be found on the Government website: <https://www.gov.uk/government/publications/banning-the-sale-of-alcohol-below-the-cost-of-duty-plus-vat>

However responsible retailing, including age related sales of alcohol, has long been promoted by West Yorkshire Trading Standards. More information can be found on their website at <http://www.ts.wyjs.org.uk/wyjs-trading-underage-sales.asp>

Other sources of information can be found at:

<http://www.brc.org.uk/Downloads/FCSG0475ResponsibleRetailingofAlcohol.pdf>
<http://biiab.bii.org/qualifications/qualification-ARAR>

When considering responsible retailing, you may wish to consider what you would do about:

- The sale of large quantities of alcohol
- The sale of super strength alcohol in large containers (2 and 3 litre plastic bottles)
- The sale of alcohol to people who are already drunk
- How to address selling alcohol to people who are pregnant
- How to refer someone who appears to have a drinking problem
- How to display alcohol
- What to name the premises
- Healthy takeaway options available for example low fat versions of popular dishes
- Nutritional information on all takeaway foods.

It may be useful for you to make yourself aware of organisations in the area that can help people with alcohol addiction, and to get acquainted with the local West Yorkshire Police Neighbourhood Policing Team.

Measures to address local concerns

The availability of alcohol is a major concern, as harmful and hazardous drinking is a contributory factor in many of the concerns mentioned in this document. As such the licensing authority would expect anyone wishing to open or extend premises that sell alcohol, or sell hot food to provide extra measures to ensure these problems are not exacerbated.

It is highly likely that any application which includes the sale by retail of alcohol or the sale of hot food and drink will attract representations from a number of interested people. In order to mitigate the concerns stated in this document, you are encouraged to contact Entertainment Licensing, West Yorkshire Police, Environmental Health and Health to see if there are any specific measures that can be adopted. Contact details for agencies are included in the application packs and on the council website.

If you don't contact the responsible authorities, and you do not offer additional measures you can expect to receive a contact from a number of the agencies about your application. This may be by phone, email or by way of a formal objection to your application.

Entertainment Licensing provides a Proforma Risk Assessment which is a list of suggested measures prospective licensees may like to include in their operating schedule. In addition you may wish to consider if any of the following measures would be appropriate for your business to adopt. These measures could be offered as part of the operating schedule. A form is attached to the end of this document to assist you with this.

Crime and Disorder

- All areas of the premises to be used for the display of alcohol are marked on the plan. The display of alcohol will not change without the consent of the licensing authority by way of a minor variation application to the licence.
- The display of alcohol will be in a designated area of the premises which is capable of being supervised from the counter area.
- The display of spirits shall be in an area accessible only by staff
- The display of high-strength beers, ciders and agers of 7.5% alcohol by volume (abv) or higher will be in an area accessible only by staff.
- There will be no sale of cider and lager of 7.5% alcohol by volume (abv) in 1, 2 or 3 litre plastic bottles.

- All areas where alcohol is displayed shall be covered by CCTV

Prevention of public nuisance

- Staff will make hourly checks around the premises and remove any litter, including takeaway wrappers, can and bottles.

Protection of children

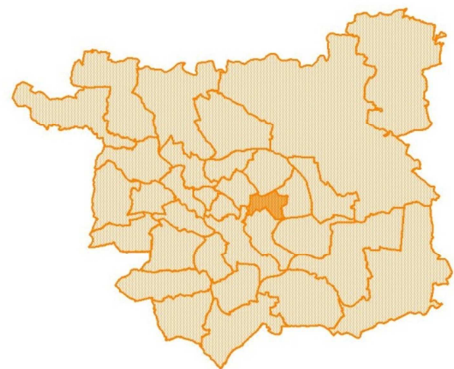
- There will be a Check 25 proof of age verification scheme in place.
- Alcohol will not be displayed next to the public entrance/exit of the premises.
- The name of the premises will not contain reference to alcohol.
- There will be no window display posters or similar advertising contained reference to alcohol displayed on the premises shop frontage or the highway abutting the premises.
- All alcohol sale refusals will be recorded in a register which will be retained on the premises for inspection by responsible authorities on request.

Local Information

Area Profile

Gipton and Harehills

Size	399 hectares	
Dwellings	10,573	
Population	24,906	
Religion	Christian	12,140
	Muslim	5,679
	No religion	3,416



Leeds Observatory

The Leeds Observatory is a tool for everyone to explore strategic data, information and intelligence about Leeds' communities and geographies. The observatory provides a clear evidence base for communities and professionals to determine the needs of people in Leeds which will shape decision making and services.

[The Leeds Observatory](#) provides statistical data on demographic profile, economic activity, education and skills, community safety, housing and health in this ward.

Neighbourhood Plans

The Localism Act 2011 introduced major reforms to the planning system that gives local communities new rights to shape and plan their neighbourhood. The Act introduces a new initiative called the neighbourhood plan. These plans are optional – if local communities choose, they can be used to set out policies for the development or use of land but they must be 'pro development'.

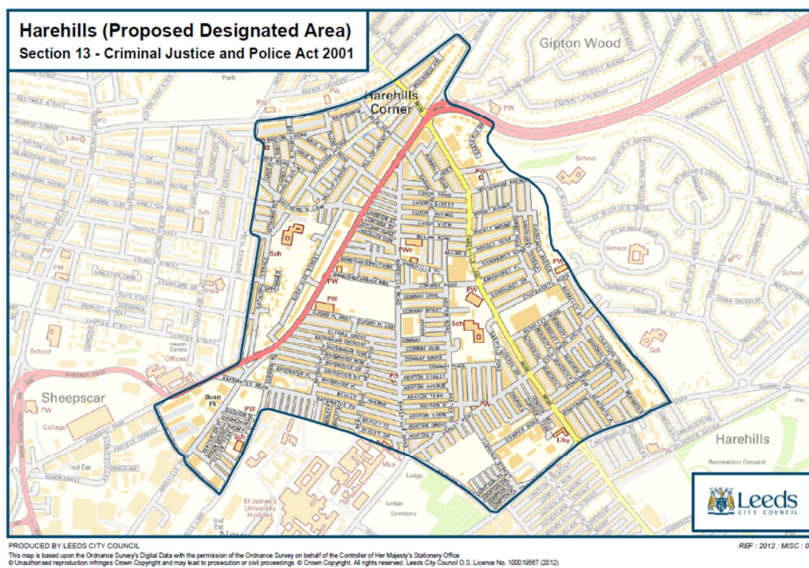
The Act also includes new powers for local communities to prepare a Neighbourhood Development Order (NDO) for their area, which will be able to promote a particular type of development. Related

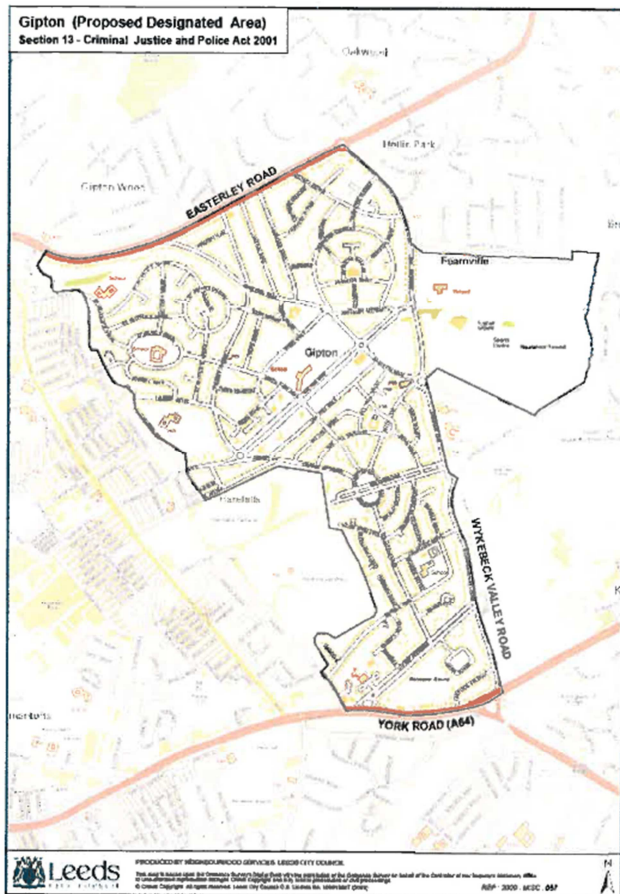
to the NDO, is the Community Right to Build Order (CRtB) and this will provide for community-led site development.

Local communities may also be interested in applying to the Council to have a valued area designated as a Local Green Space. For regular updates on neighbourhood planning check <http://www.leeds.gov.uk/council/Pages/Neighbourhood-planning.aspx>

Special considerations

There is no cumulative impact policy in place in this ward. However there are two Designated Public Places Orders which covers the Gipton and Harehills Wards. Designated Public Place Orders (DPPOs) give police officers discretionary powers to require a person to stop drinking and confiscate alcohol or containers of alcohol in public places. Failure to comply with alcohol restrictions in DPPOs can result in arrest and/or a fine of up to £500. DPPOs are implemented by local councils in order to address alcohol-related crime and disorder in public places under section 13 of the Police and Criminal Justice Act 2001.





Licensing Profile

As of 1st January 2014, Gipton and Harehills has a total of 54 licensed premises. 13 are “on licensed” premises (pubs, restaurants, hotels, clubs) and 41 are off licensed premises (off licences or takeaways that sell alcohol).

The majority of “on licensed” premises cease selling alcohol at midnight with a smaller number ceasing alcohol sales at 1am. This is significantly earlier than the city centre, but in keeping with other residential areas.

On-licensed premises

There are a number of areas where there is an accumulation of licensed premises but not in the concentrations found elsewhere in the city. The accumulation of licensed premises is localised. This, in itself, prevents the council from applying a formal cumulative impact policy in inner East Leeds. However any application in this area will be scrutinised and cumulative impact will be considered if the application is for premises in an area that already has an accumulation of similar premises.

	2008	2009	2010	2011	2012	2013	2014
Gipton & Harehills	17	17	17	18	17	17	14

Off licensed premises

The number of premises licensed for the sales of alcohol for consumption off the premises (41) is high in comparison to other wards in the city. On a city wide ranking Gipton and Harehills sits at 22 out of 33 wards. In contrast when looking at pubs, Gipton and Harehills is ranked 32.

Trading Standards and West Yorkshire Police have worked with premises licensed to sell alcohol for consumption off the premises to reduce the number of failed test purchase attempts over the last two years.

	2008	2009	2010	2011	2012	2013	2014
Gipton & Harehills	30	31	33	35	37	38	41

Late night takeaways

In Gipton and Harehills there are 22 licensed hot food takeaways. Harehills Road is an area of special concern with a total of 7 licensed late night takeaways operating from this busy area of Harehills. Not all the takeaways are licensed for the sale of hot food after 11pm and most are not controlled by conditions relating to litter nuisance. This has led to this area becoming of concern on the grounds of public nuisance caused by the amount of litter accumulations in the area.

The pictures below are taken from the Gipton and Harehills area and illustrates the problems with litter in the area. Once the clean-up crews have done their work, the area looks a lot better. However within a week, litter starts to accumulate again. The littering around takeaway and off licence premises contribute significantly to that coming from local residents and people passing through Harehills.





Health and Community Safety Information

There is clear evidence that some areas of inner East Leeds have high levels of problems associated with alcohol misuse.

Violent Crime

The Gipton and Harehills Ward has seen a 16% increase in violent crime during 2013/14 with 630 recorded offences compared to 543 offences recorded in 2012/13.

The Gipton and Harehills Ward has a higher proportion of recorded violent offences when compared with other inner East Wards (Burmantofts and Richmond Hill - 508 and Killingbeck & Seacroft - 404).

Anti-Social Behaviour

We have seen a significant reduction in recorded anti-social behaviour offences to West Yorkshire Police during 2013/14 with 2,603 offences compared with 4,133 during 2012/13. The Gipton and

Harehills ward has the highest number of ASB calls during 2013/14 with a total of 994 incidents compared with Burmantofts and Richmond Hill Ward (667) and Killingbeck and Seacroft (942). Approximately 15% of recorded ASB was alcohol related in the Gipton and Harehills Ward.

Gipton and Harehills had the highest levels of ASB across the Inner East area with a total of 227 anti-social behaviour incidents that were alcohol related during 2012/13 and 82 during 2013/14. Reductions in anti-social behaviour has been a result of improved partnership work, offender management and enforcement of the Designated Public Place Orders.

Domestic Violence

From August 2012 to July 2013, there were 13,339 domestic related *incidents* reported to the police across Leeds, with approximately 1,002 of them dealt with by police in Gipton & Harehills. This ward has the second highest number of incidents; the highest being in Burmantofts and Richmond Hill (1017 domestic related incidents) in the same period. The information below illustrates the significant increase in the number of MARAC referrals, repeat victimisation and the number of children present during incidents.

MARAC Referrals 2010 - 2011													
	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Total
Referrals	5	12	11	9	11	12	14	8	11	14	9	15	131
No of Children	7	25	9	10	17	15	20	17	22	12	14	25	193
Repeat Rates	22%	21%	18%	15%	13%	11%	12%	10%	10%	11%	10%	11%	14%

MARAC Referrals 2011 - 2012													
	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Total
Referrals	17	9	17	10	13	14	19	16	14	30	19	11	189
No of Children	20	3	24	18	18	10	19	16	7	32	17	7	191
Repeat Rates	10%	11%	11%	12%	13%	15%	13%	12%	12%	11%	11%	11%	12%

MARAC Referrals 2012 - 2013													
	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Total
Referrals	23	13	24	16	17	28	13	21	18	11	14	15	213
No of Children	30	23	34	27	24	30	18	24	29	6	11	20	276
Repeat Rates	13%	12%	12%	14%	14%	13%	14%	15%	15%	17%	17%	18%	15%

Research by The College of Emergency Medicine suggests that 12% of attendances at Accident & Emergency (A&E) are due to domestic abuse. In 2012, 56,000 women attended A&E in Leeds, which would equate to over 6,500 potentially being due to domestic abuse; however, the recorded numbers actually disclosing domestic abuse were much lower, at less than 1%.

- The number of women who are presenting to maternity services with disclosures of domestic abuse is 4%. This is in line with research expectations, with the expected figure around 3%.
- Children were present at over a third of West Yorkshire Police recorded domestic abuse incidents. As some households have more than one child, each incident is potentially witnessed by more than one child.
- In 2012/13 there have been 1720 recorded Child Protection Conferences, of which 660 (38%) had domestic violence recorded as the main or one of several issues.

- A study in 2012 of 38 cases where children under the age of 1 were taken into care found that Domestic Violence was confirmed in 58% of cases, and this figure was likely to be as high as 68%, with the unconfirmed cases.
- Alcohol was the most frequently cited contributing factor, accounting for 49% of incidents and 46% of crimes in the most recent period compared with 52% incidents at the time of the last profile. Drugs contributed to about 8% of incidents and 7% of crimes, which is an increase of around 5% from the time of the last profile.

Source: West Yorkshire Police crime data

Hospital Admissions

In Leeds there were a total of 53,910 all-age alcohol related admissions between April 2009 and March 2010 of people registered with a Leeds GP and living in Leeds. Of these admission 48% were male and 52% were female. This is an increase from 37,709 in 2007/08 and 42,538 in 2008/09.

Of the 48 postcode districts in the Leeds area, LS11 has the highest number of people being admitted to hospital with an average of 36 people admitted three or more times per year, followed by LS9 (which includes Harehills MSOAs), with 29 people.

The overall hospital admission rates for alcohol specific and alcohol attributable admissions in the Harehills area of Inner East Leeds varies, with the Harehills, Comptons and the Nowells much higher than the rest of Leeds in both alcohol specific and attributable admissions for both sexes. Harehills MSOA is above the Leeds average for alcohol specific admissions and Harehills triangle is below Leeds rates for both men and women.

Alcohol related admissions to hospital in three MSOAs making up Harehills area

2009-10 Admissions per 1,000	Harehills, Comptons, Sutherlands & Nowells		Harehills	Harehills Triangle	Leeds Average
Alcohol Specific Admissions	Male	13.1	11.9	7.1	8.1
	Female	7.1	6.2	1.5	3.8
Alcohol Attributable Admissions	Male	29.4	21.1	20.2	23.1
	Female	20.0	12.6	10.5	14.4

Fires

Most alcohol related fires in Leeds happen between 21:00 and 03:00 at night with 90% of incidences occurring in residential properties. The majority of incidences are related to cooking. 52% of the injuries occurred in an area of Leeds ranked in the 10% most deprived nationally. Between 2008/09 and 2010/11 56 people suspected of being under the influence of drink or drugs were injured by fires and of these 31 were suspected to be under the influence of alcohol.

Drinking while pregnant

The UK Chief Medical Officers' advice to women is:

'Women who are pregnant or trying to conceive should avoid alcohol altogether. However, if they do choose to drink, to minimise the risk to the baby, we recommend they should not drink more than 1-2 units once or twice a week and should not get drunk.'

The National Institute for Health and Clinical Excellence (NICE) advises healthcare professionals (GPs and nurses):

- Pregnant women and women planning to become pregnant should be advised to avoid drinking alcohol in the first three months of pregnancy, because there may be an increased risk of miscarriage.
- Women should be advised that if they choose to drink alcohol while they are pregnant, they should drink no more than 1-2 units of alcohol once or twice a week. There is uncertainty about how much alcohol is safe to drink in pregnancy, but at this low level there is no evidence of any harm to their unborn baby.
- Women should be advised not get to drunk or binge drink (drinking more than 7.5 UK units of alcohol on a single occasion) while they are pregnant because this can harm their unborn baby.
- If women want to avoid all possible alcohol-related risks, they should not drink alcohol during pregnancy because the evidence on this is limited.

Obesity

Tackling obesity is one of the most significant public and personal health challenges facing our society. Obesity is a serious threat to health with 22% of men and 23% of women now classed as clinically obese (BMI greater than 30kg/m²). Among people aged 55 – 74 years two thirds of women and three quarters of men are overweight or obese.

The Leeds Joint Strategic Needs Assessment (JSNA) outlines key lifestyle behaviours that are of significance, which includes obesity. The findings suggest obesity levels are rising. The JSNA describes obesity as the second most important preventable cause of death after smoking. The cost to the NHS in Leeds was £205m in 2010.

In relation to children, 1 in 10 in reception class and this rises to 1 in 5 for those children in Year 6 (primary school) are obese.

The National Obesity Observatory's Report on Obesity and alcohol states that the relationship between obesity and alcohol consumption is complex. Associations between the two are heavily influenced by a number of factors including: patterns and levels of drinking; types of alcoholic drinks consumed; gender; body weight; diet; genes; physical activity levels and other lifestyle factors.

Some of the key points from the report include:

- Many people are not aware of the calories contained in alcoholic drinks
- The effects of alcohol on body weight may be more pronounced in overweight and obese people
- Alcohol consumption can lead to an increase in food intake
- Heavy, but less frequent drinkers seem to be at higher risk of obesity than moderate, frequent drinkers
- The relationships between obesity and alcohol consumption differ between men and women
- Excess body weight and alcohol consumption appear to act together to increase the risk of liver cirrhosis
- There is emerging evidence of a link between familial risk of alcohol dependency and obesity in women

All of this leads to a concern about the availability of alcohol and unhealthy foods.

The recent MSOA health area profiles produced by NHS Leeds 2012, suggests that in Gipton and Harehills, the proportion of overweight children in reception year has increased from 10.8% to 13.2% and again in year 6 from 15.4% to 16.0%. Harehills and Harehills Triangle MSOAs have the highest prevalence of diabetes, which is linked to overweight and obesity. Harehills-Comptons, Sutherlands and Nowells has the second highest female and male rates of cancer mortality in Leeds. All these conditions have links with factors such as deprivation and alcohol.

An overview of the area, known as **Harehills** shows a number of indicators and highlighted below are those that directly show an impact on people's health:

- 6,935 people live in the area.
- The population is 25.5% South Asian, 14.1% Middle Eastern and 32.9% British, with a sizable eastern European and African population
- A significantly high proportion of households rent from private landlords (over 24%)
- There is a higher than average proportion of children and young /middle aged adults
- The number of JSA claimants is 9.8 % compared to 4.34% in Leeds
- Secondary school absenteeism is 13.3% compared to 7.6% for Leeds
- There are a higher number of young persons classified as NEETS (not in education, employment or training) – 16.2%% compared to 7.6% for the rest of Leeds
- Educational attainment at key stage 4 = 5+ A-C including English & Maths is 38.5% compared to 50.2% for the rest of Leeds
- Obesity prevalence is higher than the Leeds average
- Smoking rates are considerably higher than the Leeds average
- Diabetes prevalence is higher than the Leeds overall figure
- Age standardised rates of COPD in this neighbourhood are much higher than the Leeds average
- Mortality rates for under 75s (all causes both sexes) are much higher than the Leeds average

An overview of the area known as **Harehills-Comptons, Sutherlands and Nowells** shows a number of indicators and highlighted below are those that directly show an impact on people's health:

- 7,477 people live in the area.
- The population is 63.7% British, 7.9% African, 5.8% Middle Eastern and 5.7% Eastern European. 5.5% are South Asian
- 40% of households rent their homes from the Local Authority
- There is a higher than average proportion of children and young /middle aged adults
- The number of JSA claimants is 10.52 % compared to 4.34% in Leeds
- Secondary school absenteeism is 17% compared to 7.6% for Leeds
- There are a higher number of young persons classified as NEETS (not in education, employment or training) – 10% compared to 7.6% for the rest of Leeds
- Educational attainment at key stage 4 = 5+ A-C including English & Maths is 29.5% compared to 50.2% for the rest of Leeds
- Obesity prevalence is higher than the Leeds average
- Smoking rates are considerably higher than the Leeds average
- Diabetes directly age standardised rate is higher than the Leeds overall figure
- Age standardised rates of COPD in this neighbourhood are much higher than the Leeds average
- Mortality rates for under 75s (all causes both sexes) are much higher than the Leeds average, with cancer being the main cause of death, followed by circulatory disease

An overview of the area known as **Harehills triangle** shows a number of indicators and highlighted below are those that directly show an impact on people's health:

- 9,120 people live in the area.
- The population is 39.7% South Asian, 20.7% Middle Eastern and 19.9% British. There are also sizable Eastern European and African populations
- Over 22% of households rent their homes from private landlords
- There is a much larger proportion of children and adults aged between 25 and 39 in this MSOA
The number of JSA claimants is 10.53 % compared to 4.34% in Leeds
- Secondary school absenteeism is 8.30% compared to 7.6% for Leeds
- There are a higher number of young persons classified as NEETS (not in education, employment or training) – 9.75% compared to 7.6% for the rest of Leeds
- Educational attainment at key stage 4 = 5+ A-C including English & Maths is 32.5% compared to 50.2% for the rest of Leeds
- Obesity prevalence is similar to the Leeds average
- Smoking rates are similar to the Leeds average
- Diabetes directly age standardised rate is much higher than the Leeds overall figure
- Age standardised rates of COPD in this neighbourhood are similar to the Leeds average
- Mortality rates for under 75s (all causes both sexes) are much higher than the Leeds average, with cancer being the main cause of death for men and women.

An overview of the area known as **Gipton South** shows a number of indicators and highlighted below are those that directly show an impact on people's health

- 7,102 people live in the area
- The population is 74.2% British, 5.6% African and 3.9% Eastern European
- 56% of households rent their homes from the Local Authority
- The age demographic is similar to that of Leeds as a whole
- The number of JSA claimants is 8.31 % compared to 4.34% in Leeds
- Secondary school absenteeism is 11.2% compared to 7.6% for Leeds
There are a higher number of young persons classified as NEETS (not in education, employment or training) – 13% compared to 7.6% for the rest of Leeds
- Educational attainment at key stage 4 = 5+ A-C including English & Maths is 23.1% compared to 50.2% for the rest of Leeds
- Obesity prevalence is considerably higher than the Leeds average
- Smoking rates are considerably higher than the Leeds average
- Diabetes directly age standardised rate is slightly higher than the Leeds overall figure
- Age standardised rates of COPD in this neighbourhood is very much higher than the Leeds average
- Mortality rates for under 75s (all causes both sexes) are much higher than the Leeds average, with cancer and circulatory disease being the main cause of death for men and women

An overview of the area known as **Gipton North** shows a number of indicators and highlighted below are those that directly show an impact on people's health

- 7,519 people live in the area
- The population is 56.8% British, 17.2% South Asian and 9.1% Middle Eastern
- 53% of households rent their homes from the Local Authority
- There is a greater proportion of children and fewer older people than the Leeds average in this MSOA

- The number of JSA claimants is 8 % compared to 4.34% in Leeds
- Secondary school absenteeism is 11.9% compared to 7.6% for Leeds
- There are a higher number of young persons classified as NEETS (not in education, employment or training) – 13% compared to 7.6% for the rest of Leeds
- Educational attainment at key stage 4 = 5+ A-C including English & Maths is 32% compared to 50.2% for the rest of Leeds
- Obesity prevalence is considerably higher than the Leeds average
- Smoking rates are considerably higher than the Leeds average
- Diabetes prevalence and age standardised rates are directly higher than the Leeds overall figure
- Age standardised rates of COPD in this neighbourhood is very much higher than the Leeds average
- Mortality rates for under 75s (all causes both sexes) are higher than the Leeds average, with cancer and circulatory disease being the main causes of death for men and women

Sources

Local information	provided by http://openlylocal.com
Additional data	provided by http://www.westyorkshireobservatory.org/home
Licensing information	provided by Entertainment Licensing (extracted October 2012)
Crime data	provided by West Yorkshire Police
Health information	provided by NHS Leeds (Leeds Alcohol Harm Reduction Action Plan 2011-2015, Alcohol Needs Assessment Info 2011 & Tackling Alcohol and Community Safety in South Leeds – Summary Findings) Joint Strategic Needs Assessment 2012, NHS Leeds

Contact Details

Entertainment Licensing Section	Phone:	0113 247 4095
Leeds City Council	Fax:	0113 224 3885
Civic Hall	Website:	www.leeds.gov.uk/licensing
Leeds LS1 1UR	Email:	entertainment.licensing@leeds.gov.uk

This document should be used as a guidance tool. Only the courts can give an authoritative opinion on statute law. Every effort has been made to ensure this document is both comprehensive and accurate but in an attempt to simplify the law omissions have been made. Please refer to the Licensing Act 2003 and associated regulations for full details of the law. You should seek your own legal advice on the matters raised in this guidance note.

Risk Assessment Proforma – Gipton and Harehills

Premises name: _____

Premises Address: _____

Applicants Name: _____

Please be advised I wish to amend my application to add the following measures to the operating schedule.

Crime and Disorder

Suggested measures	
All areas of the premises to be used for the display of alcohol are marked on the plan. The display of alcohol will not change without the consent of the licensing authority by way of a minor variation application to the licence.	
The display of alcohol will be in a designated area of the premises which is capable of being supervised from the counter area.	
The display of spirits shall be in an area accessible only by staff	
The display of high-strength beers, ciders and agers of 7.5% alcohol by volume (abv) or higher will be in an area accessible only by staff.	
There will be no sale of cider and lager of 7.5% alcohol by volume (abv) in 1, 2 or 3 litre plastic bottles.	
All areas where alcohol is displayed shall be covered by CCTV	

Prevention of public nuisance

Suggested measures	
Staff will make hourly checks around the premises and remove any litter, including takeaway wrappers, can and bottles.	

Protection of children

Suggested measures	
There will be a Check 25 proof of age verification scheme in place.	
Alcohol will not be displayed next to the public entrance/exit of the premises.	
The name of the premises will not contain reference to alcohol.	
There will be no window display posters or similar advertising contained reference to alcohol displayed on the premises shop frontage or the highway abutting the premises.	
All alcohol sale refusals will be recorded in a register which will be retained on the premises for inspection by responsible authorities on request.	

**Please return this page to Entertainment Licensing, Civic Hall, Leeds, LS1 1UR
or by email to entertainment.licensing@leeds.gov.uk**

This page is intentionally left blank



Report author: Des Broster
Tel: 3781561

Report of Head of Licensing and Registration

Report to Licensing Committee

Date: 7 October 2014

Subject: Outcomes of the Licensing Committee Working Group (WG) formed to examine the policies of:-

- Vehicle age criteria – 5/6/7 seater Hackney Carriage wheelchair accessible vehicles (WAV's)
- Immediate suspension policy – plying for hire
- Taxi & Private Hire Licensing decision making framework

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

Summary of main issues

1. During the lifetime of the previous year's Licensing Committee (2013 – 14) and the existing Licensing Committee particular issues have been raised to Members either in their role as a Licensing Committee Member or on a constituency basis. Those subjects are set out above.
2. A WG was formed to enable its Members to consult with the Hackney Carriage (HC) trade, the Private Hire (PH) trade and Officers so that the relevant existing policies could be comprehensively reviewed in more detail with the benefit of first hand consultation and to make recommendations to the full Licensing Committee.
3. The WG has met with, and listened to, the trades representative bodies and their recommendations are set out below. The detail considered for each of those areas leading to the recommendations is set out in the body of the report.

4. Some other matters have been raised by the trade and for completeness are included in this report for information purposes only. The two areas concerned will be the subject of full reports to Licensing Committee.

Recommendations:-

Relating to vehicle age criteria 5/6/7 seater WAV's.

1. The age criteria for WG for 5/6/7 seater HC WAV's be increased to extend the licensable life from 10 years to 12 years from the date of first registration.
2. Between years 10 and 12 of the licence, that vehicle must be formally inspected at least twice per year by the Council.
3. That those WAV's currently licensed to carry 5/6/7 seater passengers will have a condition placed upon their licence which prevents the proprietor licensing a replacement WAV on that proprietor's licence which has a passenger capacity of less than 5 passenger seats at any time, including the transfer of the licence.
4. The extended vehicle inspection policy should remain with the 8 year starting point as in the existing policy.
5. That the existing age criteria policy in respect of all other vehicles and other issues in the existing policy should remain unchanged.

Relating to immediate suspension for plying for hire

6. That there is no change to the public safety perspective of the Council to protect vulnerable women and children in particular, and Licensing Committee Members recognise the importance of retaining the existing policy of immediate suspensions on plying for hire as contributing to public safety and safeguarding issues.
7. That on the second conviction, or caution, for plying for hire that the existing threshold of 3 years before the grant of a licence would be considered, be extended to 4 years.
8. In the event of a third conviction or caution for plying for hire that the Council should take a strong stance on the grounds of public safety and resist such a further application but may take into account any significant factors put forward by such an applicant.
9. That Officers issue further information to both trades on the policy, highlight the change and re-enforce to the trade the consequences of plying for hire.

Relating to Taxi & Private Hire Licensing Decision Making Framework

10. Members continue to approve policy and direct that Officers continue to make decisions on policy relative to their positions and experience within the scheme of delegation.

11. That Officers prepare an information guide for Members illustrating the options available to Officers when making decisions around suspensions, revocations, refusals to licence, training requirements on existing licence holders and prosecutions so they can be more informed when dealing with constituents enquiries.

Relating to other matters raised to the WG – PHV Bonnet stickers and web based Taxi & Private Hire Licensing enforcement and decisions results page

12. That Members note the information in this report and that full reports on these two issues will be presented for their consideration at a date to be agreed by the Chair of Licensing Committee.

1 Purpose of this report

1.1 To inform full Licensing Committee of the recommendations of a WG formed to more closely examine the previously approved policies in respect of:-

- 1) WAV's age criteria for 5/6/7 passenger seat vehicle.
- 2) Immediate suspensions policy – plying for hire.
- 3) Taxi & Private Hire Licensing decision making framework.
- 4) To inform Members of other issues raised in the WG – bonnet stickers on PHV's and developing a web based Taxi & Private Hire Licensing enforcement and decisions page.

2 Background information

2.1 The Council already has existing policies in respect of 'Vehicle age criteria' and an immediate suspensions policy.

2.2 The existing policies in respect of the vehicle 'age criteria' were established in 2009, and it is fair to say there was extensive consultation on them before formal approval by the Licensing and Regulatory Panel.

The policies were further reviewed by the Licensing Committee and approved in January 2013.

2.3 In undertaking these WG reviews, Members of the WG met on:

10 April 2014

7 May 2014

17 June 2014

12 September 2014

In the WG meeting on 10 April 2014, adopted a structured approach to developing the key issues and information required.

In the meetings of 7 May 2014 and 17 June 2014 the Members met with and consulted with the trades representatives, unions and Operators.

In the final meeting on 12 September 2014 the Members of the WG listened to Officers and rationalised all of the information from their consultation, legal issues, public safety concerns and the needs and responsibilities of the city.

3 Main issues

Vehicle Age Criteria

- 3.1 The Council already has a vehicle age criteria policy in respect of all licensed vehicles covered by the Local Government (Miscellaneous Provisions) Act 1976 and Town and Police Clauses Act, 1847. The current policy on the age limits of such vehicles is set out below;
- Saloon vehicles – Up to 10 years with extended testing starting at 7 years.
- WAV's - Up to 10 years with extended testing starting at 8 years.
- 3.2 Trade representatives have put forward convincing arguments about the cost of purchase and the running costs of 5/6/7 passenger seat WAV's comparable to saloons and 4 seater WAV's and how important the larger WAV's are to the HC trade and the city itself. The supportive argument to retain 5/6/7 seater WAV's was exemplified with references to their capability to:
- Move more people on one journey from the night time economy.
 - Good for business people in groups who can travel together in one vehicle when arriving in the city
 - Beneficial to families of wheelchair users who need to travel with more than one passenger and luggage.
 - Financial savings to the travelling public in not having to use two smaller vehicles.
 - Beneficial to the HC trade as a whole in helping to secure contracts and retain contracts where this size vehicles is desirable or required.
- 3.3 These arguments, presented by the trade, resonated with Members and Officers and led WG Members to conclude that not only was it desirable for the trade to retain the larger 5/6/7 seater WAV's but that it was also very important to the Council to be able to provide a variety of appropriately sized vehicles to the travelling public.
- 3.4 The WG Members understanding of the HC trade representations was that the application was in the best interests of the city and the travelling public, financially viable for the trade and not just an attempt to get a few years extra licensable life before changing to a smaller vehicle.
- 3.5 The WG recommendation to the Licensing Committee regarding the extent to which a new age criteria might be applied (12 years) was a suggestion from the trade, although a further trade view was it should be extended to 15 years. Members appreciated the volume and type of work undertaken by the HC trade and considered that the public safety interests, the comfort of

passengers along with the condition of the fleet and its representation of the city were best met by only extending the age criteria to 12 years.

- 3.6 WG Members also thought that the extended examination starting point should remain at 8 years and that at 10 years the 5/6/7 seater WAV's should be formally inspected at least twice a year by the Council.
- 3.7 WG Members also heard from Officers about concerns that the original intention of the Licensing Committee in requiring a service history prior to an age extension being granted had become diluted by trade arguments of who is accredited to carry out such servicing and repairs and what 'servicing' means.
- 3.8 To remove all doubt WG Member pointed to the public safety duty of the Council which applies to vehicle safety as much as to the 'fit and proper person' test and along with its environmental responsibilities considered that a maximum life span of 12 years was the most appropriate.
- 3.9 During the consultation with both the HC and PH trades, Members discussed the age criteria for saloon vehicles and, although not on the formal agenda for the WG, thought they had heard sufficient information from the trade and statistical information from Officers concerning the improvement in the saloon fleet since the introduction of the existing policy that they should also recommend that there be no change to the age criteria policy in respect of saloon vehicles. Members had a clear recollection of how the saloon fleet was prior to the existing policy and added they did not want it to regress or become a significant safety issue again.
- 3.10 Again, whilst not on the formal agenda the WG reflected on the strength and reasoning of the trade representatives arguments and considered there was no substantial reason to change the vehicle age criteria in respect of 4 seater passenger WAV's. Licensing Committee Members are reminded that both of those policies were previously considered as recently as January 2013.

Immediate suspension policy – plying for hire

- 3.11 WG Members focused on the immediate suspensions aspect of the policy. They heard polarised views from the trades, but many views of the HC & PH trade were the same; that a robust policy was a necessity and that members should consider strengthening it. At the other end of the scale it was agreed that there should be no such suspension and that Council 'fines' should be imposed instead.
- 3.12 WG Members recalled that there was an early review mechanism by a more senior Officer in place to double check on-street decisions as well as staged reviews of case progress by Principal Officers. It was also noted that the Section Head intervened in a number of cases to direct different disposal outcomes as alternative measures to Court prosecution or revocation of licences.

- 3.13 WG Members thought that it would be helpful to the trade if the costs of appeals to the Magistrates Court were highlighted in a newsletter so drivers understand the availability of low or no-cost appeals. It is proposed this will be dealt with in a newsletter by Officers.
- 3.14 WG Members concluded that the whole purpose of the immediate suspension policy was based on a significant public safety basis and had been extensively publicised to the trades. It was a deliberate course of action by drivers who plied for hire and the motivation might not always be on an entirely 'commercial' basis and there was justification in retaining the policy to protect lone women and contribute to safeguarding issues.

Taxi & Private Hire Licensing decision making framework

- 3.15 In respect of the Council's Constitutional decision making framework, Licensing Committee Members had previously expressed some supportive views for the existing decision making framework but wanted more detailed consideration of the issues.
- 3.16 WG Members had discussions on the subject and were also privy to concerns expressed within the Council regarding child protection and grooming issues and recognised the benefits of a clear separation of the roles of Member representation and decision making in such a sensitive arena.
- 3.17 The WG Members were aware of the bi-annual reporting arrangements of Officer decisions to Licensing Committee and the significant experience of senior officers in the Section and how they regularly apply discretion. The framework is also reported to the Corporate Governance and Audit Committee as a significant part of the Annual Assurance Report on decision making across the Council.
- 3.18 The WG Members considered that the existing decision making arrangements were appropriate and that case by case issues could be explained to any Council Member or be the subject of more detailed enquiry by the Licensing Committee Chair.
- 3.19 Members did request that an information sheet be prepared for them so they have a greater awareness of the options open to consideration by Officers. This will be prepared shortly and distributed to Members and also form part of the future training to Licensing Committee Members.

Other matters raised to the WG – PHV Bonnet stickers and web based Taxi & Private Hire Licensing enforcement and decisions results page.

- 3.20 In the discussions with the trades there were many issues raised, most of which would be dealt with at forums or by discussions with Officers. However, there are two matters which are consistently raised and worthy of full discussion at a later Licensing Committee.
- 3.21 Bonnet stickers: – a trade proposal that the optional bonnet livery (licence number and company name) should be made compulsory to assist in

customers getting into correct vehicles further discourage plying for hire and enabling easier CCTV identification.

- 3.22 Web based Taxi & Private Hire Licensing enforcement and decisions results page: – In effect, publishing the names, badge numbers and postal area (not the whole postcode) of those prosecuted or revoked as is the case with some other Authorities, notably Birmingham.
- 3.23 Officers will prepare detailed reports later in the year for Members to consider those two issues and ask at this stage the issues are only noted.

4 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.1 WG Members met with and had full engagement with HC & PH trade representatives and had knowledge of some personal experiences of issues raised by constituents to the Members outside of the WG.
- 4.1.2 Licensing Committee will recall that in addition to this consultation there was a three month public and trade consultation period when these policies were comprehensively reviewed in 2013.

4.2 Equality and Diversity / Cohesion and Integration

- 4.2.1 A full equality impact assessment has been completed and is available as a background document.

4.3 Council policies and City Priorities

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

Best Council Plan 2013 -17

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
- 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
- Improving customer satisfaction

4.32 The Taxi & Private Hire Licensing policies contribute to priorities:

- Reduce crime levels and their impact across Leeds
- Effectively tackle and reduce anti-social behaviour in communities

4.4 Resources and value for money

4.4.1 The policies under discussion in this report are already 'live' with the exception of the additional inspections on 10 – 12 year old HCV's. Those additional inspections can be accommodated. It is intended to change those additional inspection fees at the standard rate of £30 and not the higher rate of £80 for the extended inspection.

4.5 Legal Implications, Access to Information and Call In

4.5.1 The existing policies have been the subject of previous legal overview and the only areas to need re-visiting are the extension proposal to the age criteria for 5/6/7 seater WAV's. Considering this is a relaxation of the policy in terms of the age it is considered there is minimal risk to challenge.

4.5.2 An appeal against the introduction of such a policy would be by way of Judicial Review. Considering the strong statements of trade representatives it is felt unlikely that there would be such an appeal.

4.6 Risk Management

4.6.1 The potential for deterioration in the capacity of the 5/6/7 seater wheelchair accessible fleet has been recognised by the trade, Members and Officers and it is felt that the policy proposal is proportionate to meet the potential risk to the licensed fleet's capacity to meet all of the diverse passenger needs.

5 Conclusions

5.1 These are not proposals for sweeping changes and are based upon existing policies and practice. They have been widely consulted on and generally are responsive to the licensed trade views.

- 5.2 WG Members were keen to point out that the trade should not continually try to unpick approved policies and they should have a clear understanding of the public safety necessity in maintaining achievable standards in licensing policy.
- 5.3 WG Members were satisfied that the existing policies and practices were fair, strong and defensible with accountability built in.

6 Recommendations

Relating to vehicle age criteria 5/6/7 seater WAV's.

1. The age criteria for WG for 5/6/7 seater HC WAV's be increased to extend the licensable life from 10 years to 12 years from the date of first registration.
2. Between years 10 and 12 of the licence, that vehicle must be formally inspected at least twice per year by the Council.
3. That those WAV's currently licensed to carry 5/6/7 seater passengers will have a condition placed upon their licence which prevents the proprietor licensing a replacement WAV on that proprietor's licence which has a passenger capacity of less than 5 passenger seats.
4. The extended vehicle inspection policy should remain with the 8 year starting point as in the existing policy.
5. That the existing age criteria policy in respect of all other vehicles and other issues in the existing policy should remain unchanged.

Relating to immediate suspensions for plying for hire

6. That there is no change to the public safety perspective of the Council to protect vulnerable women and children in particular, and Licensing Committee Members recognise the importance of retaining the existing policy of immediate suspensions on plying for hire as contributing to public safety and safeguarding issues.
7. That on the second conviction, or caution, for plying for hire that the existing threshold of 3 years before the grant of a licence would be considered, be extended to 4 years.
8. In the event of a third conviction or caution for plying for hire that the Council should take a strong stance on the grounds of public safety and resist such a further application but may take into account any significant factors put forward by such an applicant.
9. That Officers issue further information to both trades on the policy, highlight the change and re-enforce to the trade the consequences of plying for hire.

Relating to Taxi & Private Hire Licensing Decision Making Framework

10. Members continue to approve policy and direct that Officers continue to make decisions on policy relative to their positions and experience within the scheme of delegation.
11. That Officers prepare an information guide for Members illustrating the options available to Officers when making decisions around suspensions, revocations, refusals to licence, training requirements on existing licence holders and prosecutions so they can be more informed when dealing with constituents enquiries.

Relating to other matters raised to the WG – PHV Bonnet stickers and web based Taxi & Private Hire Licensing enforcement and decisions results page

12. That Members note the information in this report and undertake to deal with the decision those making process at a later date.

7 Background documents¹

- 7.1 Dft Best Practice guidance
- 7.2 Immediate suspension policy
- 7.3 Vehicle Age Criteria policy(ies)
- 7.4 Constitution – Scheme of delegation

¹ 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.

This page is intentionally left blank

LICENSING COMMITTEE WORK PROGRAMME 2014/15 - LAST UPDATED 26/09/14 (JG)

ITEM	DESCRIPTION	NOTES	TYPE OF ITEM
Items Currently Unscheduled			

ITEM	DESCRIPTION	Officer	TYPE OF ITEM
	Meeting date: 10th JUNE 2014. HELD PH operator Conditions Review, HC Proprietors Suitability Assessment, 3Year Driver Licensing, Convictions Criteria and De Regulations		
	Meeting date: 8th JULY 2014. HELD: BID UPDATE (Late Night Economy), Strong Alcohol Schemes, Otley Cumulative Impact Policy		
	Meeting date: 5th AUGUST 2014. HELD: Entertainment Licensing Section Activity update, TPHL Section Activity Update, TPHL Equality Monitoring, Leeds Festival 2014		
	Meeting date: 9th SEPTEMBER 2014. HELD: WYP Presentation, Hackney Carriage Proprietors – Appropriate Suitability Assessment, Digital Advertising Screens In Licensed Vehicles		
	Meeting date: 7th OCTOBER 2014		
Inner East and Inner West Local Licensing guidance	To consider a report on the Inner East and Inner West Local Licensing guidance	S Holden	B
Shisha Smoking and Smoke Free Legislation Update Report	To receive an update on Shisha Smoking and Smoke Free Legislation	R McCormack	PM

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

LICENSING COMMITTEE WORK PROGRAMME 2014/15 - LAST UPDATED 26/09/14 (JG)

ITEM	DESCRIPTION	Officer	TYPE OF ITEM
Outcomes of the Licensing Committee Working Group (WG)	To consider a report which sets out the recommendations of the Licensing Working Group	D Broster	RP
Information and Consultation Report – Additional Licensing Safeguarding Proposals	To consider a report which seeks Members views prior to release for consultation	D Broster	RP
Meeting date: 11th NOVEMBER 2014			
Hackney Carriage Proprietors – Appropriate Suitability Assessment	To receive a report back following consultation with the Private Hire and Hackney Carriage Trade	D Broster	RP
Meeting date: 9th DECEMBER 2014			
Wi-Fi in licensed vehicles	To provide a report exploring proposals for free Wi-Fi in Private Hire vehicles	D Broster	DP
Employment of a Police Constable	To receive proposals for the employment of a Police Constable	D Broster	B
Meeting date: 6th JANUARY 2015			
Meeting date: 10th FEBRUARY 2015			
Meeting date: 10th MARCH 2015			

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

LICENSING COMMITTEE WORK PROGRAMME 2014/15 - LAST UPDATED 26/09/14 (JG)

ITEM	DESCRIPTION	Officer	TYPE OF ITEM
WYP Presentation	To receive the 6 monthly update		B
Meeting date: WEDNESDAY 8TH APRIL 2015			
Meeting date: WEDNESDAY 6TH MAY 2015			

This page is intentionally left blank



Report author: Des Broster
Tel: 3781561

0Report of Head of Licensing and Registration

Report to Licensing Committee

Date: 7 October 2014

Subject: Information and consultation report – Additional licensing safeguarding proposals.

Are specific electoral Wards affected?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, name(s) of Ward(s):		
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?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
<p>If relevant, Access to Information Procedure Rule number: Appendix 1 is considered confidential under Access to Information Procedure Rule 10.4(1) and (2) because it contains information relating to individuals and which is likely to lead to the identification of individuals. It is considered in these circumstances that the public interest in maintaining the exemption from publication outweighs the public interest in disclosing the information.</p> <p>Appendix number: (1)</p>		

Summary of main issues

1. The existing licensing controls at the point of entry can be improved upon in respect of non UK residents.
2. The proposals in the report have to be carefully considered to balance the human rights of individuals, areas of equality and the public safety responsibilities.
3. It is suggested that proposals to strengthen the decision making process be put to public consultation for a one month period so members can have the widest range of responses.
4. The current DBS (disclosing and barring service checks) on licensed drivers is every three years and it is proposed that is replaced with an annual on-line DBS requirement which provides financial benefits, and increased access to notifiable information for licensing Officers.

Recommendations

5. That Members consider the report and contribute any considered points before releasing it for public consultation for a one month period.

1 Purpose of this report

1.1 To identify to Members licensing controls which will contribute to increased public safety and reduce the risk of inappropriate behaviour, including sexually motivated behaviour, to the travelling public:-

- By a more appropriate point of entry 'fit and proper person' test for applicants of Hackney Carriage Driver(HCD), Private Hire Driver (PHD), Private Hire Operator (PHO), Permit Driver Licences or Care Escorts. The latter two groups are not licensed drivers but are involved in the driving or escorting of children on Council contracts who have to meet the same threshold on the 'fit and proper' person test as licensed drivers.
- By expanding the reporting requirements of PHD's and HCD's of incidents in which allegations are made about them to the Police.
- By adopting an increased frequency of DBS checking.

1.2 Members, having debated the issues, to then release the proposals for public and trade consultation for one month and to return to Licensing Committee at the first opportunity with a comprehensive report for Members to consider.

2 Background information

2.1 There is little doubt that licensing authorities hold a significant responsibility for carrying out a thorough examination of applicants at application and exercising appropriate diligence during the life time of a licence. The threshold for the point of entry to obtaining a PHD or HCD licence across the country varies significantly and the process in Leeds is not dissimilar to some other licensing Authorities.

2.2 Currently the point of entry measures in Leeds include:-

- English literacy and numeracy screening
- DBS check
- Group 2 medical
- Driving Standards Agency (DSA) test
- Training and testing on equality, conditions, legislation, geography of Leeds.

2.3 The opportunities to monitor licensed drivers include:-

- **REQUIREMENTS TO REPORT CONVICTIONS & ASSOCIATED INCIDENTS**

- (a) Any of the following events must be reported in writing to the Taxi & Private Licensing office within 72 hours during the currency of a licence giving full details:-
 - (a) any conviction or finding of guilt (criminal or driving matter);
 - (b) any caution (issued by the Police or any other agency);
 - (c) issue of any Magistrate's Court summons against them;
 - (d) issue of any fixed penalty notice for any matter;

- (e) any harassment or other form of warning or order within the criminal law including Anti-Social Behaviour Orders or similar;
 - (f) their arrest for any offence (whether or not charged)
- (b) When required a licensed driver will undertake enhanced Disclosure and Barring Service (DBS) vetting at his/her own expense and within a timescale set by the Council. Such a requirement may be on the basis of the Council's responsibility to ensure continued public safety and monitor licensed drivers.

- Three yearly Disclosure and Barring Service (DBS) check
- Occupational Notifications Scheme (This information is supplied to the authority where the police think appropriate).
- Public complaints

2.4 Disclosure and Barring Service Checks during the lifetime of a licence:-

Since 2001 all applicants have undertaken CRB or DBS checks. Prior to that the responsibility for disclosure rested with the Police and all drivers prior to 2001 were subject to a Police check (DP1).

2.5 In December 2013 the Licensing Committee approved a policy which required all PHD's, PHO's and HCP's to undertake three yearly DBS checks. In the interim information has been received that the Notifiable Occupation Scheme may have been affected by a change in the arrest and custody procedures within the Police Service. This can create a void for the licensing section in being able to take action on criminal intelligence relating to its licensed drivers.

3 Main issues

- 3.1 Members are aware that a number of licensed drivers are entering this country from other countries, not exclusively but for example from India, Pakistan, Afghanistan and the 'middle east' and from EU member states.
- 3.2 The DBS process is a credible means of checking on a person's criminal activity, whether convicted or otherwise. The difficulty arises where a person has not been resident in the UK for a period of time which would not allow a proportionate assessment to be made of their character based on criminal behaviour.
- 3.3 Dealing with EU Member state applicants first, there is a conflict in the standards of recording, retaining and disclosure of information regarding criminal activity across EU member states and a problem of accessing that information for licensing purposes. The primary route for obtaining information from EU Member states is in relation to criminal proceedings. Licensing or employment checks are not as easy and might not be obtainable by the Authorities although Child Protection issues might be considered.
- 3.4 Licensing Authorities across the country currently have had to satisfy themselves with 'certificates of good character'. These documents take a variety of forms but, generally, they are not able to be checked by licensing staff. The integrity of the document itself, or the relevance of a genuine document, may undermine the principles of a safe licensing regime. What an individual country might regard as recordable or disclose can be entirely different to the DBS.

- 3.5 Officers will be able to demonstrate to members variances in the types of personal character reference documents presented to the Section.
- 3.6 Officers feel that more integrity is now required around this and would seek to require EU applicants to obtain full criminal disclosure from their country of birth and other countries they have resided in, and any other auditable supporting information as required by the Authority to determine the 'fit and proper' test more appropriately.
- 3.7 Members will be aware of the current concerns about the distinct lack of robustness in this arena by some none EU countries. It is of significant importance that robust checking measures are in place for none EU applicants.
- 3.8 The issue of 'certificates of good character' from outside of the EU is even more of an issue and concern for the Authority. Applicants produce documentation which is not auditable. If the documentation has been obtained through a Consul or Embassy the question still has to be asked of "what value is it" if the host country does not properly recognise, record or properly investigate certain types of crime.
- 3.9 The final report to Licensing Committee will contain more background information about these issues.
- 3.10 Legal advice on the sensitivities around these issues but it is being emphasised that the primary purpose of the legislation is public safety and not the opportunity for employment. It is in that light that proposals might include a minimum period of residency in the EU to obtain a credible DBS disclosure.
- 3.11 In respect of DBS checks, in the lifetime of a licence the Licensing Office has been testing the new DBS on-line system and has signed up 116 drivers to that process. The process is cheaper to the driver over a 3 year period and annually thereafter. It also provides increased on-line alerts to the Council in monitoring licensed drivers.
- 3.12 The potential downside is that if a driver does not renew his annual DBS status then his licence would not be renewed or may be suspended. To overcome this, as far as is possible, the section is proposing to change the format of the drivers badge so it has a DBS expiry date on it. Additionally we also intend to move away from postal renewal reminders to text and email reminders to the driver and his Private Hire Operator or Hackney Carriage Association. We are also looking at creating a public record of licences issued which would include the expiry date of a licence and DBS check. Licensed drivers would then have potentially five points of reference to remind them of the expiry date.
- 3.13 For the purpose of consultation information there are two other areas of concern associated with applications.

References:- The majority are of little value in terms of reference to the role and responsibilities are often completed in the spirit of friendship or other relationship.

Conditions upon a licence (highlighted at 2.4):- To extend the requirement to report to any incident where the driver has been interviewed by the Police Service about any allegation specified in the convictions criteria.

4 Corporate Considerations

4.1 Consultation and Engagement

4.1.1 It is important there is a quick turn around on this consultation and in the public interest to protect the Council in its Safeguarding responsibilities. It is proposed the consultation period be for a period of one month.

4.1.2 The main contributor could be the existing trade but it may also raise other contributors with concerns from credible sources.

4.2 Equality and Diversity / Cohesion and Integration

4.2.1 A screening document is being completed and will be available prior to final determination of the issues by Members. Reference may also be made to issues of equality in legal advice.

4.3 Council policies and City Priorities

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

Best Council Plan 2013 -17

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
- 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
- Improving customer satisfaction

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

- Reduce crime levels and their impact across Leeds
- Effectively tackle and reduce anti-social behaviour in communities

4.4 Resources and value for money

4.4.1 The increased administration would have to be reflected in licensing fees and must be spread across the whole trade.

4.5 Legal Implications, Access to Information and Call In

4.5.1 Legal advice is to be sought on the proposals outlined in this report.

4.6 Risk Management

4.6.1 It is considered that the proposals are very necessary to contribute to the Council's Safeguarding responsibilities.

4.6.2 The time frame for moving the licensing service to an annual on-line DBS check is a three year cycle. This is due to the volumes of drivers and the logistical problem of handling nearly 7,000 licence holder applications. This could be short-cut by a small margin with the annual fall-out of licensed drivers who are replaced by first time applicants who will naturally fall into the annual on-line DBS service.

5 Conclusions

5.1 This is a difficult and sensitive area of licensing and Members will be better informed and more able to make proportionate decisions, balancing public safety requirements, when they have the benefit of legal advice and consultation feedback.

6 Recommendations

6.1 That Members consider the report and contribute any considered points before releasing it for public consultation for a one month period.

7 Background documents¹

7.1 Ministry of Justice circular 2010/12

7.2 ACPO Criminal Records

¹ 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.

Confidential - Exempt under Access to Information Procedure Rule 10.4(1) and (2).

Document is Restricted

This page is intentionally left blank