



LICENSING COMMITTEE

MEETING TO BE HELD IN CIVIC HALL, LEEDS ON
TUESDAY, 9TH DECEMBER, 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	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;

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A G E N D A

Item No	Ward/Equal Opportunities	Item Not Open		Page No
1			<p>APPEALS AGAINST REFUSAL OF INSPECTION OF DOCUMENTS</p> <p>To consider any appeals in accordance with Procedure Rule 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> <p>To receive apologies for absence (If any)</p>	
6			<p>MINUTES OF THE PREVIOUS MEETING</p> <p>To approve the minutes of the last meeting held on 7th October 2014</p> <p>(Copy attached)</p>	1 - 8
7			<p>MATTERS ARISING FROM THE MINUTES</p> <p>To consider any matters arising from the minutes</p>	
8			<p>REVIEW OF THE CITY CENTRE CUMULATIVE IMPACT POLICY</p> <p>To consider a report by the Head of Licensing and Registration which sets out the annual review of the City Centre Cumulative Impact Policy (CIP).</p> <p>(Report attached)</p>	9 - 48

Item No	Ward/Equal Opportunities	Item Not Open		Page No
9			<p>ENTERTAINMENT LICENSING FEES AND CHARGES</p> <p>To consider a report by the Head of Licensing and Registration which sets out the proposed fee scheme that reflects the cost of processing and determining applications for sex establishment, places of marriage and scrap metal dealers licences for 2015.</p> <p>(Report attached)</p>	49 - 58
10			<p>FIXED ODDS BETTING TERMINALS</p> <p>To consider a report by the Head of Licensing and Registration which provides background to the White Paper debated at Council on November 2014 concerning fixed odds betting terminals.</p> <p>(Report attached)</p>	59 - 68
11			<p>INFORMATION REPORT - ISSUES AROUND FREE 'WI'FI IN PRIVATE HIRE VEHICLES.</p> <p>To consider a report by the Head of Licensing and Registration which inform Members of the issues and opportunities for free 'wi-fi' in Private Hire vehicles and any regulatory issues.</p> <p>(Report attached)</p>	69 - 72
12			<p>ADDITIONAL TAXI AND PRIVATE HIRE LICENSING SAFEGUARDING MEASURES - ANNUAL DBS CHECKS & THE ONLINE DBS UPDATE SERVICE.</p> <p>To consider a report by the Head of Licensing and Registration which proposes the introduction of annual on-line DBS Status checks, the potential impact upon licence holders and the potential resource implications for the Taxi and Private Hire Licensing Section.</p> <p>(Report attached)</p>	73 - 84

Item No	Ward/Equal Opportunities	Item Not Open		Page No
13			<p>ADDITIONAL LICENSING SAFEGUARDING PROPOSALS - IMPROVING CRIMINAL INTELLIGENCE LENGTHS WITH THE WEST YORKSHIRE POLICE.</p> <p>To consider a report by the Head of Licensing and Registration which informs Members of the collaborative work undertaken by Officers with the Hackney carriage trade and how the focus of attention for the Council has moved significantly from road side policing to intelligence and disclosure.</p> <p>(Report attached)</p>	85 - 96
14			<p>UNMET DEMAND SURVEY - HACKNEY CARRIAGES.</p> <p>To consider a report by the Head of Licensing and Registration which highlights the need to undertake an unmet demand survey and to consider if the issues about retaining a specified number of 5/6/7 HCV's should form a part of more informed research.</p> <p>(Report attached)</p>	97 - 102
15			<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>	103 - 106
16			<p>DATE AND TIME OF NEXT MEETING</p> <p>To note that the next meeting will take place on Tuesday 6th January 2015 at 10.00am in the Civic Hall, Leeds.</p>	

Item No	Ward/Equal Opportunities	Item Not Open		Page No
17	Harewood; Wetherby	10.4(7) (Append B)	<p>LEEDS FESTIVAL 2014 - MEMBERS DEBRIEF</p> <p>To consider a report by the Head of Licensing and Registration which provides the outcome of the Leeds Festival held between the 22nd and 24th August 2014.</p> <p>(Report attached)</p> <p>Third Party Recording</p> <p>Recording of this meeting is allowed to enable those not present to see or hear the proceedings either as they take place (or later) and to enable the reporting of those proceedings. A copy of the recording protocol is available from the contacts named on the front of this agenda.</p> <p>Use of Recordings by Third Parties– code of practice</p> <ul style="list-style-type: none"> 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. 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. 	107 - 120
2				
a)				
b)				

Licensing Committee

Tuesday, 7th October, 2014

PRESENT: Councillor M Harland in the Chair

Councillors N Buckley, J Dunn, B Gettings,
G Hussain, G Hyde, A Khan, B Selby,
C Townsley, G Wilkinson, B Flynn and
M Ingham

55 Appeals Against Refusal of Inspection of Documents

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

56 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:-

The appendix to the report entitled “Information and Consultation Report – Additional Licensing Safeguarding Proposals” as referred to in Minute No.67 was designated as exempt under Access to Information Procedure Rule 10.4(1) and (2) because it contained information relating to individuals and which is likely to lead to the identification of individuals. It was considered in these circumstances that the public interest in maintaining the exemption from publication outweighs the public interest in disclosing the information

57 Late Items

There were no late items of business, however, the receipt of a submission from the Unite Union in respect of the Vehicles Age Criteria was reported, (Item No.10) “Outcomes of the Licensing Committee Working Group” (Minutes No. 65 refers)

The Chair reported that the submitted document had been received only hours before today’s meeting and in view of the short notice Members and officers had been unable to give due consideration to the information provided.

It was the view of the Committee that the late submission be not accepted.

The Chair said that any submissions from members of the public or trade should be received at least 48 hours prior to the commencement of the meeting.

Declaration of Disclosable Pecuniary Interests

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

59 Apologies for Absence

Apologies for absence were received from Councillors: Downes, Flynn, Hanley and Bruce

60 Minutes of the Previous Meeting

RESOLVED – That the minutes of the previous meeting held on 9th September 2014 were confirmed as a true and correct record

61 Matters Arising from the Minutes

There were no issues raised under matters arising.

62 Shisha - Partnership Working

The Director of Environment and Neighbourhoods submitted a report which provided an update on “Shisha Smoking and the partnership working which goes on in the city to tackle the issue. An earlier report “Shisha Smoking and Smoke Free Legislation” was presented to Licensing Committee in April 2014.

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

- News Release (30th July 2014) Shisha Bars prosecuted (Appendix 1 refers)
- Illegal Tobacco: the Facts (Appendix 2 refers)
- CleaR Assessment Report (Leeds, March 2014) (Appendix 3 refers)

A Team Leader from the Health & Safety Section presented the report and responded to Members questions and queries.

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

- The need for partners to come together to deliver a range of education and enforcement work
- An update on convictions
- Future funding of the Niche Tobacco Project
- The work undertaken within the community to raise awareness of niche tobacco use

Members suggested that future funding for the Niche Tobacco Project may be available via the Community Committees

In offering comment the Chair said that the work undertaken to raise aware and educate the Community was most welcome.

RESOLVED –

- (i) That the contents of the report be noted
- (ii) That a further update report be brought back to this Committee in 6 months' time

63 Local Licensing Guidance

The Head of Licensing and Registration submitted a report which provided an updated Local Licensing Guidance for Inner South and new Local Licensing guidance for the Inner West and Inner East areas of Leeds.

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

- Extract from the Revised Guidance issued under section 182 of the Licensing Act 2003(Appendix 1 refers)
- Guidance developed by the Inner South Team (Appendix 2 refers)
- Guidance developed by Inner West Area Team (Appendix 3 refers)
- Guidance developed by Inner East Area Team (Appendix 4 refers)

The Principal Project Officer, Entertainment Licensing Section presented the report and responded to Members questions and queries.

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

- Section 182 Guidance for Licensing Authorities
- Expanding Guidance to Inner East and Inner West
- Smoking, obesity and alcohol all contributed to reduced life expectancy

Members questioned the accuracy of the data associated with deprivation, obesity and alcohol for the South Leeds area.

In responding Officers said that the data had been gathered by a national Public Health Obesity Team. The licensing data suggested that the number of off licensed premises operating in the area had increased to 79 and this together with the large

numbers of take-away premises in the area had all contributed to the impact on people's health, especially in relation to misuse of alcohol and obesity.

Referring to measures to address local concerns, a query was raised about the name of the premises should not contain reference to alcohol

In responding Officers said the suggested measures were voluntary and large chain stores may be unwilling to change the names of their stores, however it should still be suggested.

RESOLVED – To endorse the revised Local Licensing Guidance for Inner South and new Local Licensing Guidance for Inner West and Inner East

Outcomes of the Licensing Committee Working Group (WG)

The Head of Licensing and Registration submitted a report which set out the recommendations of the Working Group formed to examine the previously approved policies in respect 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

The 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:

Vehicle age criteria – 5/6/7 seater Hackney Carriage wheelchair accessible vehicles (WAV's)

Safety around high mileage vehicles

MOT certificates and safety

Possible extra vehicle inspections

Immediate suspension policy – plying for hire

- The need for adequate numbers of enforcement officers/ new recruitment / council advertising procedure for vacancies

- The decision making process for licensing decisions and the scheme of delegation

It was reported that representations had been received from the trade in respect of vehicle age criteria – 5/6/7 seater WAV's but due to the late submission of the information Members and officers had not had adequate opportunity to give due consideration to the submitted information.

On a point of clarification the Head of Licensing and Registration asked if the proposed changes to 5/6/7-seater WAVs and the Immediate Suspension Policy and Plying for Hire Policy required Executive approval.

In responding the City Solicitor confirmed that the proposed changes did constitute major changes to the existing policies and that Executive approval be sought.

RESOLVED – That subject to Executive approval:

(A) Vehicle age criteria 5/6/7 seater WAV's.

1. That 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. For vehicles between years 10 and 12 of the licence, those vehicles must be formally inspected at least twice per year by the Council.
3. That consideration of those WAV's currently licensed to carry 5/6/7 seater passengers be deferred to consider any legal implications and to ensure appropriate consultation has taken place.
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.

(B) 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, Members recognising 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. That 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.

(C) Taxi & Private Hire Licensing Decision Making Framework

10. 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.

(D) PHV Bonnet stickers and web based Taxi & Private Hire Licensing enforcement and decisions results page

12. That the issue of bonnet stickers and the publishing of licensing enforcement results be investigated further and that consultation take place with the trade prior to a further report being brought back to this Committee

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.

66 Date and Time of Next Meeting

RESOLVED – To note that the next meeting will take place on Tuesday 11th November 2014 at 10.00am in the Civic Hall, Leeds.

67 Information and consultation report - Additional licensing safeguarding Proposals.

The Head of Licensing and Registration submitted a report which sought to identify proposed licensing controls which would 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.
- 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.

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

Examples of the type of personal charter reference documents presented to the Taxi and Private Hire Section (Exempt Information)

The 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 right to challenge references and any other supporting information as required by the Authority to determine the “fit and proper” test more appropriately.
- The difficulties to have robust checks when obtaining information from other countries
- In UK, convictions remain on file for life, not so in other countries
- The checks would need to be legal and non-discriminatory
- Risks factors to the Licensing process

In summing up the Chair said some important issues had been raised.

RESOLVED –

- (i) That approval be given to release the report for public consultation for a one month period
- (ii) That the City Solicitor be requested to provide clarification on any legal issues arising.

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Report of Head of Licensing and Registration

Report to Licensing Committee

Date: 9th December 2014

Subject: Review of the City Centre CIP Areas

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input 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. The Council adopted the first Licensing Act 2003 Statement of Licensing Policy in 2005 and this policy has been reviewed on a three yearly basis in line with the requirements of the legislation.
2. In April 2012, HM Government amended the Licensing Act so that the requirement to review the Policy changed from three years to five years. In December 2013 Licensing Committee approved a change to the city centre cumulative impact policy, which forms part of the Statement of Licensing Policy, to enable the areas that relate to this particular policy to be reviewed annually.
3. This report provides details of this year's review and consultation of the city centre cumulative impact policy areas.

Recommendations

4. That Licensing Committee review the responses to the consultation and the proposed amended cumulative impact policy areas for the city centre.
5. That Licensing Committee endorse the new cumulative impact evidence for the city centre and the revised map of the city centre.

1 Purpose of this report

- 1.1 To present to Licensing Committee the annual review of the city centre CIP areas.

2 Background information

- 2.1 Section 5 of the Licensing Act 2003 requires licensing authorities to prepare and publish a statement of licensing policy every three years. The council's first Statement of Licensing Policy was adopted by Council on 12th January 2005 and has been reviewed every three years since then.
- 2.2 In April 2012 the Police Reform and Social Responsibility Act changed the length of the lifetime of a policy from three to five years. This necessitated a different approach to the City Centre CIP, which due to the dynamic nature of the night time economy would need to be reviewed more frequently than every 5 years.

3 Main issues

- 3.1 The current CIP was adopted as part of the Licensing Act 2003 Statement of Licensing Policy 2014 to 2018 in December 2013. The new policy specified that the city centre CIP evidence and map would be revised each year based on the most recent crime and disorder statistics supplied by West Yorkshire Police, although the scope and wording of the cumulative impact policy would remain the same. The review is scheduled for the latter part of the year so that it can take effect in January.
- 3.2 Officers from Entertainment Licensing issued a call for evidence from the Responsible Authorities and other partners, via the Licensing Enforcement Group, City Centre Community Safety Partnership, and the City Centre Stakeholders Forum to capture a wide range of views.
- 3.3 Officers met with:
- West Yorkshire Police
 - Development – specifically the Town Planners
 - Environmental Health
 - Jon Hancock – representative of the trade and chair of City Centre PubWatch
- 3.4 West Yorkshire Police provided crime statistics for the preceding 12 months (**appendix 1**).
- 3.5 The council's Development Department provided information relating to the Lower Kirkgate Townscape Heritage Initiative (**appendix 2** and **appendix 3**).
- 3.6 Officers from Entertainment Licensing undertook a night time Environmental Audit of the city centre between midnight and 2.30am on a Sunday morning in October 2014.
- 3.7 From this information the following draft amendments were made to the CIP. The new guidance document is attached at **appendix 4**.

- 3.8 The red area in the city centre was altered to include the north side of Duncan Street. A number of retail units have closed on this side of the street and this area is ripe for redevelopment, especially by late night bars. Duncan Street is a main through road, taking traffic from Kirkgate onto Boar Lane. The street is very busy, even in the early hours of the morning.
- 3.9 As the south side of Duncan Street is already in the red area, we felt that it was logical to include the north side. More licensed venues opening during the night time economy area could lead to concerns about public safety due to the busy highway, as well as an increase in crime and disorder.
- 3.10 The area known as Lower Kirkgate was removed from the red area and placed in amber to encourage redevelopment. By remaining in the amber area the licensing authority encourages a different style of operation and an earlier closing time than is prevalent in the red area.
- 3.11 There has been a lot of work done in the Call Lane/Lower Briggate/Duncan Street area, which has shown a reduction in theft on the premises. These initiatives have been in conjunction with the premises in the area. Although theft has increased in the street, it is still pleasing to note that there has been a net reduction in crime this year. In addition the temporary road closure of Call Lane after midnight has improved public safety during the hotspot hours.
- 3.12 This continuing reduction in crime and disorder has meant that the red area has been reduced so that it now only encompasses the problem areas. By moving Lower Kirkgate and The Calls into the amber area, it is hoped that this will encourage business to spread out into the surrounding areas and to reduce the concentration of people in drink in the red area.
- 3.13 It is clear from the Police evidence that the Albion Street/Woodhouse Lane area continues to be problematic. During the Environmental Audit it was clear that this area is still used by a large number of people in the early hours, either congregating outside of licensed premises, eating takeaway food or waiting for buses and taxis. Crime and disorder is already high in this area and any further increase in licensed premises or licensing hours in this area would have a negative impact.
- 3.14 Consequently, a new red area has been introduced from Woodhouse Lane Car park down to the Headrow including Woodhouse Lane and Albion Street.
- 3.15 Although always problematic, since the closure of BED and D'fusion the area around New Briggate in the north of the city centre has seen a reduction in crime and disorder. A new night-time economy in this area is emerging, with the breakup of the old BED premises into smaller units, and the refurbishment of other licensed premises and extension of licensing hours on Merrion Street. In addition the lower part of Merrion Street has been pedestrianised, allowing the premises to utilise the street as an outside area, and to increase public safety in this area.
- 3.16 Although vibrant and popular this new area has not seen the levels of crime and disorder that are predominant in other parts of the city. Three new bars are due to open in this area shortly. It is hoped that this area, properly managed, will not see an increase in problems, however it will be kept under review.

3.17 Once agreed with the Police, the new CIP areas were sent out for consultation for three weeks. A link was provided on the council's website and a notification was sent to those first consulted with at 3.2 and 3.3.

3.18 One response was received, from a local developer and is attached at **appendix 5**. Mr Nathan-Geary will receive a response to his representation, welcoming his suggestions, with an indication of which of the suggestions we are able to take forward.

4 Corporate Considerations

4.1 Consultation and Engagement

4.1.1 The draft City Centre CIP Areas were subject to a public consultation between 20th October and 7th November 2014. In addition direct consultation was undertaken with the stakeholders listed at 3.2 and 3.3.

4.2 Equality and Diversity / Cohesion and Integration

4.2.1 Equality and diversity, cohesion and integration have been considered each time the policy is reviewed. 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 Reviewing any policy and the subsequent consultation does have a cost associated with it; it is considered good value for money as a robust policy supports the decisions of the Licensing subcommittees and therefore reduces the risk of legal challenge.

4.5 Legal Implications, Access to Information and Call In

4.5.1 It is good practice to ensure that the documents the council relies upon to inform licensing decisions are accurate and up to date as this reduces the risk of a successful legal challenge.

4.6 Risk Management

4.6.1 As previously stated the review of the CCCIP areas reduces the risk of legal challenge to the licensing subcommittee decisions.

5 Conclusions

- 5.1 The revised police evidence showed that changes were need to the current City Centre CIP. These changes were consulted upon and one response was received.

6 Recommendations

- 6.1 That Licensing Committee review the responses to the consultation and the proposed amended cumulative impact policy areas for the city centre.
- 6.2 That Licensing Committee endorse the new cumulative impact evidence for the city centre and the revised map of the city centre.

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.

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WEST YORKSHIRE POLICE

Analysis of Leeds City Centre high volume night-time economy related crime

PRODUCED BY LEEDS DISTRICT ANALYTICAL UNIT			
Author	723854 Jennings	Contact Details	0113 3951504
Date Created	19/09/14	Latest Update	19/09/14
Authorising Officer	Neil Brannigan		
File Location	Leeds District > Crime Nominal Related > Intelligence Assessments-Reports > Leeds DIU > CA_CITY		

Table of Contents

1. Introduction.....	3
2. Annual Statistical Results – 24 hour economy.....	4
3. Statistical Results – Night-time economy 6pm – 5:59am.....	5
4. Night-time economy GIS spread per year.....	6
5. Comparison 2012/13 and 2013/14	10
6. GIS Cluster areas by offence type	11
7. Summary of Conclusions.....	14
Appendix 1: Calls for Service.....	15

1. Introduction

This report aims to highlight the current crime cluster areas during the night-time economy (6pm – 6am) and also to define whether the levels within those have increased or decreased over the last 24 months.

The crimes considered for this report include:

- Thefts from person
- Thefts non specific
- Robbery
- Assault (including Affray)
- Murder/Manslaughter
- Drunk & Disorderly
- Public Order

Section 2 -

Statistical data in section two from the period between 2008 and 2012 was taken from the previous report and updated to include both 2013 statistics and 2014. The period 2014 is inclusive of 01/01/14 – 31/08/14.

Within section two it is the change from 2012 to 2013 which is calculated, this is for consistency with previous reports.

A table splitting daytime and night-time economy was included to demonstrate whether specific offence types are an issue during a certain period of the day.

Section 3 -

Section three looks specifically at the night-time economy (6pm – 6am). It highlights whether there is a specific offence type issue and whether that issue is more prominent on commercial premises or on the street. It also looks at the top streets and whether they have changed in previous years.

Section 4 –

Section four looks specifically at crime (those focused on in this report) during the night-time economy. The GIS (Graphical Information System) maps from previous years have remained and maps for 2013 and 2014 have been included. The ‘hotspotting’ method used in the current years is the same as that used previously.

Section 5 –

Further to previous and due to the timing of this report, a section focusing on the previous 24 months has been included (01/09/12 – 31/08/14). A comparison between the two twelve month periods is introduced here and carried throughout the remainder of the report.

Section 6 –

Section six details the small clusters in relation to Robbery, Assault, Theft From Person and Theft Non-Specific. It also breaks down the figures between 2012/13 and 2013/14 and whether the offences occurred on commercial premises or on the street.

Section 7 –

Section seven details the main points concluded from within the data of the report.

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2. Annual Statistical Results – 24 hour economy

Figure 1. Offence Type (24 hours)

Occurrence Type	2008	2009	2010	2011	2012	2013	Incompl. 2014	Change 2012/2013
THEFT NON SPECIFIC	2020	1594	1885	1988	2267	2327	1189	60
THEFT FROM PERSON	839	1078	1435	1820	2077	2044	1029	-33
ASSAULT	1126	1239	1298	1133	966	882	487	-84
DRUNK AND DISORDERLY	560	562	649	639	670	578	199	-92
PUBLIC ORDER	235	269	279	223	184	170	95	-14
ROBBERY	116	164	105	108	98	118	47	20
AFFRAY	60	61	118	73	46	49	12	3
MURDER/MANSLAUGHTER	3	2	1	1	1	0	2	-1
Total	4959	4969	5770	5985	6309	6168	3060	-141

Figure 2. Licensed Premises Flag Only

Occurrence Type	2008	2009	2010	2011	2012	2013	Incompl. 2014	Change 2012/2013
THEFT FROM PERSON	222	446	778	962	1133	976	368	-157
THEFT NON SPECIFIC	644	580	748	728	832	721	355	-111
ASSAULT	280	253	242	240	153	138	73	-15
DRUNK AND DISORDERLY	29	28	19	22	23	17	4	-6
PUBLIC ORDER	16	25	15	11	5	7	1	2
AFFRAY	9	6	16	9	6	3	3	-3
ROBBERY	3	6	7	3	2	0	0	-2
MURDER/MANSLAUGHTER	0	1	0	0	0	0	0	0
Total	1203	1345	1825	1975	2154	1862	804	-292

Figure 3. Alcohol Flag Only

Occurrence Type	2008	2009	2010	2011	2012	2013	Incompl. 2014	Change 2012/2013
ASSAULT	632	814	848	573	348	261	132	-87
DRUNK AND DISORDERLY	547	557	646	528	484	436	155	-48
THEFT FROM PERSON	80	109	194	137	110	82	32	-28
THEFT NON SPECIFIC	92	120	140	97	69	51	25	-18
PUBLIC ORDER	99	114	118	61	60	57	14	-3
AFFRAY	40	44	87	45	26	23	6	-3
ROBBERY	30	48	29	15	10	8	9	-2
MURDER/MANSLAUGHTER	1	2		1	1		1	-1
Grand Total	1521	1808	2062	1457	1108	918	374	-190

Figure 4. Offence Type by economy type

Occurrence Type	Day				Night			
	2012	2013	Incomp. 1.2014	Change 2012/2013	2012	2013	Incompl. 2014	Change 2012/2013
THEFT FROM PERSON	559	660	468	101	1518	1384	561	-134
THEFT NON SPECIFIC	1027	1096	622	69	1240	1231	567	-9
ASSAULT	238	219	95	-19	728	663	392	-65
DRUNK AND DISORDERLY	84	70	14	-14	586	508	185	-78
PUBLIC ORDER	73	79	58	6	111	91	37	-20
ROBBERY	31	35	16	4	67	83	31	16
AFFRAY	8	7		-1	38	42	12	4
MURDER/MANSLAUGHTER	0		1	0	1		1	-1
Total	2020	2166	1274	146	4289	4002	1786	-287

3. Statistical Results – Night-time economy 6pm – 5:59am

From here-on this report looks purely at the night-time economy (6pm – 5:59am).

The 'Off Street' category includes the offences which have occurred within commercial premises and the 'On Street' category look at those which have occurred on the street or on public highways.

Figure 5. Top offence type by location type

Occurrence Type	Off Street				On Street			
	2012	2013	Incompl. 2014	Change 2012/2013	2012	2013	Incompl. 2014	Change 2012/2013
THEFT FROM PERSON	1334	1157	459	● -177	184	227	102	● 43
THEFT NON SPECIFIC	1116	1072	497	● -44	124	159	70	● 35
ASSAULT	468	425	237	● -43	260	238	155	● -22
DRUNK AND DISORDERLY	259	205	73	● -54	327	303	112	● -24
PUBLIC ORDER	64	48	17	● -16	47	43	20	● -4
ROBBERY	32	22	9	● -10	35	61	22	● 26
AFFRAY	17	20	7	● 3	21	22	5	● 1
MURDER/MANSLAUGHTER	0	0	1	● 0	1	0	0	● -1
Grand Total	3290	2949	1300	● -341	999	1053	486	● 54

The top ten streets for each year are shown in the table below. Where they are highlighted in red, they are the top three streets. Hirsts Yard, Duncan Street has never before been a top ten street, however recent figures have brought it within that category.

Figure 6. Top Streets per year

Street Name	2008	2009	2010	2011	2012	2013	Incompl. 2014
CALL LANE	228	257	409	538	705	778	331
BRIGGATE	338	335	370	430	581	679	348
ALBION STREET	264	232	310	537	453	566	305
WOODHOUSE LANE	263	296	419	408	365	322	134
THE HEADROW	359	364	327	307	316	369	179
COOKRIDGE STREET	113	171	182	324	247	134	42
NEW BRIGGATE	127	231	310	153	201	81	33
BOAR LANE	294	198	216	164	128	172	99
KIRKGATE	245	233	177	151	153	126	71
GREAT GEORGE STREET	190	180	146	140	155	136	82
NEW YORK STREET	123	95	118	104	83	64	37
HIRSTS YARD, DUNCAN ST	-	-	-	-	-	158	85

Key
Top 3 Streets per year
Top 10 Streets per year
Not in Top 10 Streets per year

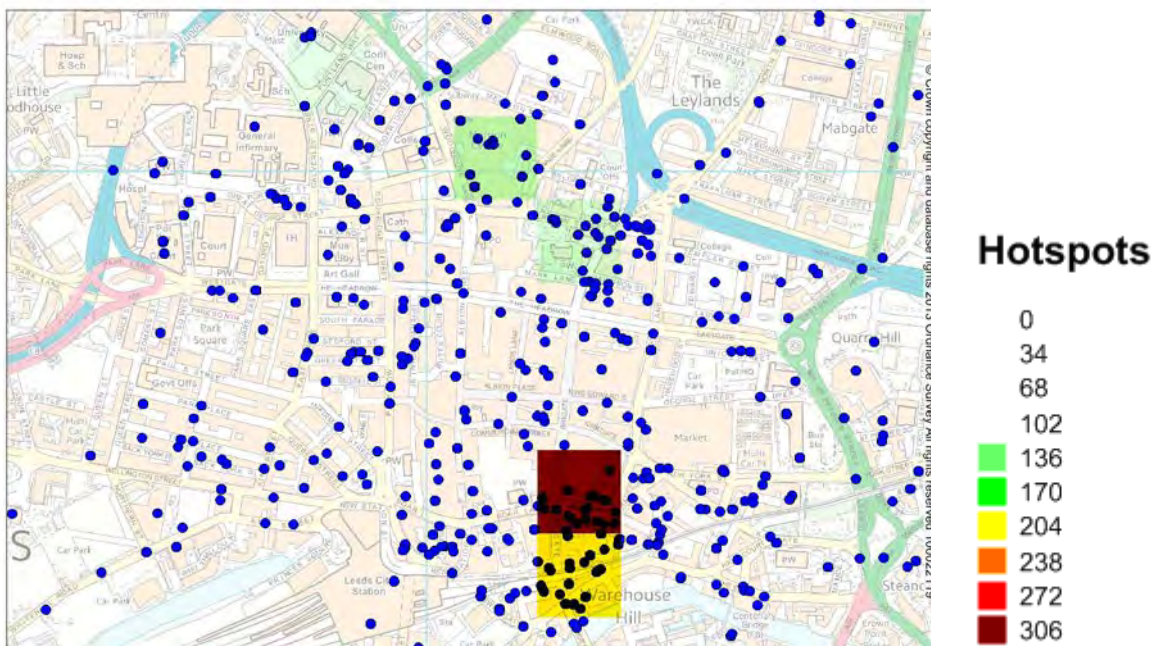
4. Night-time economy GIS spread per year

GIS maps for each year demonstrate the spread of offences. Those offences include the previously mentioned Theft, Assault, Drunk and Disorderly, Public Order, Affray, Robbery and Murder/Manslaughter.

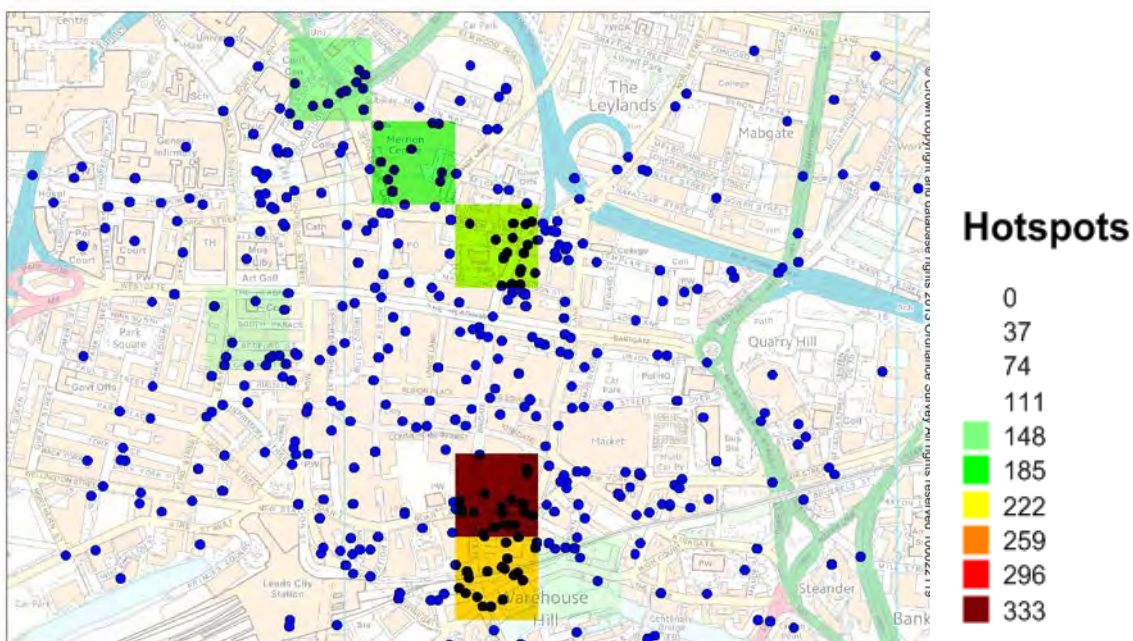
The 'hotspot' analysis demonstrates those areas where there is a cluster of offending in relation to the rest of the Leeds areas. Grid size for analysis is 100 metres.

The previous maps provided remain the same from previous reports, however the maps for 2013 and 2014 are new and presentation differs slightly for improved clarity. The same analysis methodology has been applied to the new maps as those previously to keep analysis consistent.

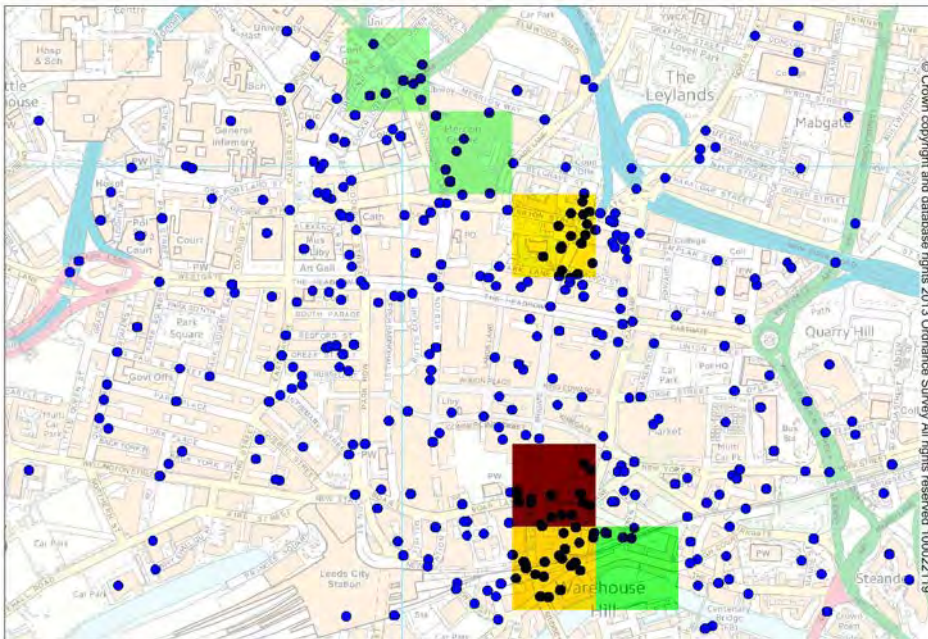
Map 1 – 2008



Map 2 – 2009



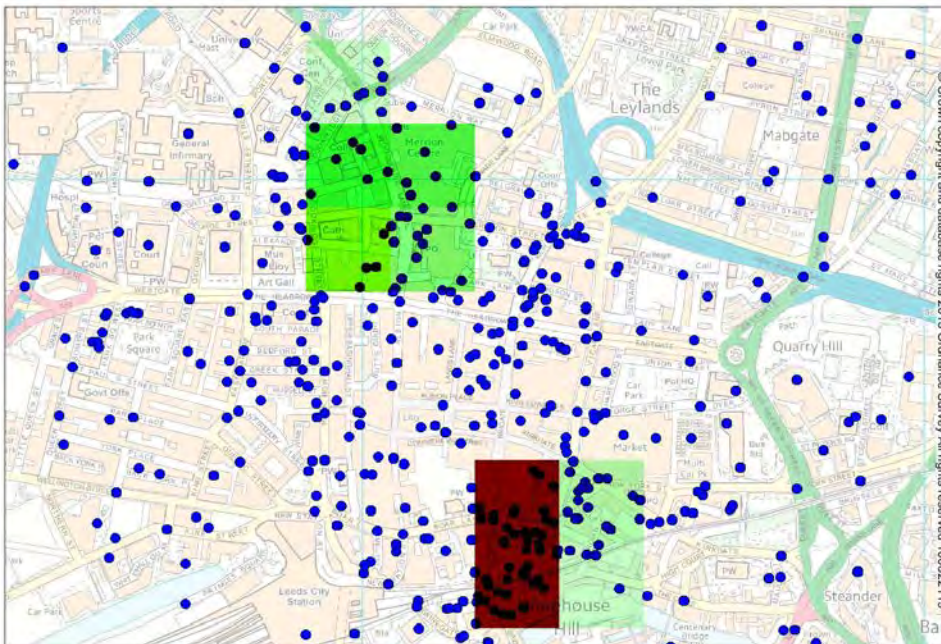
Map 3 – 2010



Hotspots

- 0
- 51
- 102
- 154
- 205
- 256
- 307
- 358
- 410
- 461

Map 4 – 2011



Hotspots

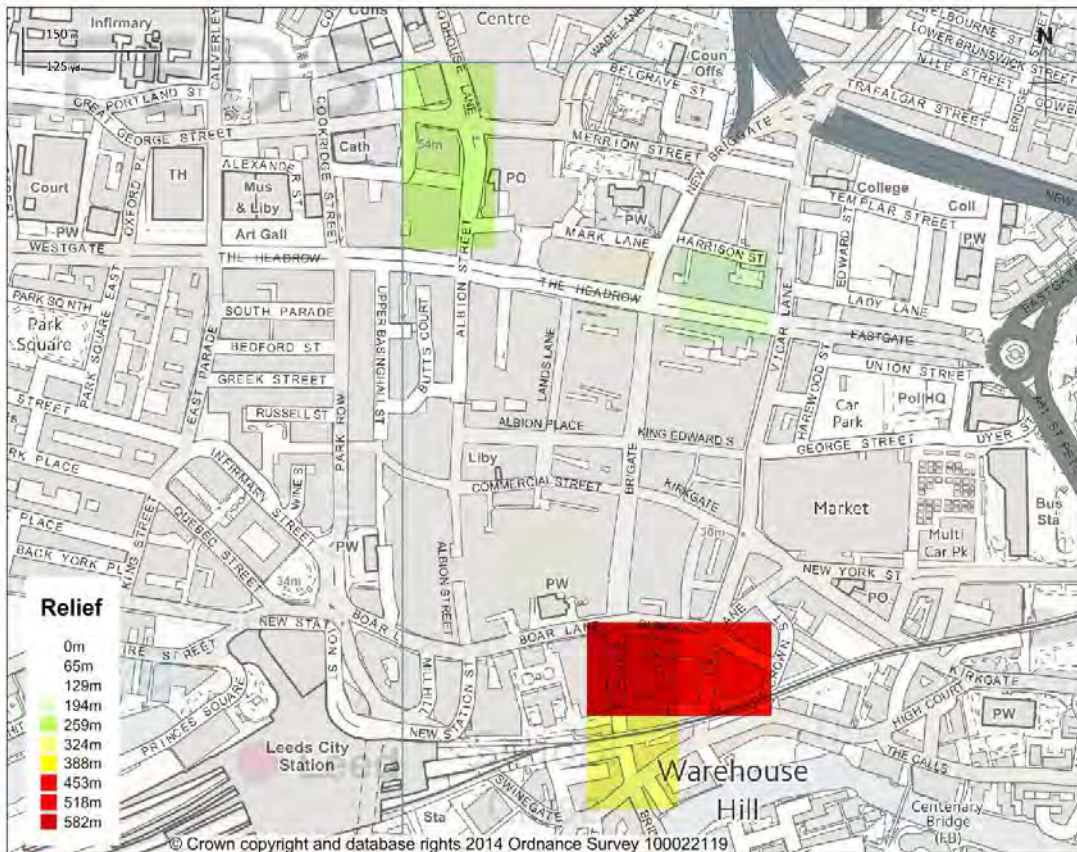
- 0
- 48
- 97
- 145
- 193
- 242
- 290
- 338
- 386
- 435

Map 5 – 2012



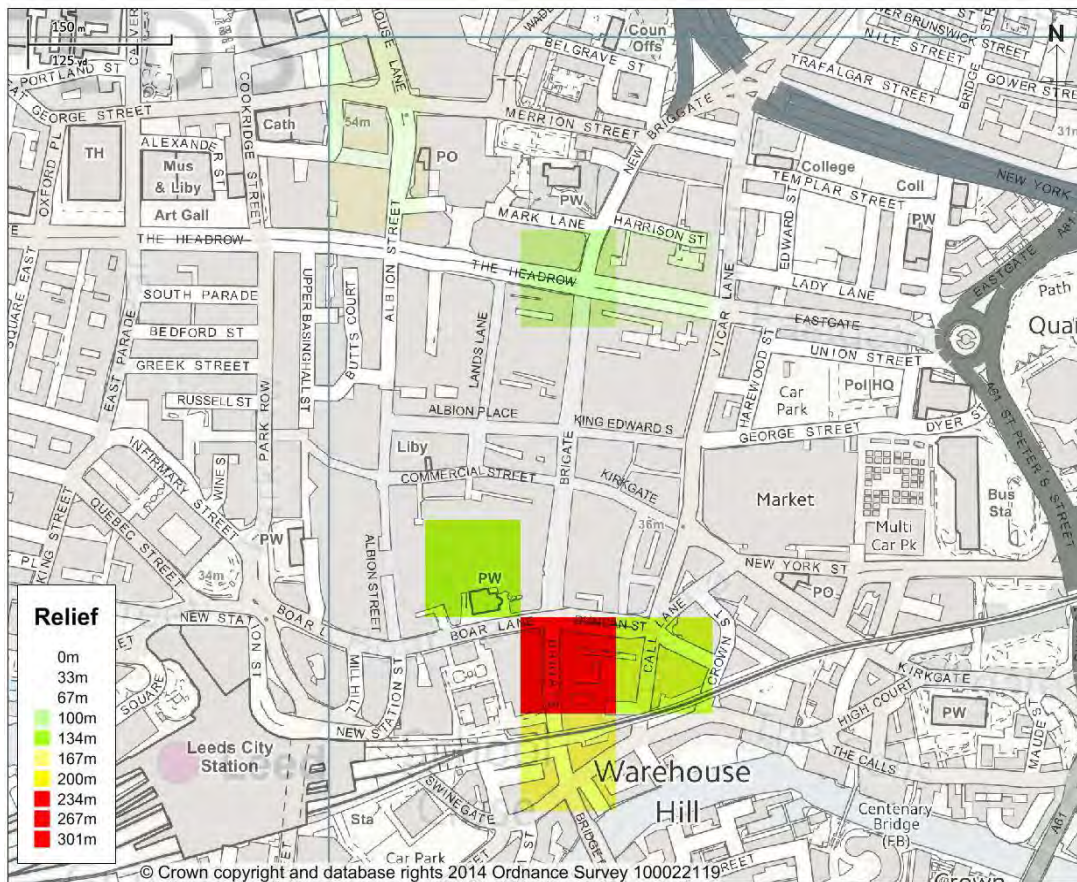
© Crown Copyright West Yorkshire Police Licence Number: 100022119 2013

Map 6 – 2013



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Map 7 – 2014 (incomplete 1st January – 31st August)



5. Comparison 2012/13 and 2013/14

For a contemporary view of current cluster analysis, and due to 2014 being an incomplete year thus far, this section looks at a comparison of like periods September 2012 – August 2013 and September 2013 – August 2014.

This section looks at night-time economy only.

Occurrence Type	2012-2013	2013-2014	Change
THEFT FROM PERSON	1532	1086	● -446
THEFT NON SPECIFIC	1274	1028	● -246
ASSAULT	709	642	● -67
DRUNK AND DISORDERLY	587	339	● -248
ROBBERY	61	66	● 5
PUBLIC ORDER	112	65	● -47
AFFRAY	41	24	● -17
MURDER/MANSLAUGHTER	2	1	● -1
Grand Total	4318	3251	● -1067

The table below demonstrates the monthly figures for each crime type and is also coloured by those months which have had higher or lower than average figures, red being higher and green being lower.

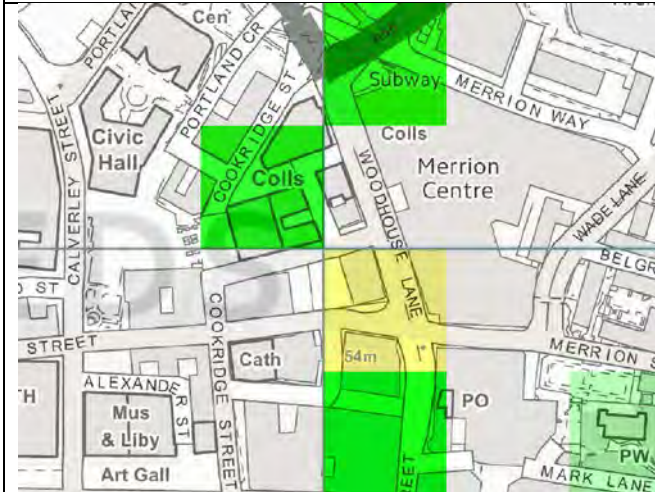
Offence Type	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug
AFFRAY												
2012-13	1	3	1	6	1	4	4	2	7	1	5	6
2013-14	3	4	4	1	2	3	0	2	2	1	1	1
ASSAULT												
2012-13	74	58	76	88	46	50	65	53	38	51	46	64
2013-14	53	61	68	68	43	47	69	41	62	44	27	59
DRUNK AND DISORDERLY												
2012-13	47	59	55	72	44	37	57	47	51	40	28	50
2013-14	31	39	34	50	38	32	26	26	20	19	9	15
PUBLIC ORDER												
2012-13	8	11	19	11	15	8	7	4	5	6	9	9
2013-14	10	4	8	6	10	4	9	2	2	8	1	1
ROBBERY												
2012-13	3	4	2	4	13	4	2	0	8	2	14	5
2013-14	19	6	6	4	2	1	11	3	3	2	4	5
THEFT FROM PERSON												
2012-13	171	188	156	158	128	115	100	154	122	79	71	90
2013-14	158	125	132	110	82	105	113	61	68	56	26	50
THEFT NON SPECIFIC												
2012-13	115	126	130	133	83	114	100	101	104	69	75	124
2013-14	92	121	129	119	77	94	105	64	71	51	46	59
MURDER/MANSLAUGHTER												
2012-13				2								
2013-14									1			
Grand Total	785	809	820	832	584	618	668	560	564	429	362	538

The top three offence categories for Leeds City Centre are Theft, Assault and Robbery. Violence being a principal crime type and Theft being a particular issue in central business districts. Each offence type was mapped and the most vulnerable cluster areas identified.

6. GIS Cluster areas by offence type



ASSAULT HOTSPOTS

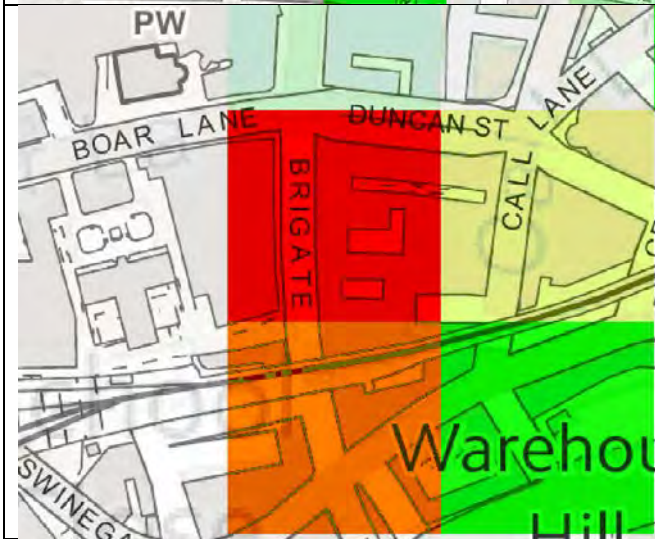


Area A1

	2012/13	2013/14
Assault	150	103
Serious	12	11

Temporal- 23:00 – 03:00

	2012/13	2013/14
On Street	43	26
Off Street	119	88



Area A2

	2012/13	2013/14
Assault	146	186
Serious	12	29

Temporal – 00:00 – 05:00

	2012/13	2013/14
On Street	78	95
Off Street	80	120



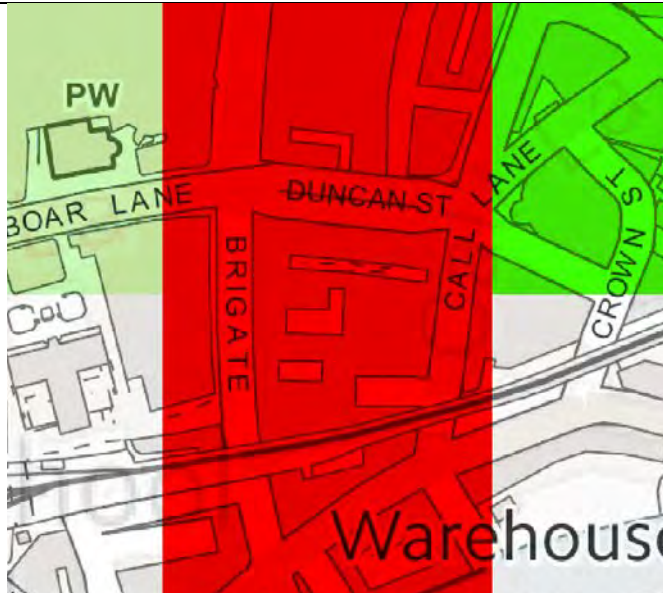
Area A3

	2012/13	2013/14
Assault	45	39
Serious	4	1

Temporal – 01:00 – 03:00

	2012/13	2013/14
On Street	20	16
Off Street	29	24

THEFT HOTSPOTS

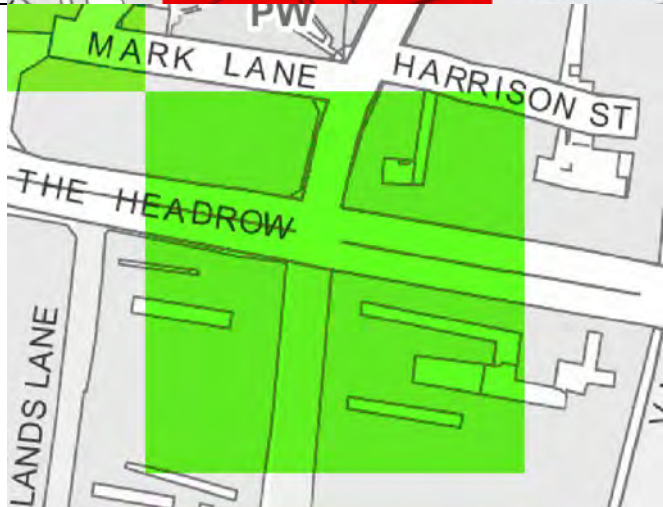


Area T1

	2012/13	2013/14
THEP	738	562
TNSP	467	409

Temporal- 23:00-03:00

	2012/13	2013/14
On Street	137	132
Off Street	1068	839

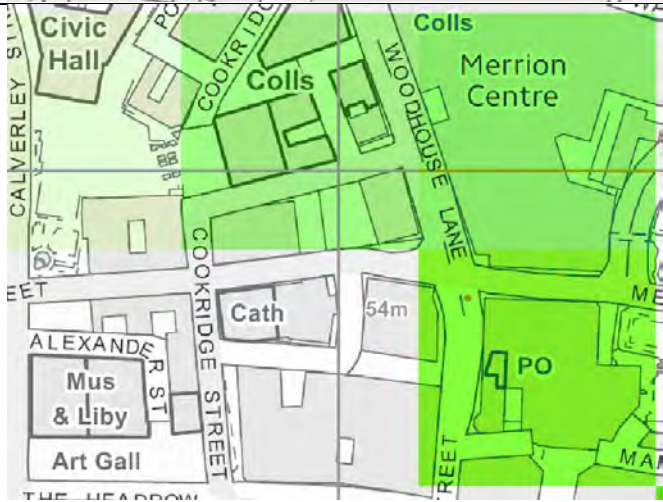


Area T2

	2012/13	2013/14
THEP	98	69
TNSP	87	64

Temporal – 0:00 – 02:00

	2012/13	2013/14
On Street	19	15
Off Street	166	118



Area T3

	2012/13	2013/14
THEP	309	157
TNSP	223	148

Temporal – 21:00 – 01:00

	2012/13	2013/14
On Street	32	15
Off Street	500	290

7. Summary of Conclusions

Statistical Data

- For the first time, crime demonstrated a decrease on annual figures although remained above figures seen pre-2012.
- Theft and Robbery increased whereas other offence types did not.
- Offences on Licensed Premises decreased towards levels previously seen in 2010.
- Comparing 2012 to 2013, Theft, Robbery and Public Order increased during the daytime economy and Robbery increased during the night-time economy.

Night time economy statistics

- The biggest offence type increases were 'On Street' Robberies and Thefts.
- Call Lane, Briggate and Albion Street remain the top streets for offences.
- 83% of Thefts occurred on business premises.
- The Boar Lane / Briggate area had the highest density of offences, consistent with areas shown in previous years.
- Seasonally, offences increase during September to December.
- The areas R1, A1 & T3 (Woodhouse Lane) and R2, A2, T1 (Boar Lane / Briggate) are strongly recommended for inclusion in any cumulative impact policy.

Appendix 1: Calls for Service

Incident data between 6pm and 5:59am

The incident data included is that of the 600 (concern for safety etc) and 800 (Nuisance etc) categories only.

Below is a table of streets where there has been more than 25 calls for service received in the last twelve months (Sep 13 – Aug 14). The percentage shows the change in figures when compared to the previous twelve months.

Street	Sep12 to Aug13	Sep13 to Aug14	Change +/-	Change %
BRIGGATE	344	380	36	10.5
GREAT GEORGE ST	298	295	-3	-1.0
CALL LN	195	240	45	23.1
THE HEADROW	209	219	10	4.8
BOAR LN	126	205	79	62.7
ALBION ST	167	176	9	5.4
WOODHOUSE LN	149	174	25	16.8
NEW YORK ST	98	104	6	6.1
NEW BRIGGATE	118	97	-21	-17.8
MILLGARTH ST	74	72	-2	-2.7
WELLINGTON ST	52	72	20	38.5
YORK ST	57	71	14	24.6
VICAR LN	88	69	-19	-21.6
COOKRIDGE ST	58	66	8	13.8
MERRION ST	54	61	7	13.0
KIRKGATE	51	60	9	17.6
PARK ROW	49	58	9	18.4
CROWN ST	50	56	6	12.0
EASTGATE	46	54	8	17.4
MERRION WAY	42	49	7	16.7
CALVERLEY ST	41	46	5	12.2
HIRSTS YD	22	44	22	100.0
BRUSSELS ST	24	41	17	70.8
CHADWICK ST	37	40	3	8.1
CROWN POINT RD	46	38	-8	-17.4
DYER ST	55	37	-18	-32.7
CORN EXCHANGE	34	36	2	5.9
BREWERY PL	27	36	9	33.3
ST JOHNS CTR	46	34	-12	-26.1
KIRKSTALL RD	28	34	6	21.4
GOTTS RD	23	34	11	47.8
SWINEGATE	26	33	7	26.9
DUNCAN ST	51	31	-20	-39.2
NEVILLE ST	37	31	-6	-16.2
THE CALLS	29	31	2	6.9
CLAYPIT LN	20	30	10	50.0
SOMERS ST	18	30	12	66.7
BISHOPGATE ST	17	30	13	76.5
MARSHALL ST	14	29	15	107.1
JUNCTION ST	13	29	16	123.1
BRIDGE END	30	28	-2	-6.7
WELLINGTON BRIDGE ST	27	28	1	3.7
CITY SQ	25	27	2	8.0
CITY WK	19	27	8	42.1
REGENT ST	32	26	-6	-18.8
THE BOULEVARD	20	26	6	30.0
WHARF APPR	18	26	8	44.4

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Kirkgate Quarter Stakeholders meeting minutes October 2, 2014

Present: Cath Follin (CF), Service Areas, City Development, Leeds City Council
 Franklin Riley (FR), Regeneration, Leeds City Council
 Neall Bower (NB), THI Officer, Regeneration, Leeds City Council
 Mark Robinson (MB), City Connect, Leeds City Council
 Graham Stead (GS), agent - 96 Kirkgate
 Ann Clark (AC), Leeds Parish Church
 Paul Nathan Geary (PG), for City Fusion- owner- 83-89, 91 and 97
 Kirkgate and FWCH
 Kevin Grady (KG), Leeds Civic Trust
 Jeremy Thompson (JT), Leeds Civic Trust
 Peter Mason (PM), 92 Kirkgate
 Chris Ashby (CA), Asset Management, Leeds City Council
 Simon Smithson (SS), Think architecture and design

Apologies:

Item	Description	Action
1.0	Minutes of the last meeting	
1.1	PG: 2.5 Leisure use lettings are normally 10 – 15 years.	
2.0	Lower Kirkgate THI/ First White Cloth Hall	
2.1	<p><i>Lower Kirkgate</i></p> <p>NB: Things have started to move since the clawback activation point for rental agreements was set at over 10 years. There have been positive discussions with owners and hopefully there should be successful applications for grant too. Notwithstanding this the proposal for this activation point to be increased to 25 years is still with the HLF and we are awaiting a response. The consultation period on the Design Guide and Specification and Maintenance guide has ended and comments received were largely supportive of the providing such advice. There was one concern that the design guide set a principle for development in terms of vacant sites or scale of development. It was made clear that this was not the case and that it was purely a vehicle for displaying indicative approaches to detailed design.</p>	
2.2	<p><i>FWCH</i></p> <p>The license for access to the site has been signed by the owner all that is outstanding is the photographic schedule of condition. We have interviewed consultants to develop options for the site – a wider team is also being put together. By the end of January we should have completed the survey work and have developed a number of options. We then have two years to carry out necessary applications and decide whether to take the project forward.</p>	
3.0	Cycle City Connect	

3.1	MR: The scheme was awarded funding in March to create a cycle line between Bradford and Leeds. The first stage of consultation has been completed.	
3.2	Designs for Kirkgate were produced initially but this has run into a number of problems and things that can't be done. The city centre portion of the scheme has been lifted from the proposals to enable more time to be spent developing it. Funding still in place but this gives more time.	
3.3	Considered closing Lower Kirkgate but issue around Arriva Buses who are adamant they want to retain it as part of the route. Suggestion of a bus gate under viaduct, MR to look at and assess potential.	
3.4	JT – have other routes been considered – concerned about the ability to integrate a cycle path safely. Headrow seems a better route. MR – issues about steepness of route but agree it is less busy but would cyclists go the long way round? JT- city centre element of the scheme should have been included in consultation should have been included to make it worthwhile – should move to other route and consult again. MR – the route is still flexible and the funding wasn't secured on a firm route or proposal. Difficult to apply the standards used on other parts of the route due to space constraints. Still waiting to see if closing left under the viaduct can be restricted – ultimately need more time and to come back with future proposals.	
3.5	FR – No matter what is done with the route and Headrow it still makes sense to include Kirkgate as a cycle route but give more options. MR – that could be an option.	
3.6	CF – Quality Places and Spaces group have looked at the area and see some potential for small changes to bring large results such as reducing width of road etc.	
4.0	Licensing Cumulative Impact Zone	
4.1	FR: Background – problems of a concentration of licenced premises. Licensing department has developed a policy based on traffic light system. Kirkgate is in the red area which results in an automatic objection to an application. Next boundary review is in January. Licensing Services are consulting on the current boundary till the 10 th October. Councillors will make a decision as to whether to amend boundary.	
4.2	PNG – The red area is a presumption against new licenses – Kirkgate is faces this issues in future regeneration proposals. Food led uses stand a better chance and City Fusion are testing this with a proposal at Lamberts Yard. Ultimately if we are to attract responsible leisure uses and owners there needs to be more flexibility in the policy. Well maintained places and spaces shouldn't create a problem.	
4.3	KG – What is the regeneration departments feeling on this? FR – Feel that given the objective of the THI there is an argument for moving it out of the red zone.	
4.4	PNG – have police released the revised data yet? FR – Licensing will be getting the data on the 6 th October.	

4.5	CF – there appears to be advantages of taking Lower Kirkgate out of the red area, but green could provide too much flexibility to other than responsible operators. Is the view of the group that we respond to the consultation for Lower Kirkgate to be moved into the amber zone? All Agreed. NB to submit to the minutes of this meeting to the CIP consultation.	
5.0	Public Realm Improvements	
4.1	SS - QPS have been looking over the past few months at how Leeds could introduce shared spaces into city centre – decided to rename the approach calm spaces .	
4.2	The idea is to home in on a couple of areas. Upper Briggate and the area around the Corn Exchange. Both similar and suffer from the pedestrianising of the city centre. Problems are pushed out onto the edge of the city.	
4.3	Document has been sent to city centre bid team to try to get some finance into these areas. Idea is to turn current thinking on its head with space for pedestrians but accommodating cars. Poynton and Kensington High Street are good examples.	
4.4	CF – pedestrianisation on the whole has been successful but cannot extend it ever outwards. This is a better way of dealing with the problem at the edge. Need discussion with colleagues in councils where this principle has been adopted.	
4.5	AC – do disabled users find this approach difficult? CF – still possible to accommodate all users – it’s about simple interventions in the first place.	
4.6	SS – example of this parking spaces and taxi ranks are separated but are used at different times – could they be joint uses to reduce space taken? CF – we will have a workshop to discuss the idea. San Francisco use an approach called Parklettes where you don’t have to use the business to park in space around it.	
4.7	JT - Is it the councils policy to discourage parking close to shops? CF – No but potential to look at it and the issues around it – it’s about finding a balance.	
5.0	Skills for the Future	
5.1	FR – 3 year project entitled Remaking Leeds. A number of paid bursary’s looking to train people in traditional crafts. Paid for a year. 1 st years cohort are in place but after this looking to move to a rolling basis rather than the academic year. Also looking to develop live sites such as Temple Newsome – any ideas for sites please contact us.	
5.2	KG – how are standards maintained? FR – Supervisors are also being trained to ensure that they meet the required standards.	
7.0	Major Developments	
7.1	AC – Work may start in March on St. Peters Hall and Vergers house, leaving St. Peters house as offices. Developer sought demolition without Church backing but was refused anyway.	
7.2	CA – Progressing, have appointed main contractor. Due to start	

	on site early 2015 for 18 month contract. KG – heard there has been a 205 rent reduction across the board. CA- yes to indoor traders in recognition of the disruption.	
8.0	Forward Plan	
8.1	<ul style="list-style-type: none"> • QPS workshop • Cycle City Connect • Licensing 	
9.0	Any Other Business	
9.1	Discussion around 92 Kirkgate and proposed work.	
10.0	Date of next meeting	
10.1	A list of dates to be sent out.	

Licensing Cumulative Impact Zone – Lower Kirkgate

Introduction

The Lower Kirkgate Townscape Heritage Initiative (THI) is a regeneration programme that seeks to bring back into use a number of vacant or underused historic properties in the area.

As part of this initiative the wider issues around the successful regeneration of the area have been investigated. Through conversations with the Planning Department and the Licensing Team within Leeds City Council it was ascertained that the Lower Kirkgate area falls within the Licensing Cumulative Impact Zone (CIP).

The CIP has three zones primarily based on alcohol fuelled disorder statistics - green, amber and red. The Lower Kirkgate area is included in the red zone; albeit immediately adjacent to part of the green zone.

The red zone is the most restrictive area of the CIP, the consequence of which is that any applications for premises licences are automatically receive an objection from both the licencing section of the Council and the police, which severely reduces the chance of a successful application.

Whilst it is accepted that the red zone cumulative impact zone plays an important role in reducing late night alcohol fuelled disorder, this submission seeks to set out how placing the properties on Lower Kirkgate into the green area and the properties on Call Lane into the amber area of the CIP could help the Lower Kirkgate THI successfully meet its regeneration objectives whilst ensuring that alcohol fuelled disorder does not spread along Call Lane and Lower Kirkgate. Indeed, these successfully regenerated streets could help to reduce the opportunities for disorder.

Background to the Townscape Heritage Initiative

The Lower Kirkgate area (see plan below) has been the focus of a successful bid to the Heritage Lottery Fund (HLF) for a Townscape Heritage Initiative scheme. This scheme is now underway and seeks to drive heritage led regeneration of the area, predominantly through repair of buildings and reinstatement of traditional features.

In total £1.05m has been awarded from the HLF to be matched with £668k public funding. This along with £894k potential private funding and a further £250k from English Heritage could bring the total investment to an estimated £2.9m. This investment is vital as Lower Kirkgate has been marginal for many years with the private sector unwilling to invest in the area as a result of the poor viability of schemes caused by the condition of the buildings and wider environment.

The THI will seek to improve the buildings and wider environment however, in the crucial first few years after completion there is the possibility that the area could remain unattractive to investors due to the historical perception of the Lower Kirkgate area as a home for low end retail. As a result the blanket objection to drinking licences may inadvertently hinder the objectives of the THI especially in the first few critical years of delivery. Attracting good quality development that aids regeneration is vital to the success of the area.

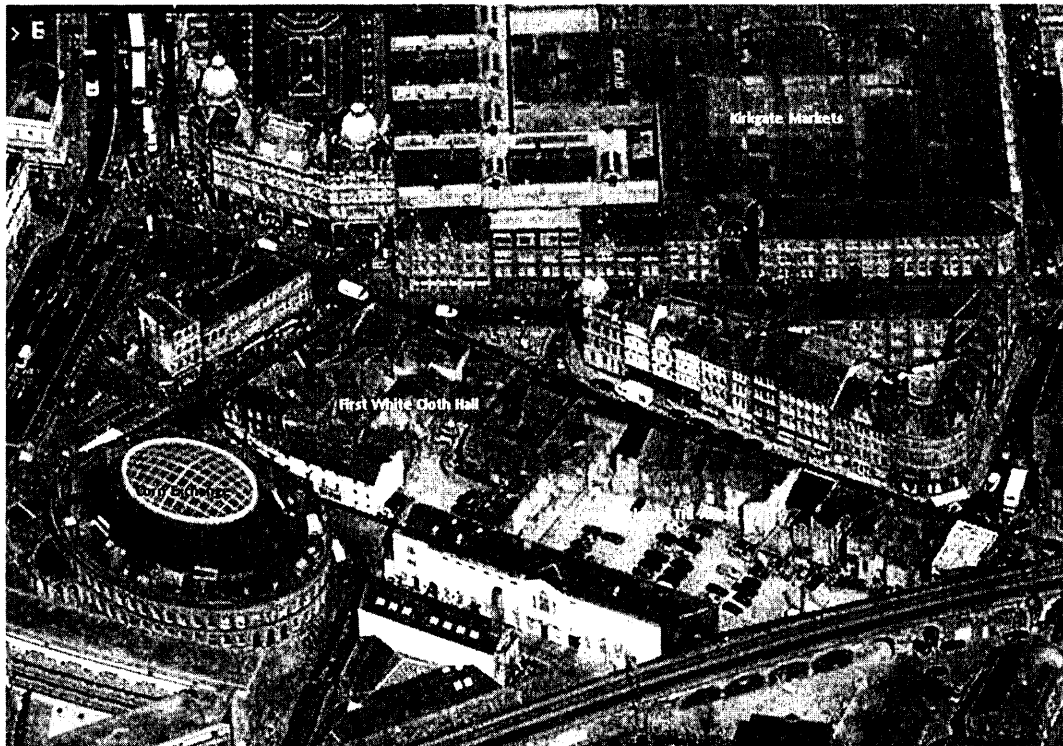


Figure 1: Lower Kirkgate THI boundary

Whilst the Lower Kirkgate area forms part of the city centre it has been marginal for a significant number of years with 'lower grade' retail uses becoming an established part of the shopping offer. This has led to a lower footfall and resultant lower income for the properties. This in turn has resulted in the decline of the properties and wider environment which creates further disincentive to for shoppers to walk to this area. The private sector is seemingly reluctant to invest in the street and intervention from the public sector is required.

It is vital that market in this area is revived and the THI is seen as the primary vehicle for doing so.

Proposal

Once the buildings are repaired and the environment improved it is envisaged that the area will become an area for 'alternative' retail where goods are locally made and sold. This is likely to be based around fashion primarily but this theme could be utilised by a number of appropriate uses including food and drink i.e. locally sourced produce.

It is acknowledged that the Lower Kirkgate area is included in the red area of the Cumulative Impact Zone as a precautionary measure in order to ensure that the effect of harmful drinking practices from nearby streets does not spread further outwards and add to the problem of alcohol fuelled night time disorder created by the properties in the surrounding area. However, none of the current premises on Lower Kirkgate are licensed and only one property in the THI area on Call Lane is licenced thus alcohol fuelled disorder does not originate from this area, although the results of this drinking may cause disorder around and on Lower Kirkgate. It is possibly the case that instances of disorder occur on Lower Kirkgate despite the lack of licences premises because of the lack of a night time economy, as on Kirkgate itself the south side of the street is predominantly boarded up and there is no surveillance or activity to deter disorder. A regenerated street with the right uses would provide this type of beneficial activity.

The support of planning and regeneration will add weight to the managed approach being taken by licencing and could ensure that any new licenced development does not increase this risk of disorder.

During the regeneration of the area it is possible that some modest food led related outlets will come forward which may have the ambition of being licensed. It is envisaged that where this is the case it would only be appropriate for this to be ancillary to a main food use (A3 use) and thus not the type of drinking establishment likely to lead to antisocial behaviour. To this effect such uses would only need to be licenced to normal restaurant/café hours.

The aspiration for Lower Kirkgate is that such licences should not be turned down purely for the problems created by other areas but included in the adjacent green area where good quality applications will be more acceptable. Moving the green zone boundary a small distance to Kirkgate will give investor confidence in the THI and provide the financial backing the scheme needs.

It is proposed that Call Lane which is nearer the disorder area, but does not itself contribute to it, should be placed in the amber area which would enable a case for a licence to be made by individual owners, relating to the use they are proposing. This would still enable harmful drinking establishments to be refused but allow those that would aid regeneration to be passed.

The Lower Kirkgate area is desperately in need of regeneration and cannot afford to lose out on those activities and uses which would otherwise be supported by planning policies.

There are other local factors which would support the restricted granting of licences on Lower Kirkgate:

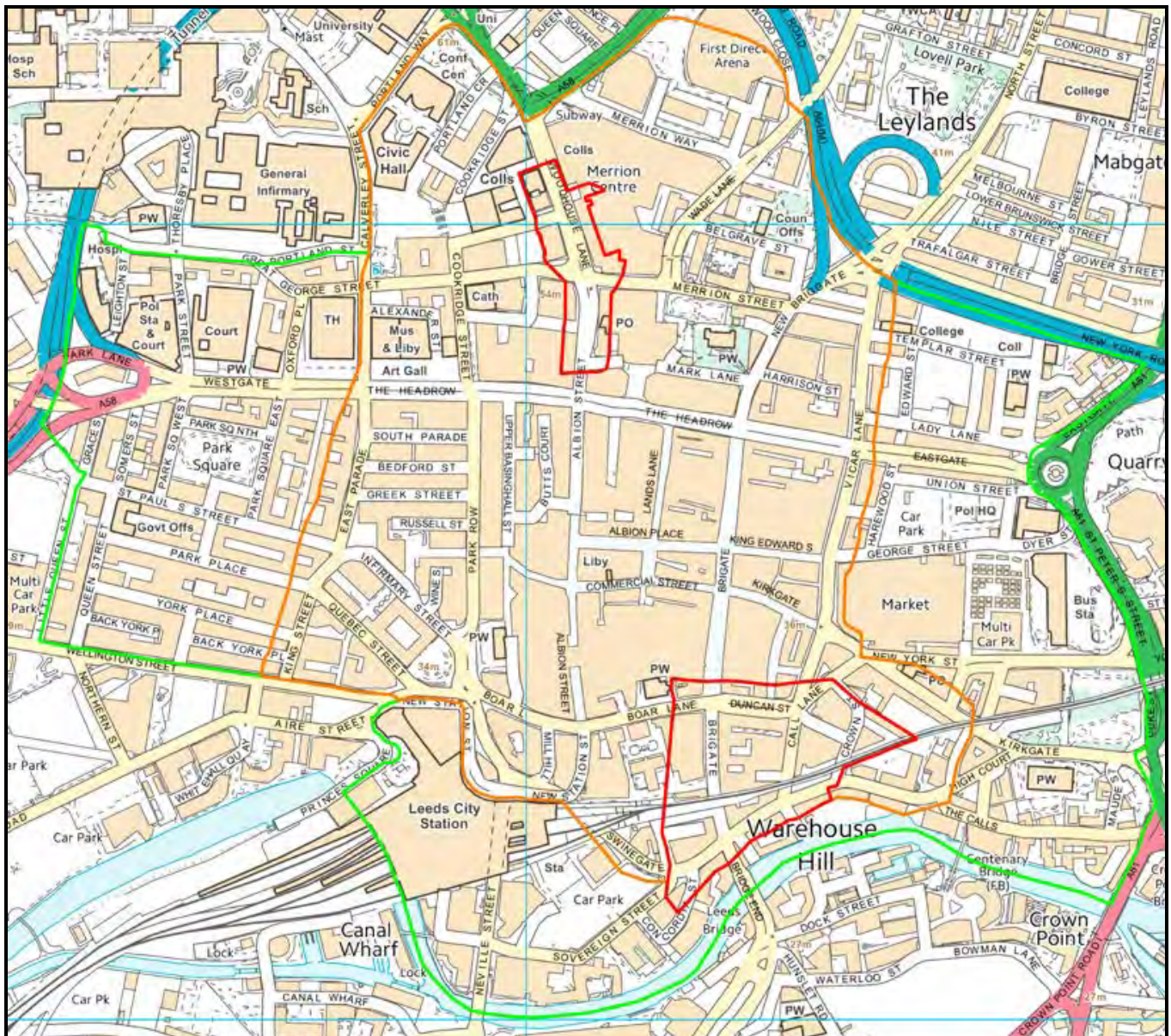
- Residential properties are located above properties on the other side of the road. Any planning application for an A3 use would be considered on a case by case basis and would need to be mindful of nearby residential uses, meaning that a likely restriction on closing times would be discussed under the planning application process.
- The financing of the THI penalises those property owners that sell their properties within 10 years of completion as it aims to ensure buildings are maintained to an appropriate standard by those that take part in the scheme. Therefore it is unlikely that owners would seek late licenses purely for the commercial value to sell on with the property.
- Lower Kirkgate is defined in local planning policy as a secondary retail frontage. This ensures that at least 50% of the frontage has to remain in A1 retail use. Therefore drinking establishments will be restricted to a certain threshold in any event.
- Planning permission would be required to change from class A3 (restaurant) uses to class A4 (bar) uses. This control is already in place in the planning legislation.

Summary

It is proposed that moving Lower Kirkgate a small distance out of the red area of the CIP into the green area would provide greater investor confidence for providing appropriate regeneration of the street and that planning controls such as those outline above would restrict the ability for harmful drinking practices to become established. Further, the scale and nature of the properties on Lower Kirkgate do not lend themselves to becoming 'vertical drinking establishments' .

Moving the Call Lane section of the THI area into the amber area of the CIP would reflect the fact that this area is nearer to the recorded instances of disorder, but would still allow owners to make a case for appropriate licenced uses which would not add to the problem but aid the regeneration of the area.

In the case of both Lower Kirkgate and Call Lane it is important state that the planning process which, amongst other controls, can restrict change of use to from licensed food led premises to other drink led establishments which are more likely to lead to disorder. There is also potential for a regenerated street to provide security measures in the form of activity and surveillance of the street which is currently empty and has potential for unwelcome activity to occur.



Area 1 relates to the city centre. West Yorkshire Police have provided information that the nature of the city centre is such that the problem areas and cumulative impact is directly related to the style of businesses opening in that area and their clientele.

In addition the close proximity of a number of venues on a street can result in difficulties in identifying individual premises as causing problems which can be dealt with via an action plan or a review process.

As a consequence the closure or opening of businesses can have a dramatic effect on reported crime and reported incidents in an area. While individual premises are dealt with using the review process, there are areas in Leeds city centre which may temporarily become saturated as new businesses open or existing businesses change their style of operation.

In addition the council recognises that a previous problem area can be improved by the introduction of new styles of business types, such as food led premises, and seeks to encourage this.

This dynamic nature has created difficulties in setting a policy for the city centre that will be relevant for five years until the next formal review. Therefore the council will adopt an approach of designating areas within the city centre CIP as 'red' or 'amber' based upon an analysis of night time economy related issues that are relevant to the licensing objectives. Areas that are considered highly saturated will be designated as red areas.

The council will seek to refuse all applications in these **red areas** on the basis that the impact on the licensing objectives are at such a level that the area cannot support any more premises opening or extending their hours no matter how impressive the concept or application is. The council will only grant applications in the red zone in exceptional cases.

An **amber area** is an area which is of concern based upon an analysis of night time economy related issues that are relevant to the licensing objectives, and the council will expect applicants to offer additional measures tailored to the problems in that area.

All other areas within the city centre CIP will be designated **green areas** where good quality applications will be generally be more acceptable even though the area is a CIP area.

It is the council's policy, on receipt of relevant representations, to

- refuse new and variation applications in the red area
- to seek additional measures for new and variation applications in the amber area
- To seek good quality applications for application in the green area

This applies to alcohol led premises such as bars, pubs and nightclubs, and for premises seeking late night refreshment such as takeaways and late opening restaurants.

The Licensing Act 2003 Statement of Licensing Policy 2014-2018 recognised that the night time economy in Leeds City Centre is dynamic and constantly changing. The council want a cumulative impact policy that can respond to the changing nature of the city centre and so provides this additional document which is reviewed every twelve months to ensure that the CIP zones remain relevant and current with regards to West Yorkshire Police data.

Changes in the last year

West Yorkshire Police has produced a crime and calls for service report "Analysis of Leeds City Centre high volume night-time economy related crime" dated 19/09/2014 which has been referred to when reviewing the red and amber zones for 2015. This report is referred to as the Police report in this document.

There are two distinct areas in the city where extra police resources are deployed on a regular basis. These areas are the Call Lane area and the Albion Street/Woodhouse Lane area. Premises in those areas also deploy street marshals at their own expense as it has been recognised that incidents on the street require extra attention and that early intervention can prevent an escalation in the severity of incidents on the street.

Call Lane Red Area

The Police report shows that the hotspot area of Call Lane is moving slightly west. The block of premises bounded by Briggate (also known as lower Briggate), Call Lane and Duncan Street is predominantly the hot spot area this year, with the emphasis being taken away from the area behind the Corn Exchange. This could be a temporary shift as a number of premises have closed on Assembly Street, but still retain a licence. West Yorkshire Police Licensing Department still report ongoing work with premises in this area, with action planning and reviews of licence premises occurring in the last 12 months. Therefore although the crime statistics show a drop in incidents when compared to previous years, this area remains in the red area this year due to the increase in enforcement action taken by West Yorkshire Police.

Since the last review in December 2013, the council has moved forward with the Lower Kirkgate Townscape Heritage Initiative (THI) which is a regeneration programme that seeks to bring back into use a number of vacant or underused historic properties in the area. This area was included in the red area of the cumulative impact policy in 2012, as there were concerns about dispersal of problems from the Call Lane area into this area of Kirkgate. The Police report shows that although Kirkgate is on the top streets list, there has been a reduction year on year (figure 6 in the Police report). Therefore this area has been removed from the red area and is now included in the amber area.

The council still considers that the proximity of this area to the late night economy in Call Lane and Lower Briggate is of a concern, and so has placed this area in the amber area to ensure that new businesses in this area provide a different style of premises to the late night bars and nightclubs which are saturating the red area.



Albion Street/Woodhouse Area

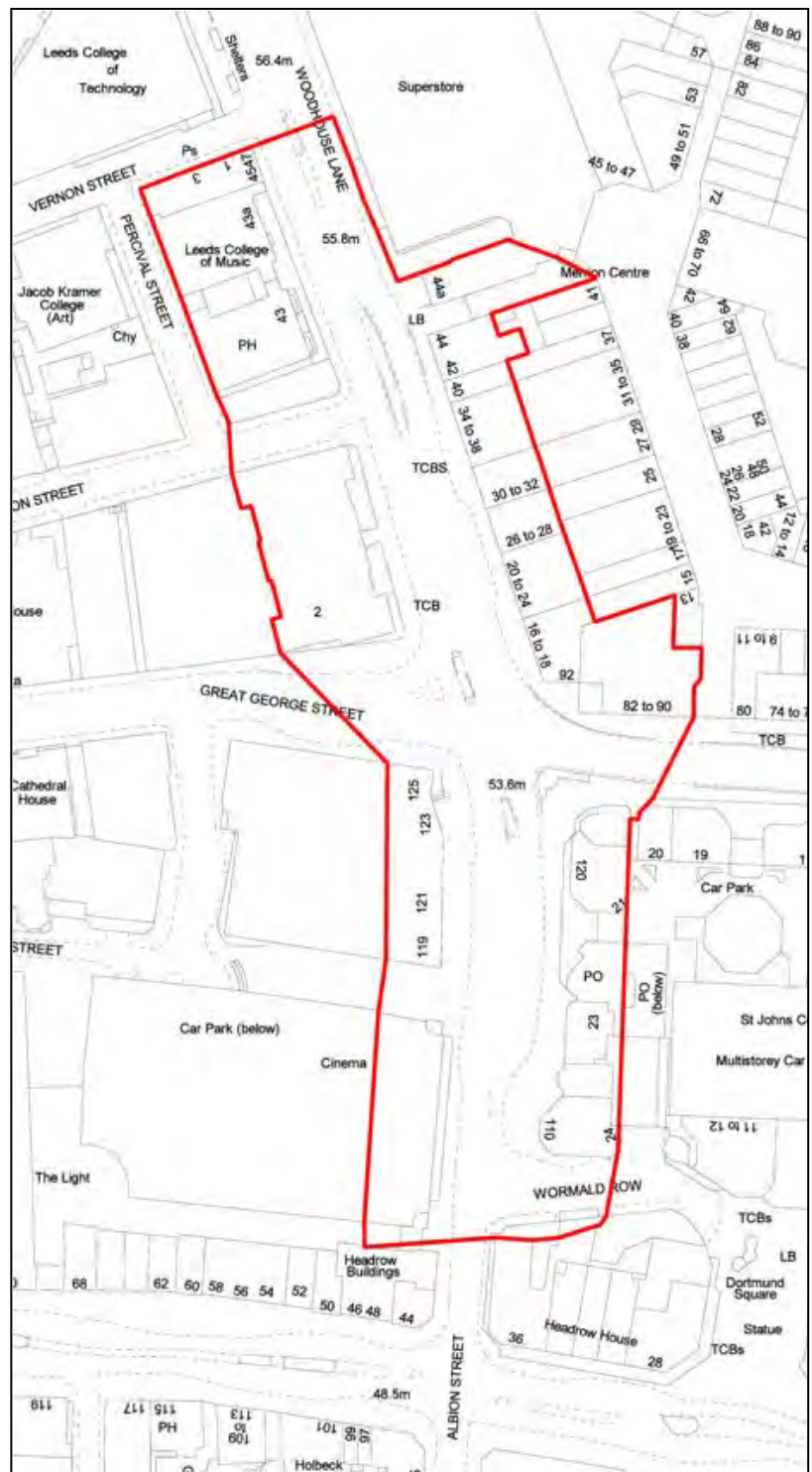
The police report clearly shows an increase in calls for service in Albion Street and Woodhouse Lane which evidences nuisance in this area. This remains a busy area during the post-midnight weekend hours with an increase in calls for service of 5.4% for Albion Street and 16.8% for Woodhouse Lane.

The top ten streets in the Calls for Service table are:

1. Briggate
2. Great George Street
3. Call Lane
4. The Headrow
5. Boar Lane
6. Albion Street
7. Woodhouse Lane
8. New York Street
9. New Briggate
10. Millgarth Street.

Great George Street, New Briggate and Millgarth Street have seen a reduction in calls for service from the preceding 12 months. This shows two clear areas where the calls for service are high – the Call Lane/Briggate/Boar Lane area which is already covered by the red area. The other main area is Albion Street, Woodhouse Lane and the Headrow.

In addition the Police report shows that this area remains a hotspot for robbery, assault and theft. For these reasons this area is now included in the red zone as the cumulative impact of the number of premises in this area has a direct impact on crime and disorder in this area.



Merrion Street

In the past year a new night time economy area has been developed at the north end of New Briggate, around a side street which is an extension of Merrion Street. There are a number of new late night bars, with a food offer opening in this area in the last year. With the imminent opening of three more premises in this area, it is expected that this part of the city will become very busy and vibrant after midnight.

The Police report shows a slight increase in calls for service (Appendix 1 to the Police report “Analysis of Leeds City Centre High Volume Night-time Economy Related Crime”), which shows a small increase in nuisance in this area.



This area remains in the amber area this year, as this provides the most flexibility to negotiate with applicants regarding safeguards that can be put in place to prevent this area becoming a crime or nuisance hotspot.

Conclusion

The review of the cumulative impact of licensed premises on the city centre shows:

- A continuation of the problems being experienced in the Lower Briggate, Call Lane, Duncan Street triangle
- A reduction of problems in the Assembly Street area which may be temporary
- The removal of the Kirkgate area from the red area to encourage development in this area
- An increase in calls for service indicating nuisance being experienced in the Albion Street area
- Although crime stats are down in the Albion Area they still remain high for the city centre, and so are highlighted as a crime hotspot
- An increase in the number of premises in the Merrion Street area which at the moment have now shown in increase in problems in the area

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Entertainment Licensing,
Civic Hall,
Leeds
LS1 1UR.

7th November 2014

Dear Sirs

Representations as part of the public consultation to the CIP Review 2015

My name is Paul Nathan-Geary MRICS the principal of Geary Associates a commercial property, leisure and development consultancy with over 30 years' experience advising land owners and occupiers in promoting regeneration projects in Leeds city centre.

Since 2009 I have had an active asset management role in operational leisure premises in the Kirkgate and Lower Briggate areas on behalf of both building owners and leisure operators. This experience has highlighted first-hand the issues facing both operators and public stakeholders in promoting the Licensing Objectives while operating in the night time economy.

My representations reflect both my personal opinion and experience of the Kirkgate and Briggate areas rather than necessarily the views of clients that I represent.

City Centre CIP Draft Guidance 2015

The annual review of the City Centre CIP is welcome to ensure that it is relevant and responds to changes. However, I would wish to make the following observations and representations:

- 1.0** As this document is intended as guidance for prospective Licencing applicants in practice it is only a part of the regulatory compliance required in order for and operator to trade.
Consequently, a more comprehensive guidance document supported by updated planning and environmental policy guidance would encourage better quality applications which will start to address some of the ongoing problems identified in the conclusions to the draft guidance.
- 2.0** Any policy should seek to positively address the reasons behind the crime statistics rather than just offer a containment strategy within a prescribed area. The trend evidence from the updated crime statistics is suggesting that in reality some of the problems are being decanted and replicated in other locations within the city centre.
- 3.0** In my view the primary reasons for the crime hotspot identified around the Calls and Briggate can be summarised as follows:-
 - A concentration of premises trading beyond 2.00 am causing early morning street dispersal issues at a time when on street police resources are limited.
 - A confluence of leisure footfall between 2200 -0200 hours of patrons leaving premises to go home or moving on to later opening venues with those arriving to commence their night out.

Paul E. Nathan-Geary MRICS

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- A concentration of licenced premises within the Call Lane area with no private external break out space resulting in large gatherings on the public footpath and highway creating tensions with traffic and passing pedestrians.
- Venues operating independent promoter events periodically attract undesirable customer groups causing tensions inside and outside venues with regular leisure goers to the area.
- A general culture of early evening binge drinking before arriving into the area to attend late night venues in the area results in a higher than average incidence of street crime and disorder.

4.0 The updated crime statistics appear to indicate that the Licencing initiatives to address issues are reducing crime and disorder within venues. However, on street crime especially theft and robbery appears to be increasing and displaced into the area of Lower Briggate adjacent one of the primary taxi stands which by and large is poorly marshalled and provides a potential flash point for late night crime and disorder.

In responding to the current consultation draft guidance I would suggest that the following additions to the policy document are made:-

1. A general presumption within the city that premises licence applications will not be validated nor considered without planning approval first being obtained. Planning powers and conditions used constructively within an updated planning policy framework to address city centre management aspirations will provide the Licensing Authority with a more robust management tool to address the crime and disorder issues identified.
2. A general presumption within the city against granting consent to licence premises for on sales that do not provide external privately managed break out space within the offer unless the premises form part of a larger managed estate such as shopping centres. This will reduce the number of suitable new leisure venues, raise competition standards and so encourage existing operators in "sub-standard" premises to relocate in the longer term.
3. A policy note to commit to producing a more integrated multi agency guidance document for integrating licensed leisure premises into the city centre.

Further topics for future policy review consideration.

1. A licensing system for "footloose" promoters and their events to control the negative impact of regular event promotions being moved around the city licensed venues.
2. A multi -agency approach to dispersing the night time economy from the city centre. The street marshal initiative has a limited role in customer dispersal management given that crime and disorder statistics indicate a shift to crime onto the public realm which has legal implications for private security companies intervening in street crime and disorder. A strategy which deploys multi agency resources supported by the police into taxi and public transport marshalling to manage street dispersal needs to be considered on a city wide basis to address on street crime and prevent displacement hotspots occurring as a result of the current street management strategies deployed in the city.

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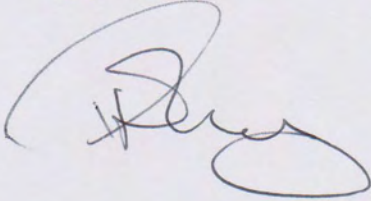
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3. A city wide late night operator levy to make a funding contribution towards a transparent and fully costed city wide street dispersal strategy.
4. A cultural policy initiative promoted by the city council which puts in place measures to eradicate “through the night” alcohol trading from premises as part of a visitor friendly European approach to encourage a diverse and vibrant leisure mix as part of a managed 24 hour city centre economy.

I look forward to receiving further feedback to the public consultation of the CIP draft guidance.

Yours faithfully,



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Report of Head of Licensing and Registration

Report to Licensing Committee

Date: 9th December 2014

Subject: Entertainment Licensing Fees and Charges

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. Licensing Committee sets the fees for sex establishments (sexual entertainment venues, sex shops and sex cinemas), places of marriage and scrap metal dealers. This review brings all three licensing regimes into the same review period and seeks to set revised fees for the three regimes with effect from 1st January 2015.
2. Under the European Services Directive and the Provision of Services Regulations 2009, the council may set a reasonable fee that only includes the costs related to the application process.
3. This report presents the fee review and a proposed scheme of charges.

Recommendations

4. That Licensing Committee considers the contents of this report and approve the scheme of charges for sex establishments, places of marriage and scrap metal dealers.

1 Purpose of this report

- 1.1 To request Licensing Committee considers a proposed fee scheme that reflects the cost of processing and determining applications for sex establishment, places of marriage and scrap metal dealers licences commencing from 1st January 2015.

2 Background information

- 2.1 Entertainment Licensing is responsible for:

- Licensing Act 2003
- Gambling Act 2003
- Sex Establishments
- Scrap Metal Dealers
- Places of Marriage
- Film classification
- Hypnotism
- Charitable Collections (street and house to house)

- 2.2 The fees relating to the Licensing Act 2003 and the Gambling Act 2005 are set by statute. There is no fee for film classification, hypnotism and charitable collections.

- 2.3 The fees for sex establishments, places of marriage and scrap metal dealers are set by the council. Authority for the setting of fees is delegated through the Officer Delegation scheme to Head of Licensing and Registration. However it has been the practice to take the reviewed fees to Licensing Committee for endorsement before putting them in place. This time, as part of a council-wide initiative on fees and charges, a report will be taken to Executive Board in December 2014 for approval.

3 Main issues

- 3.1 The fees for all three regimes are caught under the European Services Directive and Provision of Services Regulations.

European Services Directive

- 3.2 The European Services Directive ensures that the fee is limited to cost recovery. It provides:

“Authorisation procedures and formalities shall not be dissuasive and shall not unduly complicate or delay the provision of the service. They shall be easily accessible and any charges which the applicants may incur from their application shall be reasonable and proportionate to the cost of the authorisation procedures in question and shall not exceed the cost of the procedures.”

- 3.3 Regulation 18 of the Provision of Services Regulations effectively replicates the provisions of the Directive. Guidance on the provisions was given in the Department for Business Innovation and Skills’ Guidance for Local Authorities on the Provision of Services Regulations. These states:

“Local Authorities must set fees that are proportionate to the effective cost of the procedure dealt with. As costs vary from region to region, central advice on the level of fees will not be appropriate. Local Authorities will need to bear in mind the threat of legal challenge should a service provider feel that the levels of fee are being used as an economic deterrent or to raise funds for Local Authorities. Enforcement costs should not be assimilated with the application fee. This is to forestall the possibility of an unsuccessful applicant seeking legal remedy due to part of his fees having been used to subsidise his successful competitors.”

- 3.4 The Department’s corresponding Guidance for Businesses on the Provision of Service Regulations states:

“Under regulation 18, fees charged in relation to authorisations must be proportionate to the effective cost of the process e.g. to cover the actual cost of the application process. Fees should not be used as an economic deterrent to certain activities or to raise funds. As now, if you believe the fee to be disproportionate you can contest it with the authority concerned.”

Hemmings Case

- 3.5 As Members will be aware in 2012 the operators of a number of sex shops in Westminster were successful in their High Court action against Westminster City Council in challenging the level of fees set by them. The basis of the case was that the authority had not taken into account a European Directive and that the fees were in excess of what they should have been. It was argued that prosecuting persons, businesses and companies who operate sex establishments illegally could not be included in the fee structure of the council.

- 3.6 Westminster Council appealed the decision of the High Court to the Court of Appeal, which dismissed the appeal, supporting the High Court. It is clear that the Court of Appeal have determined that where there is an administrative licensing process, there is a need to be particularly careful with how the fee structure is established. This is critical if the fees are not set centrally as standard fees.

Sex Establishments

- 3.7 Sex establishments are subject to an annual renewal process. There are also processes to vary a licence and transfer it.

- 3.8 Officers have calculated the cost of the processes undertaken in 2014, which are:

3 sex establishments (SEV) renewals that went to hearing

4 sex establishments (sex shops) renewals that received no objections

- 3.9 Officers reviewed the administrative process undertaken within the section to ensure that it is as streamlined as possible. There have been significant changes made in the past five years to streamline services, improve IT provision, utilise email and other digital processes, scanning of files and digital archiving. These changes have led to a reduction in the overhead costs of the service and the time that each process takes.

- 3.10 The proposed fee structure recognises that all applications for sexual entertainment venues are heard at a licensing subcommittee and attract the subsequent costs

associated with this process. The fee structure also recognises that applications for the renewal of sex shops have not attracted objections in the past few years.

3.11 In 2014 we included a cost for legal services based on the costs incurred during 2013. This was the first year that licences were considered by Members under the new policy which limited licences by location and numbers. As such the legal team required longer to ensure that we were legally compliant, and that the decision notices were comprehensive. This cost did not include any costs for the judicial reviews which we also dealt with last year.

3.12 Officers have reviewed the legal costs for the hearing that took place this year; the second renewal for Silks. The cost for the legal support during this hearing was £2,100. The review shows that the current fee for sex establishments is an accurate reflection of the costs to the council of administering these applications however due to the reduction in objections being processed there is a slight reduction in the cost of processing the applications.

Sexual Entertainment Venue	New	Renewal	Variation	Transfer
Current fee:	£4,314.00	£4,314.00	£3,400.00	£776.00
Revised fee:	£4,159.00	£4,159.00	£3,567.00	£776.00

Cost recovery calculation	New	Renewal	Variation	Transfer
Receipt and admin (£35.77/hr)	£107.31	£107.31	£107.31	£107.31
Enquiries (3 hours)	£107.31	£107.37	£35.77	£35.77
Notice checks (£40.84/hr)	£163.36	£163.36	£00.00	£163.36
Production of notice of hearing (35.77/hr)	£71.54	£71.54	£71.54	£0.00
Production of notice of hearing (30 copies)	£21.00	£21.00	£7.00	£0.00
Production of agenda (£35.77/hr)	£143.08	£143.08	£143.08	£0.00
Production of agenda (actual cost)	£158.00	£158.00	£158.00	£0.00
Production of agenda (print and postage)	£9.66	£9.66	£6.90	£0.00
Room hire (3 hrs)	£90.00	£90.00	£90.00	£0.00
Refreshments (15x)	£37.50	£37.50	£37.50	£0.00
Members allowance	£302.00	£302.00	£302.00	£0.00
Officer attendance (£35.77/hr)	£214.76	£214.76	£214.76	£0.00
Notice of decision/minutes (£35.77/hr)	£143.08	£143.08	£143.08	£0.00
Notice of decision/minutes	£21.00	£21.00	£7.00	£0.00
Compliance visits and assoc paperwork (£40.83/hr)	£326.72	£326.72	£00.00	£326.72
Issue of licence (£35.77/hr)	£143.08	£143.08	£143.08	£143.08

Legal advice, including attendance at hearing, decision notice	£2,100.00	£2100.00	£2100.00	£0.00
Total	£4,159.40	£4159.46	£3567.02	£ 776.24

Sex Shop & Sex Cinema	New	Renewal	Variation	Transfer
Current fee:	£4,314.00	£776.00	£3,400.00	£776.00
Revised fee:	£4,159.00	£776.00	£3,567.00	£776.00

Cost recovery calculation	New	Renewal	Variation	Transfer
Receipt and admin (£35.77/hr)	£107.31	£107.31	£107.31	£107.31
Enquiries (3 hours)	£107.31	£35.77	£35.77	£35.77
Notice checks (£40.84/hr)	£163.36	£163.36	£00.00	£163.36
Production of notice of hearing (£35.77/hr)	£71.54	£00.00	£71.54	£00.00
Production of notice of hearing (30 copies)	£21.00	£00.00	£7.00	£00.00
Production of agenda (£35.77/hr)	£143.08	£00.00	£143.08	£00.00
Production of agenda (actual cost)	£158.00	£00.00	£158.00	£00.00
Production of agenda (print and postage)	£9.66	£00.00	£6.90	£00.00
Room hire (3hrs)	£90.00	£00.00	£90.00	£00.00
Refreshments (15x)	£37.50	£00.00	£37.50	£00.00
Members allowance	£302.00	£00.00	£302.00	£00.00
Officer attendance (£35.77/hr)	£214.76	£00.00	£214.76	£00.00
Notice of decision/minutes (£35.77/hr)	£143.08	£00.00	£143.08	£00.00
Notice of decision/minutes (30 copies)	£21.00	£00.00	£7.00	£00.00
Visits and assoc paperwork (£40.84/hr)	£326.72	£326.72	£00.00	£326.72
Issue of licence (£35.77/hr)	£143.08	£143.08	£143.08	£143.08
Advice, attendance at hearing, decision notice	£2100.00	£00.00	£2100.00	£00.00
Total	£4159.40	£776.24	£3567.02	£ 776.24

Marriage Act – Places of Marriage

- 3.13 Places of Marriage are subjected to a three yearly licensing regime.
- 3.14 This fee has not been reviewed for a number of years. A review of this fee would fall under the EU Services Directive/Provision of Services Regulations and so should only be charged on a cost recovery basis. There would be no justification to follow a fee regime based on occupancy, as the application process is now the same regardless of size of premises. Based on history, it has never been known for an application to come before a licensing subcommittee and therefore the cost of a hearing has not been factored in to the application or renewal fee.
- 3.15 There is provision for an applicant to call for a review of a decision which would be referred to a hearing. It is therefore proposed to include the costs associated with a hearing for this aspect of the procedure to bring it in line with other processes that require a licensing subcommittee, although again the likelihood of a review request is remote.

Marriage Act	Occupancy under 600	Occupancy over 600	Review
Current fee:	£868.91	£1,102.31	£385.12
Revised fee based on cost recovery only:	£516.00	£516.00	£3,599.00

Cost recovery calculation	Occupancy under 600	Occupancy over 600	Review
Receipt of application incl fee (0.5hr @ £29.95/hr)	£89.85	£89.85	£89.85
Update records (0.5 hr @ £35.77/hr)	£17.89	£17.89	£17.89
Consultation (0.25 hr @ £35.77/hr)	£8.94	£8.94	£8.94
Registrar admin cost (2 hrs @ £44.82/hr)	£89.64	£89.64	£89.94
Registrar site visit (4 hrs @ £44.82/hr)	£179.28	£179.28	£0.00
Registrar mileage (20 miles @ £0.45/hr)	£9.00	£9.00	£0.00
Building Control review (2 hrs @ £44.82/hr)	£89.64	£89.64	£89.64
Building Control mileage (20 miles @ £0.45/hr)	£9.00	£9.00	£0.00
Hearing cost	£0.00	£0.00	£1,180.00
Legal cost	£0.00	£0.00	£2,100.00
Issue of licence (0.5 hr @ £44.82/hr)	£22.41	£22.41	£22.41
Total	£515.65	£515.65	£3,598.67

Scrap Metal

- 3.16 The Scrap Metal Dealers Act 2013 was a replacement regime for the Scrap Metal Dealers Act 1964 and the Motor Salvage Operators Act 2009. Scrap Metal Dealers licences last for three years.
- 3.17 On average the section receives 6 applications a month although this fluctuates depending on the Police's enforcement activity.
- 3.18 This regime is also subject to the Provision of Services Regulations 2009 and therefore should be based on cost recovery of the application process only. The fee was set in September 2013 and the regime commenced with the first applications being received in November 2013.
- 3.19 The current fee is based on cost recovery, but since the regime has been in place Entertainment Licensing has undertaken more enforcement action with Scrap Metal collectors than was first anticipated. We originally budgeted for a site visit to check compliance but officers are undergoing roadside checks with the Police to check on compliance with the collectors as well. The subsequent office based investigations average at 4 hours for both sites and collectors.
- 3.20 We also think there is scope to charge for a replacement licence which we had not factored in to the fee structure.

Site	New Application	Renewal	Vary licence	Change of name or address	Replacement licence
Current fee:	£494.00	£494.00	£327.00	£46.00	£0.00
Revised fee:	£502.00	£502.00	£167.00	£46.00	£10.50
Cost recovery calculation	New Application	Renewal	Vary Licence	Change of name or address	Replacement licence
Receipt application (1hr)	£43.00	£43.00	£43.00	£21.00	£0.00
Enquiries (1hr)	£43.00	£43.00	£43.00	£0.00	£0.00
Site visits (7 hrs over 2 visits)	£335.00	£335.00	£0.00	£0.00	£0.00
Issue of licence (1hr)	£43.00	£43.00	£43.00	£21.00	£10.50
Correspondence (4 documents)	£4.00	£4.00	£4.00	£3.00	£0.00
Oral reps (share of £403 x 10 / 120)	£34.00	£34.00	£34.00	£0.00	£0.00
Total	£502.00	£502.00	£167.00	£46.00	£10.50

Collector	New Application	Renewal	Vary Licence	Change of name or address	Replacement licence
Current fee:	£159.00	£159.00	£0.00	£46.00	£0.00
Revised fee:	£359.00	£359.00	£167.00	£46.00	£10.50
Cost recovery calculation	New application	Renewal	Vary Licence	Change of name or address	Replacement Licence
Receipt application (1hr)	£43.00	£43.00	£43.00	£21.00	£0.00
Enquiries (1hr)	£43.00	£43.00	£43.00	£0.00	£0.00
Roadside compliance checks (4hrs)	£192.00	£192.00	£0.00	£0.00	£0.00
Issue of licence (1hr)	£43.00	£43.00	£43.00	£21.00	£10.50
Correspondence (4 documents)	£4.00	£4.00	£4.00	£3.00	£0.00
Oral reps (share of £403x10/120)	£34.00	£34.00	£34.00	£0.00	£0.00
Total	£359.00	£359.00	£167.00	£46.00	£10.50

4 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.1 In the past the practice has been for the sex establishment fee regime to be distributed to all licence holders. Although this consultation has taken place, the council has received only one response which did not lead to an amendment of the fee structure.
- 4.1.2 This pre-consultation with licence holders has been possible in the past as the council has reviewed the sex establishment licence fee separately and there are only a small number of licensees affected.
- 4.1.3 There is no statutory requirement to consult with licence holders before reviewing the fee for these three regimes. Taking into consideration the three yearly licence renewal period for Scrap Metal and Marriage, and the number of licensees affected it is recommended that a formal consultation process would not be good value for money in this instance.

4.2 Equality and Diversity / Cohesion and Integration

- 4.2.1 There are no implications for equality and diversity/cohesion and integration in setting a fee structure.

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 The licensing of sex establishments, places of marriage and scrap metal dealers attracts a fee which can only be used to pay for the costs associated with the licence application and cannot be used to cover the cost of the investigation of unlicensed activity.

4.5 Legal Implications, Access to Information and Call In

4.5.1 The recent case has highlighted the need for councils to ensure that fees only include the costs of processing applications.

4.6 Risk Management

4.6.1 Following the result of the Hemmings case there is a risk of the licensees challenging the fees set by the authority, if they consider that the fee is not reasonable or that the council is making a charge for matters that are not relevant to the applications process.

5 Conclusions

5.1 Taking into consideration the European Services Directive, the Provision of Services Regulations and the Hemmings case, officers recommend that the fee structure is adjusted to reflect full cost recovery of the application process. However the costs should be kept under review and regularly updated to ensure that the fee is only based on cost recovery.

6 Recommendations

6.1 That Licensing Committee considers the contents of this report and approve the scheme of charges for sex establishments, places of marriage and scrap metal dealers.

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.

Report of Head of Licensing and Registration

Report to Licensing Committee

Date: 9th December 2014

Subject: Fixed Odds Betting Terminals

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. The concern with Fixed Odds Betting Terminals (FOBTs) is the rapid play and high stakes and prizes which have led to these machines becoming the most harmful type of gambling. The capping of FOBTs to 4 per premises has led to a proliferation of betting shops in deprived areas. This in turn leads to a loss of amenity in the high street, and potential crime and disorder which goes largely unreported.
2. London Borough of Newham has highlighted this issue with a proposal under the Sustainable Communities Act to limit the stakes on FOBTs to £2. The White Paper presented to full Council in November sought to support this action with a letter to Helen Grant MP, Parliamentary Under Secretary of State for Sport and Tourism.

Recommendations

3. That Licensing Committee considers the contents of this report and provide comments to be included in the letter to Helen Grant MP, Parliamentary Under Secretary of State for Sport and Tourism, recommending a reduction in the maximum bet per spin on FOBTs to £2 and officially supporting London Borough Newham's Sustainable Communities Act proposal to give local authorities the power to do the same.

1 Purpose of this report

- 1.1 To advise Licensing Committee of the background to the White Paper debated at Council on November 2014 and to provide the opportunity for Licensing Committee to provide comments to be included in the letter to Helen Grant MP, Parliamentary Under Secretary of State for Sport and Tourism, recommending a reduction in the maximum bet per spin on FOBTs to £2 and officially supporting London Borough Newham's Sustainable Communities Act proposal to give local authorities the power to do the same.

2 Background information

- 2.1 Fixed Odds Betting Terminals (FOBTs) are touch screen electronic gaming machines found in betting shops across the United Kingdom. FOBTs provide a variety of games including casino games such as roulette, poker and blackjack, electronic slot games and virtual racing.
- 2.2 FOBTs are classified as Category B2 machines and have maximum stake of £100 and prize per spin of £500. Only betting shops are able to site FOBTs on their premises.
- 2.3 FOBTs came to prominence in 2002 when roulette was introduced. At that time, Fixed Odds Betting Terminals were not regulated or categorised by Government, therefore bookmakers sited them in betting shops without any clear operating parameters agreed with regulatory bodies such as the Gaming Board of Great Britain (GBGB). The GBGB took one bookmaker (William Hill) to court over this type of machine, but the matter was dealt with when the national bookmakers volunteered self-regulation in the form of a [Code of Practice](#).

3 Main issues

- 3.1 At November's full Council meeting a White Paper was presented which requests that the Chief Executive writes to Helen Grant MP, Parliamentary Under Secretary of State for Sport and Tourism, recommending a reduction in the maximum bet per spin on FOBTs to £2 and officially supporting London Borough Newham's Sustainable Communities Act proposal to give local authorities the power to do the same.
- 3.2 FOBTs are unique; they were categorised as B2 Gaming Machines in the 2005 Gambling Act, but they contain two categories of game content. Casino games are referred to as B2 and slot games are B3. Both types of games are capped at £500 maximum prize per spin. You can bet up to £100 per spin every 20 seconds on casino games (B2) and up to £2 per spin on slot games (B3). No other gaming machine allows such high speed, high stake play.
- 3.3 In 2005 the then Minister of State at the Department of Culture, Media & Sport, Richard Caborn, said: "[High stake slot machines, including FOBTs, remain on probation and we will continue to adopt a cautious approach. Government will not hesitate to act should there be sound evidence of harm.](#)"

- 3.4 Between 2002 and 2012 the number of FOBTs has risen to over 34,000 and the profit generated for bookmakers has now reached over £1.4 billion per year (gross profit from FOBTs alone in 2012 according to Gambling Commission figures). Ladbrokes, William Hill and Coral make more than £900 per week profit from each roulette machine they operate and they are allowed to have up to four per betting shop.
- 3.5 Approximately 50% of all profits made by land based bookmakers are now derived from FOBTs. The game driving this explosion in profits is roulette, which accounts for approximately 90% of turnover and profit.
- 3.6 FOBTs have been a regular feature in the headlines over the last 10 years due to the highly addictive nature of electronic roulette games and this has led to them being described as the [“crack cocaine of gambling”](#). As Matt Zarb-Cousin outlines in this article for the [Guardian](#) in 2012 based on his experience of them, they are highly addictive and can have destructive consequences.
- 3.7 In 2008 a Gambling Commission report on the [Impact of high-stake, high-prize gaming machines on problem gambling](#):
- “while EGMs (FOBTs) appear to appeal to many ordinary gamblers, they seem to be particularly attractive to those at risk of problem gambling and to those with a gambling problem. The available research has identified the sort of features that appeal to gamblers (example: fast games, multi-stake, high payout ratio, free games) and that are therefore associated with higher levels of both gambling and gambling-related harm” (Parke and Griffiths 2007).*
- 3.8 In 2007 a scoping study for the Government advised that they should continue to monitor FOBTs in betting shops closely. No such monitoring has taken place and more worryingly, despite the increasing anecdotal evidence of the harm they cause, bookmakers have continued to expand their betting shop estates by focusing on the most deprived and vulnerable areas of the UK as highlighted by this analysis for the [Guardian](#).
- 3.9 In November 2012 Panorama revealed the scale of crime, disorder and problem gambling being caused by Fixed Odds Betting Terminals on our high streets. Before this, Dispatches revealed the extent to which bookmakers are targeting the most deprived and vulnerable communities across the UK.

(Information provided by Campaign for Fairer Gambling)

- 3.10 The situation in Leeds is that over the last ten years, the proliferation of betting shops has remained stable with a modest net increase from 98 in 2007 to 105 in 2014.

Converted	1/9/2008	1/9/2009	1/9/2010	1/9/2011	1/9/2012	15/4/2013	1/9/2014
98	99	101	106	103	105	106	108

- 3.11 However this doesn't tell the whole story. Although the numbers have remained stable, this doesn't show the increase of betting shops in the deprived areas. Bookmakers are closing premises to reopen them in a more profitable area which can be seen on the following table, which provides the number of betting shops by ward. The wards shown are those which have had a change in the number of betting shops. This does not show where a betting shop has moved within the ward.

Ward	1/9/2008	1/9/2009	1/9/2010	1/9/2011	1/9/2012	15/4/2013
Armley	4	4	4	4	5	5
Bramley & Stanningley	5	4	5	6	5	3
City & Hunslet	18	19	21	22	22	24
Crossgates & Whinmoor	3	3	4	4	5	5
Headingley	2	3	3	2	2	2
Horsforth	4	4	3	3	3	3
Middleton Park	3	4	4	4	4	5
Morley North	2	2	3	2	1	1
Morley South	3	3	3	3	4	3
Otley & Yeadon	5	5	5	5	5	4
Rothwell	3	3	3	3	4	4
Wetherby	2	2	3	1	1	2

- 3.12 Following the conversion of 102 existing betting shops into the new regime in 2007, there have been 32 new licence applications, 22 licences surrendered and 4 lapsed.
- 3.13 The concern is that the increase in betting shops, payday loan companies and pawnbrokers has led to an erosion of amenity on these high streets, and the businesses are preying on the most vulnerable in order to make a profit. There is also a concern that the use of FOBTs leads to crime and disorder in the area.
- 3.14 The London Borough of Newham is proposing to submit a proposal under the Sustainable Communities Act to reduce the maximum bet per spin on Fixed-Odds Betting Terminals (FOBTs) in on-street betting shops from £100 to £2.
- 3.15 The Sustainable Communities Act became law in 2007 and set up a new process of governance where councils can drive central government action and policy to 'assist councils in promoting the sustainability of local communities'. The philosophy behind the SCA is localist in nature and seeks to reduce the centrally imposed duties on councils and to allow councils to be more accountable to their electorate. The Government has a duty to try to reach agreement with councils, via the LGA 'selector' within a year of the application. For a submission to be successful, broad support from local authorities across the country is crucial.
- 3.16 The proliferation of high street betting outlets in Newham is an issue of grave concern to the London Borough of Newham and local residents due to the impact on the vitality of high streets and the increased anti-social behaviour and crime associated with clustering in one locality. Newham has one of the highest numbers of betting shops of any London borough with 86 currently in operation.

- 3.17 Councils are currently hamstrung in their ability to deal with the issue of high street clustering as the Gambling Act 2005 created a permissive licensing regime, removing any control from local government.
- 3.18 The Government is considering the impact of FOBT gaming through researching potential harm and is due to report in autumn 2014. In the meantime Ministers have published player protection measures and are consulting on giving betting outlets a separate planning use clause.
- 3.19 According to the Newham report, there are now more than 33,400 FOBTs offering casino content on high streets illustrating this is a nation-wide issue. There are also more than twice as many betting shops in the poorest 55 boroughs compared with the most affluent 115, which are equivalent by population.
- 3.20 Members can read more about Newham's proposal at: <http://www.newham.gov.uk/Documents/Misc/SustainableCommunitiesActBettingShopCampaign.pdf>. This document has been attached at appendix 1.

4 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.1 The matter of FOBTs and the clustering of betting premises has been of concern to Ward Members for some time. A White Paper was presented to full Council in November 2014 regarding this issue.

4.2 Equality and Diversity / Cohesion and Integration

- 4.2.1 There are no implications for equality and diversity/cohesion and integration in this advisory report.

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 There are no implications with regards to resources and value for money associated with the recommendations in this report.

4.5 Legal Implications, Access to Information and Call In

- 4.5.1 There are no legal implications, or matters relevant to Access to Information and Call In associated with the recommendations in this report.

4.6 Risk Management

- 4.6.1 The risks associated with the recommendation in this report are low.

5 Conclusions

- 5.1 The concern with FOBT is the rapid play and high stakes and prizes which has led to these machines becoming the most harmful type of gambling. The capping of FOBTs to 4 per premises has led to a proliferation of betting shops in deprived areas. This in turn leads to a loss of amenity in the high street, and potential crime and disorder which goes largely unreported.
- 5.2 London Borough of Newham has highlighted this issue with a proposal under the Sustainable Communities Act to limit the stakes on FOBTs to £2. The White Paper presented to full Council in November sought to support this action with a letter to Helen Grant MP, Parliamentary Under Secretary of State for Sport and Tourism.

6 Recommendations

- 6.1 That Licensing Committee considers the contents of this report and provide comments to be included in the letter to Helen Grant MP, Parliamentary Under Secretary of State for Sport and Tourism, recommending a reduction in the maximum bet per spin on FOBTs to £2 and officially supporting London Borough Newham's Sustainable Communities Act proposal to give local authorities the power to do the same.

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.



Newham London

Newham's Sustainable Communities Act proposal and betting shop campaign

The London Borough of Newham is proposing to submit a proposal under the Sustainable Communities Act to reduce the maximum bet per spin on Fixed-Odds Betting Terminals (FOBTs) in on-street betting shops from £100 to £2.

Sustainable Communities Act (SCA)

The Sustainable Communities Act became law in 2007 and set up a new process of governance where councils can drive central government action and policy to 'assist councils in promoting the sustainability of local communities'. The philosophy behind the SCA is localist in nature and seeks to reduce the centrally imposed duties on councils and to allow councils to be more accountable to their electorate. The Government has a duty to try to reach agreement with councils, via the LGA 'selector' within a year of the application. For a submission to be successful, broad support from local authorities across the country is crucial.

Fixed-Odds Betting Terminals (FOBTs) and clustering

Newham has one of the highest number of betting shops of any London borough with 86 currently in operation. Each betting outlet can provide four FOBT machines which offer casino style content including games such as roulette at up to £100 a spin, which can be wagered every 20 seconds. It is in response to the cap that bookmakers have opened multiple premises in clusters to facilitate more machines as a fixed margin product guarantees bookmakers a return. As a result, FOBTs have become a significant part of their business operations which has led to betting shops proliferating on high streets and licenses being moved from tertiary locations to clusters.

There are now more than 33,400 FOBTs offering casino content on high streets¹ illustrating this is a nation-wide issue. There are also more than twice as many betting shops in the poorest 55 boroughs compared with the most affluent 115, which are equivalent by population.

It is for this reason that Newham is proposing to make a SCA submission to reduce the maximum bet per spin on FOBTs from £100 to £2. Gambling machines in easily accessible locations – such as those in bingo halls, amusement arcades and adult gaming centres – are capped at £2 per spin, to protect the player and to limit losses and this proposal would bring them into line with other machines in the UK. The below table illustrates how B2 machine stakes compare with other gaming machines:

Machine Category	Maximum stake (from January 2014)
A	Unlimited
B1	£5
B2	£100
B3	£2
B3A	£2
B4	£2
C	£1
D (money prize)	10p
D (non-money prize other than crane grab machine)	30p
D non-money prize (crane grab machine)	£1
D combined money and non-money prize (other than coin pusher or penny falls machines)	10p
D combined money and non-money prize (coin pusher or penny falls machine)	20p

This SCA will only impact gaming machines in high street locations and not impact casino machines. It is also a measure the Government can enact within the existing parameters of the Gambling Act, as the legislation acknowledges the potential for FOBTs to cause harm.

Newham will be bringing a report before Cabinet in September to submit a proposal in late autumn. The Government will need to respond within a year, which will fall before the start of the Government's triennial review into stakes and prizes of gaming machines, providing an excellent opportunity for change to be enacted.

Data mapping

Newham Council's research, using the Gambling Commission's premises register between 2008 to 2010 and 2014, finds that amongst the 261 areas for which there is consistent data there has been a 12% increase in the number of betting shops that are in the most deprived areas. Over a third of betting shops – 36% - are in the fifth most deprived areas. Newham would be happy to share a map with you if there has been a significant change in your area.

Thank you for your support for this Sustainable Communities Act submission.

Through joint, collaborative working we can tackle this issue and for further information please contact
Hannah.clifton@newham.gov.uk

Background to the campaign

The proliferation of high street betting outlets in Newham is an issue of grave concern to the council and local residents due to the impact on the vitality of high streets and the increased anti-social behaviour and crime associated with clustering in one locality. Councils are currently hamstrung in their ability to deal with the issue of high street clustering as the Gambling Act 2005 created a permissive licensing regime, removing any control from local government.

The Government have decided to consider the impact of FOBT gaming through researching potential harm and is due to report in autumn 2014. In the meantime Ministers have published player protection measures and are consulting on giving betting outlets a separate planning use clause.

¹<http://www.gamblingcommission.gov.uk/docs/Industry%20statistics%20-%20April%202008%20to%20March%202013%20-%20word.docx>

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Report author: Des Broster
Tel: 3781561

Report of Head of Licensing and Registration

Report to Licensing Committee

Date: 9 December 2014

Subject: Information report – issues around free ‘wi’fi in private hire vehicles.

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

Summary of main issues

1. Licensing Committee has considered two reports in the previous 14 months concerning the approval of free ‘wi-fi’ in wheelchair accessible vehicles. All of the issues involved in that report were approved and the policy is ‘live’.
2. Members asked that a report exploring proposals for free ‘wi-fi’ in Private Hire vehicles be prepared and added to the Committee’s work programme for 2014. This report is the Officer response to that requirement.

Recommendations

3. That Members note the information in this report and make any comment they feel appropriate in the circumstances.

1 Purpose of this report

- 1.1 To inform Members of the issues and opportunities for free 'wi-fi' in Private Hire vehicles and any regulatory issues.
- 1.2 This is an information report only as there is no decision to be made by Licensing Committee.

2 Background information

- 2.3 The consideration revolves solely around the requests from Licensing Committee Members for Officers to consider the issues around free 'wi-fi' in Private Hire Vehicles (PHVs).
- 2.4 Members will recall that in October 2013 they considered and approved the availability of free 'wi-fi' in the licensed taxi fleet. An update report was prepared for Members in April 2014. The availability of free 'wi-fi' in the initial report was directly linked to 'streaming' advertising into Hackney carriage vehicles.
- 2.5 On 9 September 2014, members considered a report for advertising on digital screens contained within headrests in PHVs. That report was approved by Members. However, there was no 'wi-fi' proposal linked to the concept at that time.
- 2.6 The provision of a free 'wi-fi' facility in today's society is developing into the norm in many areas including the transport sector. This report enables Members to consider how such a facility would/could evolve in licensed PHVs.
- 2.7 There has been no application for free 'wi-fi' in licensed vehicles. Normally such an application would have some commercial enterprise attached to it and the provision of digital display screens in licensed vehicles is a good example of that commercial enterprise.
- 2.8 There is little the Council can do to contain or prevent this and the view of Officers is that the proportionate response is for the public to be responsible for evaluating their own data security. There is an appreciable level of understanding of internet security by the public and for the Council to try and engage in this within a licensing regime; may be considered a step too far by Members. It would of course be an entirely different proposition if a business decision was made by an Operator or some other commercial interest to supply free 'wi-fi' in vehicles and at that point the Council could again consider its stance. In the interim it is recommended that Members simply await commercial developments.

3 Main issues

- 3.1 The issues here are around the availability of 'wi-fi' and the effect of that on passenger within a regulatory framework.
- 3.2 Private Hire 'wi-fi' access is in all probability already provided by some operators by the unconscious sharing of access to the internet through mobile devices within the licensed vehicle. For example: the driver's smart phone or the

Operators smart phone receiving booking and despatch systems. The issue here is the security of those devices when internet sharing takes place may not be as good as a currently approved way of providing a 'wi-fi' hotspot in licensed Hackney Carriages.

4 Corporate Considerations

4.1 Consultation and Engagement

4.1.1 There is no intended policy restriction or policy changes that require a consultation process.

4.2 Equality and Diversity / Cohesion and Integration

4.2.1 There are no issues to consider.

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 Not applicable on this occasion.

4.5 Legal Implications, Access to Information and Call In

4.5.1 Not applicable on this occasion.

4.6 Risk Management

4.6.1 Officers suggest that the issues raised in this report do not fall within the arena of requiring a risk management assessment.

5 Conclusions

5.1 In reality the situation regarding access to 'wi-fi' in PHVs today is very much as it has been for a number of years and there have been no complaints or adverse information received. With that in mind Members may wish to just note this report and let the matter lie until there is commercial interest expressed that might fall within the regulatory framework.

6 Recommendations

6.1 Members note the information in this report and make any comment they feel appropriate in the circumstances.

7 Background documents¹

Licensing Committee Report dated 15 October 2013 – Wi-fi in Taxis

Licensing Committee Report dated 8 April 2014 – Update report on the uptake of 'wi-fi' in Cabs.

Licensing Committee Report dated 9 September 2014 – A proposed policy – digital advertising screens in licensed vehicle.

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.



Report author: Kate Coldwell
Tel: 3781563

Report of Head of Licensing and Registration

Report to Licensing Committee

Date: 9th December 2014

Subject: Additional Taxi and Private Hire Licensing safeguarding measures – annual DBS checks & the online DBS Update Service.

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

Summary of main issues

1. The current DBS requirement on licensed drivers is every three years and it is proposed that this is replaced with an annual on-line DBS Status check which provides financial benefit to licence holders and increased access to notifiable information for licensing Officers.

Recommendations

2. That Members consider the information within this report and approve in principle the introduction of annual on-line DBS Status checks on all existing licence holders and new applicants to the trade, before it is considered as an Executive decision.

1 Purpose of this report

- 1.1 For Members to consider Officer recommendations for the introduction of annual on-line DBS Status checks, the potential impact upon licence holders and the potential resource implications for the Taxi and Private Hire Licensing Section.
- 1.2 To enable Members to consider approving the report, in principle, and make any observations that they may have before it is considered as an Executive decision.

2 Background information

- 2.1 Members are aware that the information disclosed within a DBS disclosure is vital to the decision making process to ensure that the Council meets its statutory requirement to ensure all drivers are a fit and proper person.
- 2.2 Since 2001 all applicants to the licensed trade 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).
- 2.3 In December 2013, the Licensing Committee recommended the introduction of reassessment of all licensed drivers every 3 years via online DBS checks. This is being managed over a three year period; Officers have prioritised Escorts, Permit holders & Contract drivers as these people work directly with children and vulnerable adults. Officers will then progress to those licence holders who have not undertaken a DBS check for the longest period of time.
- 2.4 In the interim information has been received that the Notifiable Occupation Scheme has not been as effective as it once was due to a change in the arrest and custody procedures within the Police Service. Additionally the Association of Chief Police Officers (ACPO) have reverted to a form of disclosure assessment which Officers feel could lead to weaknesses in the type of disclosure that has been so important to this Authority. These changes create a dangerous void for the Taxi and Private Hire Licensing Section in being able to take necessary action on criminal intelligence or convictions relating to its licensed drivers.

3 Main issues

- 3.1 The DBS process is a credible means of checking on a person's criminal activity, whether convicted or otherwise. The introduction of the DBS' online update service would allow Officers to carry out a quick online Status check to see if an individual's certificate is up to date. It reduces the need to apply for a further DBS certificate and therefore saves both time and money.
- 3.2 Licensing Officers have been actively encouraging existing licensed drivers and new applicants to sign up to the online DBS service since the introduction of three yearly DBS checks. Applicants can register online as soon as they have their DBS application form reference number or they can wait and register with their certificate number when they receive their DBS certificate. This must be done within 19 days of the certificate being issued.

- 3.3 The online DBS service costs £13 per annum and the licence holder must register for the service every year. This represents a significant reduction in the costs year on year associated with undertaking a full DBS disclosure at a cost of £66.50 every three years.
- 3.4 The DBS update service will enable the authority to see if any relevant information has been identified about the individual since their certificate was last issued. The outcome of a valid Status check will be one of the following;
- **This Certificate did not reveal any information and remains current as no further information has been identified since its issue.** This means that the individual's Certificate contains no criminality or barring information and no new information is available.
 - **This Certificate remains current as no further information has been identified since its issue.** This means that the individual's Certificate did contain criminality or barring information and no new information is available.
 - **This Certificate is no longer current. Please apply for a new DBS check to get the most up to date information.** This means that the individual's Certificate should not be relied upon as new information is now available and a new DBS check must be requested.
- 3.5 To establish exactly what the new information is, the licence holder would need to undertake a full enhanced disclosure (paying the applicable fee) and Officers would be reliant on the individual producing their certificate before we can continue on the decision making process.
- 3.6 In order to introduce this process a condition could be placed upon a driver's licence that requires them to sign up to the online service and provide the Taxi and Private Hire Licensing Section, and gives permission to use, their reference number to carry out a status check on an annual basis. This would also contribute in some way to overcoming the flaw in legislation which does not currently compel Hackney carriage drivers to report convictions during the lifetime of their licence.
- 3.7 Potentially if a licensed driver does not renew their annual DBS status then the licence would not be renewed or may be suspended. To overcome this, as far as is possible, the Taxi and Private Hire Licensing Section would propose to change the format of the drivers badge so it has a DBS expiry date on it. A program could also be written within the licensing system to alert the driver, Operator and/ Taxi Association in sufficient time about the necessity to renew their online DBS check.
- 3.8 Members are advised that there are no easy solutions in moving drivers forward to understand, accept and undertake their responsibilities in line with this recommendation. Officers are concerned about the conflict and increasing workloads in the event of even moderate compliance. To mitigate against this a programme of information and awareness would be undertaken by the Taxi and Private Hire Licensing Section. Private hire operators and taxi associations should also understand it is in their business interests to work much more closely

with the drivers working under their operating licence or association membership so they have a consistent pool of drivers.

- 3.9 Members are informed that the Taxi and Private Hire Licensing Section is turning to technological solutions such as text and email reminders for disseminating information. This provides an opportunity for non-sensitive information to be shared with the private hire operators and taxi associations to prompt them to work collaboratively with their drivers.
- 3.10 Although the licensing system is unable to automatically alert Officers when an individual has not registered for the online DBS service, a programme can be written to search a set parameter of licensing records each month for the presence of the DBS Status reference number. A weighting assessment could be constructed to focus on the areas of most concern.

4 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.1 Full public consultation was carried out between 10 October 2014 and 10 November 2014. The results are presented at Appendix 1.

4.2 Equality and Diversity / Cohesion and Integration

- 4.2.1 An Equality and Diversity Screening Assessment is available as a background document.
- 4.2.2 The assessment concludes that the safe licensing and monitoring of licensed drivers is a statutory responsibility for the Council and contributes significantly to the safety of the travelling public and it is recognised that those who are licensed by the Taxi and Private Hire Licensing Section are the biggest providers of transport in the evening and night time economy.
- 4.2.3 There are strong reasons for the introduction of an annual online DBS policy; the adoption of the policy would meet the Council's statutory requirement to ensure drivers are 'fit and proper' in a proportionate manner. It is considered that the proposals are very necessary to contribute to the Council's Safeguarding responsibilities.

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

4.3.4 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

4.3.3 Safeguarding children and vulnerable adults:

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

4.4 Resources and value for money

4.4.1 Although the implementation of annual online DBS checks would ultimately save time and money, there would be an increased impact on the Licensing Office to ensure that all licence holders undertake their initial enhanced DBS disclosure.

4.4.2 This would need to be managed operationally with agreed timescales to fully implement across the 5,800 licence holders.

4.5 Legal Implications, Access to Information and Call In

4.5.1 The Local Government (Miscellaneous Provisions) Act 1976, Section 51 deals with the granting of a licence to a private hire driver. Section (1) (a) requires that the Council must be satisfied that the applicant is a 'fit and proper' person.

4.5.2 Similarly, in respect of Hackney carriage drivers the 'fit and proper person' test is applied at Section 59 (1) (a).

4.5.3 The 'fit and proper test' applies not only at the point of first application but also at any renewal and it is proportionate for the Council to apply a means of checking that suitability, using DBS checks at reasonable periods.

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 6,000 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 information within this report and approve in principle the introduction of annual on-line DBS Status checks on all existing licence holders and new applicants to the trade, before it is considered as an Executive decision.

7 Background documents¹

Equality Impact Screening Assessment

Licensing Committee Report – 17 December 2013

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.

Appendix 1: Additional Safeguarding Proposals Consultation: Talking Point Questionnaire

1. Are you a regular user of taxis and/ or a private hire service?	
Yes 86 57%	No 66 43%

2. Are you a taxi and/ or a private hire licence holder?	
Yes 126 83%	No 25 17%

3. Do you feel it is important that applicants to the taxi and private hire trade are subject to a 'fit and proper' person test at the point of entry to the licensed trade?	
Yes 128 91%	No 13 9%

4. An enhanced DBS check is currently undertaken at the point of application to become a licensed driver. Do you feel it is important that applicants entering this country from other countries provide a full criminal disclosure from the country of their birth?	
Yes 114 84%	No 21 16%

5. Taxi and private hire licence holders must currently undertake an enhanced DBS check every 3 years. Do you think that licence holders should undertake a further DBS check:				
Every Year 24 18%	Every 3 years 31 23%	Every 5 years 42 31%	Other 19 14%	No opinion 18 13%
Other:				
1. WHEN CONCERNS ARE RAISED BY PUBLIC OR OFFICIALS				
2. DBS is enough				
3. Another DBS check from another organisation				
4. 10yrs				
5. No				
6. No				
7. If there is a reason then yes				
8. 10				
9. Only once				
10. No needs when have taxi licence				
11. 10 years				
12. No needs at all to do this				
13. 10 years as its another money making venture from the council				

14. If free yearly
15. only 1 check before applicatio/test no every three or g years police system should cover the individuals
16. Once
17. 10 years
18. 10 years
19. 3 years and also when a serious complaint is received

6. Please add any further comments you wish to be considered:
1. If public safety is a priority as we are being led to believe and as everyone is fully aware more crimes are committed against females when the jump into unbooked private hire vehicles which plying for hire on a daily basis. If the council is that concerned then this issue would be addressed, even the public are fully aware that council allows this to happen, perhaps a secondary sticker on all private hire vehicles as it's done in other cities advising the public it's not a taxi and has no insurance unless pre booked! At least it will deter and educate at the same time
2. In my view criminal convictions which are spent should not be a barrier to obtaining a licence, even though they will still show up on CRB check however anyone who has perpetrated serious crimes, IE. Sexual crimes of any nature, murder, etc etc especially child related crime. Further more any non resident UK.should not be eligible to apply for a licence for 2 years and also obtain a CRB check from there country of origin.
3. In view of the potential vulnerabilities of many taxi and private hire customers, encompassing learning disabilities, autism, acquired brain injuries, dementia and physical impairments, its is essential that effective control of vetting and licensing remains wholly in the control of the Local Authority licensing sections if the safeguarding of customers is to be secured and guaranteed.
4. DBS checks are carried out by the same organisation. If he/ she has already got a DBS check the council would be in a strong position to say that we have carried out all necessary precautions to make sure the applicant is a fit and proper person. I know teachers that also work in the private hire industry. A character reference from the head teacher as well may be a good idea as they are people in authority.
5. DBS checks are essential
6. I cannot see how criminal disclosure from drivers born outside the UK will help as not all countries law enforcement agencies operate to the same standard as the UK's.
7. Every taxi should have cctv camera provided by council.
8. I think the Taxi Dept are doing a good job regarding the licensing of drivers. I wish the age criteria for cars was a bit more lenient rather than 5 years vehicle up to 7 years from registration should be allowed. Also smaller engine cars and model size. Cars are a lot safer, efficient, bigger and powerful than 10 years ago.
9. I think a three strikes and out system should be in place, as I am fed up with bad press given to this industry. There needs to be much more stringent checks and punishments for faulty cars plying for hire etc.
10. Anybody wanting to be a taxi or private hire driver should not be against a check on their background from where they come from,for the safety of the traveling public.
11. I think the licensing staff at torre road should drink less tea and get on with the job in hand.
12. All taxi and private hire drivers should be able to provide a complete history of

<p>themselves for at least 5 years prior to the granting of a licence. Failure to do this and allow some drivers to give only a partial history or rely on character references are putting the public at risk. We could end up with a criminal being sponsored by a criminal if certain drivers are exempted from a full 5 year DBS</p>
<p>13. Past record of drivers should speak for it self, those drivers who have previous convictions should be checked more often .self declaration should be sufficient and a db's every five years should be enough rather than increase cost to all individual drivers,</p>
<p>14. Taxi drivers are unsafe and you did nothing.so many taxi drivers have been attacked .if you would improve you would get quality people as taxi driver.</p>
<p>15. the cost of the DBS check should be paid for by the council ,just as the NHS stands the cost to doctors and nurses</p>
<p>16. It is important to understand that Leeds taxi licensing is out of touch as private hire driver should be able to pick public when hailed when there are no other public transport available without being in fear of getting prosecuted. The main responsibility of licensing the trade is to provide safe services for our members of public to get to their destination safely this includes driver being checked for suitability and vehicle being fit and proper to carry passengers. So why private hire is restricted to provide this when the public is in need of this service in absence of public transport. The booking should be able to be taken by driver n forwarded to operator for registration. Pls consider this and breakaway from old practices that are not fit for this day and age.. Modernise your rules and reduce costs</p>
<p>17. Leeds is a wonderful & safe place to work</p>
<p>18. I think taxi or priver't hire drivers should be frim the area there are working and not come from other areas to work takes all the work away from all the people in that area. For example if you work in Leeds you should live in Leeds and not be able to come from Bradford or other places to work here.</p>
<p>19. When a licensed driver is issued a badge then the police must be informed as if theirs a issue then police will email licensing....</p>
<p>20. Spot checks on DBS in between 3 year checks</p>
<p>21. Bonnet stickers shouldn't be compulsory</p>
<p>22. All driving or criminal convictions should automatically be sent to VLE by the courts.</p>
<p>23. You MUST make it more well known to Travelling Public that you WANT to know about poor driving, bad conversation, talk around the Syrian Terrorist Situation etc etc Its got to be made easier for people to call you and to know you are who they should tell.</p>
<p>24. I wholeheartedly agree with the safety of passengers but would like the licencing commitee to have a look at the safety of all its paying licence holders too.</p>
<p>25. although the public safety must be top priority but at the same time some thing must be in place to protect the innocent drivers who become victims of certain women passengers, who won't pay the fair and say to driver if you don't let me go i will say you molested me. I think the only way forward with this is cctv, but a generous grant should be given towards it. I also think the majority of drivers got NVQ and yet they can't even write their own address, doesn't that tell you some thing about the person who has NVQ, it tells me that person is not honest and he is not fit and proper person because he got his NVQ by other means. I would strongly recommend that any person with a criminal record, shouldn't be given a licence, also at the renewal every body must be given a simple test that a 14 year old can do</p>

easily, this test must be done at the window where the paper work is done in front of the cashier and any person who can't complete won't be given a licence. Its about time council made its mind up, it either want public safety or more money from each unfit person who gets a badge. Thanks.
26. How about the safety of the private hire driver, how many time driver have to deal with aggressive behaviour without reporting it to the police, and how many time peoples get into private hire car without paying and it go unreported because must driver don't have the time to report such a crime, to you peoples who work there one driver behaviour is a decision for 1000 drivers
27. The driver how don't work why thy need dbs check?
28. I think it should be not forced to tje licence holder to pay for yearly checks it should be included in the annual licence fee
29. only give the plate to badge holders not investors, do not transfer the plate with out badgeone
30. every effort should be made to make sure the drivers are of good character and are able to provide the public with all round excellent service, as you know this is not always the case there are too many bad drivers out there with bad attitudes.The process for taxi/private hire is far too easy. A lot of drivers can not speak English and do not have much knowledge of the Leeds area.
31. EU residents and non EU residents should not be able to obtain a licence if they have not been resident in the UK for a minimum of 5 years. This is the only way to have a robust policy and make sure people are fit and proper.
32. U feel that taxi drivers are discrimated when you make most points regarding safety of public. The more you bring up the issue the more uncomfortable we as taxi drivers feel, you purposely make us out to be criminals in the publics eye.
33. These are hard working people always transport us all the time, I hope no criminal enter this country any time, when ever we travel any where these are those who take us, we shall give them respect and love instead of making life more difficult for them.
34. Taxi department should give black&white plates to private hire driver who perform their duty really well'and the enforcement officers should be treat equal to all drivers from both parties' and can u please change at least 1 day timming of stickers due to drivers working night shift and hard to get up and get the stickers done frm leeds.thanx
35. If someone already has an enhanced dbs form they should not be required to purchase another one. A few years ago the disability awareness course cost me forty pounds and having been an ambulance driver for six years I felt this was unfair.
36. the taxi test should be the same for hackney and phd. It is not fitting that lcc should give an inferior service. From personnel experience at least 60% of drivers, hackney and phd, have very little knowledge of the highway code. To address this a five yearly test would help immensely. When so called professional drivers are unaware of the rules of the road, the safety of the public is put at risk.
37. All check for UK and non UK residents should be made at the application for license and a further 'homeland' check for non UK residents. The all shall have one every 5 years
38. Non english speaking licence holders, must get education in reading, and speaking english, for greater communication with customers they provide a service to.
39. I you should extende the badge period for 3 years every time on the renewal of

the badge must check DBS
40. The easiest way to stop criminal activity is by better enforcement every single night of the week private hire vehicles are parked illegally causing obstruction to other vehicles plying illegally which also means no insurance if I drive my private vehicle without insurance I'm in serious trouble
41. I think that a level playing field is required, between all taxi/private hire companies no matter where in the uk they operate from or what council is licensing them, and add rules and regulations to one set of drivers and not another is unfair, and could have cost implications, it is a pointless exercise to put rules to protect to public in place in Leeds, if that member of the leeds public gets a taxi/Private hire else were and is not protected, Leeds city council could always sit there smuggle and say we do our bit, but is dose not get away from the fact a member of the public is put at risk, How is the general public going to know which councils operate what rules to protect them and were they must be on guard to unsafe operation practice,
42. when apply for the dbs check it only should be in this country rather then asking from the country the person born, just delaying the process and wasting the time.
43. Any driver who commit crime in or outside the job should take licence from him until his punishment is finished. If any drive commit crime or blame come to him court should have to resolve that crime in days or weeks, not months or years
44. DBS checks from other countries may not be upto par with this country and may have little or no value on the paper it's written on. In these circumstances the citizen must be living in this country for a minimum of 5 years to obtain a licence and to be considered fit and proper.
45. DBS checks and enhanced DBS checks. Is there anyway that the council can, working in conjunction with the DBS service minimise costs to someone who has a standard DBS check done with one organisation and an enhanced DBS check done with another? Sincerest apologies for not bringing this matter up earlier.
46. These extra dbs ckecks should not require the driver to pay any costs.
47. Bradford council charges Â£44.50 for a DBS check every 3 years. Leeds has proposed Â£70 due to admin costs. More frequent DBS checks will cost how much from the council if approved to do so? Please include exactly how much you propose to charge in your report?
48. Drivers who are sacked for flagging or pirating, with holding rent or data equipment, smoking in vehicles or taxi offices. should be considered unfit and proper persons to hold a licence
49. Existing licence holders should not need to have a DBS every 3 years. It should be 5 years at most, or not at all. It's important at the beginning for a new starter, as there is no record for them at the licencing point. But any instances of prosecutions are much easier to follow once a person is a licence holder. Having a DBS check every three years smacks of money making. We have to pay for all this. It's just another burden on licence holders... 5 yearly medicals, DBS checks, reduction of age for licensed vehicles (even though they are more reliable, more comfortable, more fuel efficient, more eco friendly, and above all else SAFER than ever before. Makes no logical sense to reduce their lifespan), plate and badge fees each had a 21% increase a year or so back which was far too much. The list goes on.
50. More effort should be made to stamp out plying for hire, the public should be made further aware not to flag down a car due to insurance problems and on the personal safety aspects of flagging.
51. 1 renewal fee should be paid once if you hold a license for both private hire and

hackney carriage. 2. Private hire cars should be able to use bus lanes like the hackney carriage do, as customers complain, why are private hire drivers are not allowed to use the bus lane.

52. For God sake make at least only one law who give a little safety a little favoure a little confidence a little relieve to a taxi driver don't make all law against them

53. bus lanes should be open to private hire drivers too

54. Bradford TPH licensing do a DBS check every 3 years at a cost of Â£44.50. DVLA mandate for Â£6. I certainly hope our costs are justified to the council and more clearly illustrated to the licensing committee.



Report author: Des Broster
Tel: 3781561

Report of Head of Licensing and Registration

Report to Licensing Committee

Date: 9 December 2014

Subject: Additional licensing safeguarding proposals – improving criminal intelligence lengths with the West Yorkshire Police.

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

Summary of main issues

1. A request was made to the Taxi & Private Hire Licensing Section from the trade to engage the services of a uniform Road Traffic Policing Officer, paid for from the Section's financial reserve. This request was explored fully and the benefits highlighted in a draft report which is at **Appendix A**.
2. Securing the paid service of police officer is at the discretion of the local Police Commander. The continued issues around safeguarding and child sexual exploitation have shifted the focus away from road side enforcement to those much more sensitive and important areas.
3. The public safety position is one where intelligence has undoubted primacy. It is intelligence that enables local Authority Officers to respond more effectively to these significant challenges.
4. This information report briefly sets out the changing focus for necessary action and also provides an assurance to the trade that Officers fully explored and had support for the suggestion.

Recommendations

5. That Members note the report and approve the principle behind seeking to secure and pay for the services of an intelligence officer within the West Yorkshire Police.

1 Purpose of this report

- 1.1 To inform Members of the collaborative work undertaken by Officers with the Hackney carriage trade and how the focus of attention for the Council has moved significantly from road side policing to intelligence and disclosure.

2 Background information

- 2.1 Having received the request to seek the paid services of a Roads Policing Officer, Officers fully considered the benefit of the model proposed which is used in Birmingham. An information report was prepared for the Licensing Committee several months ago but was held in abeyance whilst the West Yorkshire Police considered their position.
- 2.2 The West Yorkshire Police face significant financial and resourcing challenges that cannot easily be met, even by this Authority offering to pay for such a position. The demand and the supply issues for Police Constables is a very difficult issue to manage for the Police and it is not eased by simply offering to pay full on-costs.
- 2.3 Whilst senior Police Officers have been sympathetic to the proposal from this Authority the landscape has changed significantly and not only in respect of the Jay Report; there has been many other examples about the issues of child sexual exploitation and licensed drivers in other parts of the country.

3 Main issues

- 3.1 Members are informed that whilst a lot of the media coverage seems to focus on licensed drivers, which is a significant cause of concern, it is not the only areas of concern and child sexual exploitation is not restricted to any particular ethnic minority group or drivers. Society and the Police have challenges across all walks of life, professions and nationality and this report does not intend to stigmatise a particular group of people.
- 3.2 The necessity to change focus has of course become very apparent. There is a realisation amongst those who are associated with the wider range of Council's services that there are many strands of information that are not perhaps linked as effectively as they could be with other sources of intelligence. To work more effectively would be to build an early picture of potential threats or dangers to children, vulnerable adults and women.
- 3.3 The Council cannot rely on the Police alone to filter and assess all of this information. It is proposed to work pro-actively with the West Yorkshire Police and contribute to the costs of the full time services of a civilian support intelligence Officer working within the West Yorkshire Police. Probably the officer would be based within the Leeds City Council's Community Safety environment but that has not been finalised , neither has any of the contractual arrangements for the delivery of that service.
- 3.4 Some members of the trade might be disappointed with this outcome but the Council has to manage its priorities and undoubtedly one of the biggest

challenges facing the Council is to maximise its capability in doing as much as it possibly can to protect those who either fall within its services or who are vulnerable and exposed to paedophiles and criminal networks.

- 3.5 The Chair of the Licensing Committee is aware that there has been an expectation from some of the trade that the proposition to use the services of a Roads Policing Officer would have been finalised much earlier, but it is not within the gift of the Council to achieve such things and the Chair has been fully informed throughout the recent months of all of the issues.

4 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.1 This is an area which would normally be outside the scope of the Licensing Committee's terms of reference but Officers want to ensure that Members are fully engaged with the issues that have primacy within the Council and the motivation to move towards this intelligence model.

4.2 Equality and Diversity / Cohesion and Integration

- 4.2.1 There are no issues.

4.3 Council policies and City Priorities

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

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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.

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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

4.3.3 Safeguarding children and vulnerable adults:

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

4.4 Resources and value for money

4.4.1 The final financial on-costs have not yet been set out by the West Yorkshire Police but they will be met from the Section's financial reserve for the immediate future, and in any event come in at least 50% less than the trade request to employ a Road Policing Officer. There is no statutory reference to such a proposal within any of the licensing Acts covering Taxi & Private Hire. The main issues would be around data protection, notifiable occupation scheme and Association of Chief Police Officers (ACPO) procedures. All of these issues are safely covered within primary legislation and protocols on information sharing between the local Authority and the West Yorkshire Police on the basis of public safety.

4.5 Legal Implications, Access to Information and Call In

4.5.1 There are no legal issues, other than the procedures.

4.6 Risk Management

4.6.1 All of the contractual issues will be scrutinised and approved at a senior level within the Council and there are no immediate financial challenges.

5 Conclusions

5.1 This is a necessary area of improvement and the benefits of improving on intelligence networking are inescapable. The focus on local government from national government and other Authorities is intense at this moment and in moving forward on this proposal Leeds City Council is demonstrating a constructive and pro-active approach to reducing the potential of harm to children and vulnerable adults.

6 Recommendations

- 6.1 That Members note the report and approve the principle behind seeking to secure and pay for the services of an intelligence officer within the West Yorkshire Police.

7 Background documents¹

7.2

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.

Report of Head of Licensing and Registration

Report to Licensing Committee

Date: Not presented to Licensing Committee

Subject: Hackney Carriage trade proposal to secure permanent services of a West Yorkshire Police Constable within Taxi & Private Hire Licensing

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

Summary of main issues

1. The Taxi & Private Hire Licensing Section has an approved staffing structure of Enforcement Officers who deal with a range of trade issues arising from the licensing function.
2. Unite the Union, representing some Leeds Hackney Carriage drivers has proposed that Leeds follow the Birmingham Licensing Office in 'employing', full time, a uniform constable to enhance the powers available to deal with errant drivers and improve the functionality of the Section across a range of partner agencies.
3. This information report sets out further background information, future actions and necessary considerations.

Recommendations

4. That Members note the report and the steps being taken by Officers to meaningfully consider all of the issues involved in recruiting a full time uniform position for a 'Roads Policing' Officer at no cost to West Yorkshire Police.
5. Officers note the comments of Members and return to Licensing Committee with a report in due course

1 Purpose of this report

- 1.1 To inform members of all of the attendant issues involved in 'employing' a uniform Police Constable within the Taxi & Private Hire Licensing Section.

2 Background information

- 2.1 In order to carry out its statutory functions the Council employs a range of Officers within Taxi & private Hire Licensing, including Enforcement Officers. The funding is by way of fees set upon a variety of licence and functions.
- 2.2 The Section works co-operatively with partner agencies but not always successfully as those agencies struggle with resource and competing demands. Obstacles to success are varied but more often than not the importance or relevance of multi-agency operators is not, or cannot, be always prioritised. This is particularly the case with the Police who have stretched resources.
- 2.3 Birmingham Council has 'employed' on a Council fully funded basis a uniform police constable and motor cycle and for many years and enjoyed a successful relationship. That role has brought efficiencies in a number of areas and a much more pro-active on-street enforcement capability. For example:
- Enforcing traffic and licensing legislation and licence conditions in respect of Hackney carriages, private hire vehicles, drivers and operators using fixed penalty procedures appropriately.
 - Carrying out compliance checks on vehicles and drivers, whether individually, alongside the enforcement team or in multi-agency checks.
 - Gathering information and intelligence for use by the enforcement team
 - Obtaining information regarding driver/operator behaviour for court.
 - Setting up and coordinate Multi Agency enforcement exercises
 - Organising and participate in illegal plying for hire exercises and exercises to identify illegal touting.
 - Attending trade liaison meetings and liaison meetings and liaise with representatives of taxi and private hire associations.
 - Obtaining intelligence from the Police in respect of licensed drivers or operators and provide intelligence to the Police in respect of licensed drivers or operators connected with Police investigations.
- 2.4 It is this approach that has been proposed by Members of the Hackney Carriage trade. Members are informed that this was initially proposed by Officers in 2003 but the consensus at that time was to not pursue the matter. It was again proposed in 2008 but the then Divisional Police Commanders in the Leeds District choose not to support it. Further engagement at Police HQ level were taken up but this was not successful.

3 Main issues

- 3.1 The Council can, through its licensing function, pay for the employment of a constable in such a role and delegate powers to that Officer who could then provide a wide range of enforcement services.
- 3.2 Cost is a key issue and that would have to be funded solely as a licensing function. Hackney Carriage trade representatives have already indicated that spread across the whole of the trade the cost would be acceptable and manageable. Officers will look at ways of managing that cost in the most effective way for the trade and measuring impact.
- 3.3 Members will note that a stumbling block in the past has been the issues in reaching agreement with Senior Police Officers to creating such a post. Co-operative partnerships have moved forward since that time but it will need high level engagement to consider the proposals and more than as Members and the trade will be aware that allocation of resources, training and funding are not as straightforward as they might seem in an organisation with such intensive resource issues as the West Yorkshire Police.
- 3.4 Early engagement has taken place with the proposing Union representatives and Leeds City Council Officers have met with the Birmingham Constable in a trade meeting. The issues have been favourably received at the Hackney Carriage trade forum. The Licensing Committee Chair, Councillor Charlwood, is keen to ensure that all of the issues are explored enthusiastically.
- 3.5 Officers have encouraged the various trade representatives of the Hackney Carriage forum to take up an offer to make a collective visit to Birmingham, which they have agreed to do.
- 3.6 Additionally we had also engaged with colleagues at a senior level in Birmingham and the benefits of their experiences are set out below:-
- A Police Officer has the power to deal with moving traffic offences on the highway, whereas licensing Enforcement Officers do not.
 - Licensing officers are unable to carry out stop-check exercises without Police assistance. Having a Police Officer in-house makes gaining Police support for our exercises far easier and increases the likelihood that Police support will be available for any given exercise. Part of the Officer's role is to build relationships between the Police and Licensing and to negotiate additional Police resources for large-scale enforcement events.
 - The current post holder has recruited and trained a team of 30 Special Constables to assist our officers on plying for hire investigations. He has trained them in Taxi and Private Hire legislation and has trained them to act as evidence gatherers by taking un-booked journeys in private hire vehicles. The additional resource that these officers provide adds to the impact that our own officers can make in respect of dealing with illegal plying for hire. It also addresses the problem that most drivers recognise our own officers. Private Hire drivers will refuse to take them on journeys because they know

Appendix A

who they are, whereas they will take plain clothes Police Officers, not recognising them as Enforcement Officers.

- Taxi and Private Hire legislation is complicated. The majority of Police Officers have probably never had cause to enforce it and therefore would not be in a position to be able to enforce it when asked. A dedicated Police Officer becomes specialist in the subject and can help Police colleagues to understand it.
- A proposal for a second Constable has come from Hackney Carriage trade representatives in a regular consultative meeting between representatives and Licensing Officers.

3.7 Whilst there are significant benefits in supporting Leeds City Council Officers in the night time economy it should be noted that the city has a day time economy with different characteristics. There is an important contribution in that area as well with the tourist, business and visitor influx. The issues of road safety, passenger safety and traffic offences are as important across the day as they are during the night time economy.

3.8 If progressed there would be a performance framework in place which touches upon driver education, safety solutions outside of schools and contribute to the 'Vision for Leeds'.

3.9 Members will note that the Birmingham post is filled by a motor cyclist and there are many benefits to that. This is an area that the West Yorkshire Police would wish to consider further as there are benefits to the preferred transport being a car.

3.10 The next steps for progress are for arrangements to put in place for formal engagement with the West Yorkshire Police through the most appropriate channels and for the author of this report to progress matters and keep Members informed of the progress.

4 Corporate Considerations

4.1 Consultation and Engagement

4.1.1 As set out earlier in the report the consultation has been restricted to the Hackney Carriage trade representatives and would need much more information before progress is made with wider consultation being involved.

4.2 Equality and Diversity / Cohesion and Integration

4.2.1 Not undertaken at present but no significant issues are identified as this time.

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

4.3.3 Safeguarding children and vulnerable adults:

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

4.4 Resources and value for money

4.4.1 There is insufficient information at this time to provide a comprehensive briefing on this, but please note the comments at 3.2.

4.5 Legal Implications, Access to Information and Call In

Appendix A

- 4.5.1 If the proposal was to be developed the appropriate advice would be taken on the different aspects of the role, levels of authority under the scheme of delegation and prosecution process.

4.6 Risk Management

- 4.6.1 There is insufficient information at this time to provide a comprehensive briefing on this, but initial thoughts are centred mainly on security of equipment. Health and Safety considerations would be accommodated within the Police safe working practices.

5 Conclusions

- 5.1 There is much more work to be undertaken on this issue and the proposal hinges on the views of the West Yorkshire Police in considering this outline report. Initial contact with senior management in the West Yorkshire Police has been positive but to translate that into a successful conclusion could be difficult and it is for the Police to indicate whether they are insurmountable in the current climate. This report is under consideration within the West Yorkshire Police Senior Management Team (Leeds) and Safer Leeds.

6 Recommendations

- 6.1 That Members note the report and the steps being taken by Officers to meaningfully consider all of the issues involved in recruiting a full time uniform position for a 'Roads Policing' Officer at no cost to West Yorkshire Police with the Taxi & Private Hire Licensing Section.
- 6.2 Officers note comments from Members and return to Licensing Committee with a report in due course.

7 Background documents²

² 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.

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Report author: Des Broster

Tel: 3781561

Report of Head of Licensing and Registration

Report to Licensing Committee

Date: 9 December 2014

Subject: Unmet demand survey – Hackney Carriages.

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

Summary of main issues

1. Members will be aware that the Council regulates the number of Hackney Carriage Proprietor licences it issues. Currently that number is set at 537. When licence plates are restricted in this way the local Authority must conduct regular unmet demand surveys to ensure that the restriction is not adversely affecting the public across a range of hours.
2. That survey was due to be conducted again in 2014, but it was unclear if the Law Commission recommendations for reforming the Taxi and Private Hire services would change the whole of the regulatory framework. Officers held back but the recommendations of the Law Commission are now clear in saying they feel the position should remain as it is.
3. Officers intend to bring a report to Licensing Committee in early 2015 about all of the issues sought to be addressed in the specification of the requirements of the survey to enable Members to contribute to.
4. This report is intended to inform Members, and the trade, so that any other issues can be accommodated in the same survey, if appropriate.
5. Members will note that the opportunity is being taken to address the environmental issue of emissions and the range of vehicles which should be licensed.

Recommendations

6. That Members note the report and make any observations they think appropriate.
7. Members consider deferring the issues around 5/6/7 seater Hackney carriage Vehicles (HCV's) so that a more comprehensive overview can be undertaken in the unmet demand survey.

1 Purpose of this report

- 1.1 To inform Members of the need to undertake an unmet demand survey and consider if the issues about retaining a specified number of 5/6/7 HCV's should form a part of more informed research.

2 Background information

- 2.1 The Council is required by law to undertake an unmet demand survey less than every 5 years. That survey will be undertaken by accredited transport researchers identified through a procurement exercise.
- 2.2 The survey is detailed and there is the opportunity for competent analysts to consider other closely related issues. For example, environmental issues or the composition of the fleet. It is intended to create a wider survey than has been the case in the past so that the Executive can consider longer term issues and accompanying Licensing Committee Member views.
- 2.3 For example; one outstanding matter from the Licensing Committee report dated 7 October 2014 was whether baseline figures should be placed on the number of 5/6/7 seater vehicle the Council licences, to ensure a wider range of accessible vehicles. The proposal is that this decision is deferred to enable a more comprehensive overview of the needs of the city and the needs of a range of service users.

3 Main issues

- 3.1 The proposals of the Law Commission in reforming the legislation around HCV's and de-regulation are that there is no change in which case the Council should proceed with an unmet demand survey.
- 3.2 Once Officers have set out the proposal specification of the survey, Members would have the opportunity to comment on it. Similarly the trades may also raise issues to be considered, but it has to be born in mind that vested interests will not be included.
- 3.3 Members are informed that the Director of Environment and Housing and the Director of Public Health are already addressing vehicle emission concerns and presenting a proposed 'Low Emission Zone' feasibility study report to the Executive Board for consideration.
- 3.4 The timing of the unmet demand survey presents the opportunity for the Licensing Committee to research and contribute positively to that ongoing study. The areas of responsibility and potential for contributing positively to issues wider than simply 'do we have enough taxis' are clear and form part of the Licensing Committees authority to contribute to change under the existing legislation.

4 Corporate Considerations

4.1 Consultation and Engagement

4.1.1 This will be in at least three stages:

- The report and any beneficial information that might be received which could beneficially contribute to the procurement specification
- The majority of the consultation will be part of the survey and any subsequent change proposals
- Finally, any change proposals

4.2 Equality and Diversity / Cohesion and Integration

4.2.1 These will form part of the unmet demand survey.

4.3 Council policies and City Priorities

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

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Towards being an Enterprising Council

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Make it easier for people to do business with us

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- 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

4.3.3 Safeguarding children and vulnerable adults:

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

4.4 Resources and value for money

- 4.4.1 The cost of the survey will only be known at the end of a competitive procurement exercise and that will be met by the Taxi and Private Hire Licensing Section from budget reserves held solely for such trade related matters.

4.5 Legal Implications, Access to Information and Call In

- 4.5.1 There are no legal concerns about this information report or the proposal to consider the issues of 5/6/7 seater WAV's in a wider report.

4.6 Risk Management

- 4.6.1 The range of types of accessible vehicle may fluctuate in the interim, but with such issues being addressed in the survey it would allow Members to have a more informed position on which to make recommendations.

5 Conclusions

- 5.1 The Council is meeting its legal requirements to conduct an 'unmet demand' survey and necessarily contributing to the issues of environmental impact of the licensed fleet.
- 5.2 Maintaining the status quo with the existing fleet should meet little objection from the trade. It will also put the Council on firmer footing to make recommendations at a later date.

6 Recommendations

- 6.1 That Members note the report and make any observations they think appropriate
- 6.2 Members consider deferring the issues around 5/6/7 seater HCV's so that a more comprehensive overview can be undertaken in the unmet demand survey.

7 Background documents¹

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.

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LICENSING COMMITTEE WORK PROGRAMME 2014/15 - LAST UPDATED 25/11/14 (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 HELD: Inner East and Inner West Local Licensing guidance, Shisha Smoking and Smoke Free Legislation Update Report, Outcomes of the Licensing Committee Working Group (WG) and Information and Consultation Report – Additional Licensing Safeguarding Proposals		
	Meeting date: 11th NOVEMBER 2014 CANCELLED		
	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

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 25/11/14 (JG)

ITEM	DESCRIPTION	Officer	TYPE OF ITEM
Additional Licensing Safeguarding Proposals – Improving Criminal Intelligence Lengths with WYP	To receive proposals for the employment of a Police Constable	D Broster	B
Unmet demand survey – Hackney Carriages.	To receive a report recommending the need to undertake an unmet demand survey and consider if the issues about retaining a specified number of 5/6/7 HCV's should form a part of more informed research.	D Broster	PM
Yearly DBS Checking	To receive a report on yearly DBS checking	D Broster	PM
Leeds Festival de brief	To receive a report which provides a de brief for the Leeds Festival 2014	S Holder	B
City Centre CIP Review	To receive a report reviewing the City Centre CIP	S Holden	RP
Entertainment Licensing Review of Fees and Charges	To receive a report which sets out proposals for a review of the fees and charges for Entertainment Licensing	S Holden	RP
Fixed Odds Betting Terminals	To receive a report suggesting limiting the stakes on Fixed Betting Terminals to £2	S Holden	DP
Meeting date: 6TH JANUARY 2015			
Legal Highs - the partnership approach to tackling the use of Legal High's in Leeds'.	To receive a report tackling the use of legal high's in Leeds	N Raper	B

LICENSING COMMITTEE WORK PROGRAMME 2014/15 - LAST UPDATED 25/11/14 (JG)

ITEM	DESCRIPTION	Officer	TYPE OF ITEM
Health Guidance	To receive a report providing an update on Health Guidance	S Holden	RP
Meeting date: 10TH FEBRUARY 2015			
Private Hire Vehicles Bonnet Stickers	Following consultation with the trade to receive a report on Private Hire Vehicles Bonnet Stickers	D Broster	DP
Hackney Carriage Proprietors – Appropriate Suitability Assessment	To receive a report back following consultation with the Private Hire and Hackney Carriage Trade	D Broster	DP
Taxi and Private Hire Drivers and Operators - Character References	Following consultation to receive a report providing clarification around the issue of character references	D Broster	RP
Meeting date: 10TH MARCH 2015			
WYP Presentation	To receive the 6 monthly update		B
Meeting date: WEDNESDAY 8TH APRIL 2015			
Shisha Smoking and Smoke Free Legislation Update Report	To receive an update on Shisha Smoking and Smoke Free Legislation	R McCormack	PM

LICENSING COMMITTEE WORK PROGRAMME 2014/15 - LAST UPDATED 25/11/14 (JG)

ITEM	DESCRIPTION	Officer	TYPE OF ITEM
Meeting date: WEDNESDAY 6TH MAY 2015			

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



Report author: Stephen Holder

Tel: 0113 2474095

Report of the Head of Licensing and Registration

Report to the Licensing Committee

Date: 9 December 2014

Subject: Leeds Festival 2014 - Members Debrief

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s): Wetherby and Harewood		
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Access to information procedure rule number 10.4 (7) Appendix B		

Summary of main issues

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

Recommendations

The Licensing Committee is required to note the contents of this report in respect of the debrief following the Leeds Festival 2014 held at Bramham Park.

1.0 Purpose of this Report

1.1 To provide Members with a report on the outcome of the Leeds Festival held between the 22nd and 24th August 2014.

2.0 Background Information

2.1 The premises licence for the Leeds Festival was considered and approved by the Members of the Licensing Committee on the 28 April 2006.

2.2 The licence granted to Mr. Benn is held for Bramham Park and authorises the sale by retail of alcohol, regulated entertainment and late night refreshment at specified times throughout the duration of the festival which takes place over the August Bank Holiday weekend.

2.3 The licence is also subject to the following conditions:

- 1) There shall be an event management plan which incorporates the operating schedule submitted to the licensing authority at least 6 months prior to the Festival each year.
- 2) The event management plan and any revisions to that plan must be approved by the licensing authority prior to the festival.
- 3) The Premises Licence Holder shall comply with the terms and requirements of the event management plan each year.

- 2.4 In addition the Committee reserved the right to determine how the event management plan for each year should be agreed with the facility for the final plan to be agreed by the Committee or officers under delegated authority.
- 2.5 Members were presented with a report on the 2014 festival arrangements at a meeting of the Licensing Committee held on the 12th August 2014.
- 2.6 Members resolved to give delegated authority to John Mulcahy, the Head of Licensing and Registration, to approve the final event management plan. This was duly approved on the 20th August 2013.
- 2.7 Members of the Licensing Committee undertook a tour of the site on the 20th August in the company of Mr Benn the festival organiser.

3.0 Main Issues

- 3.1 The car parks opened to the festival ticket holders on the Wednesday 20th August at 07:00hrs and access to the camp sites available from 09:45hrs.
- 3.2 Multi agency meetings were held on the following occasions:
- | | | |
|------------|-----------|----------|
| • Thursday | 21 August | 17:00hrs |
| • Friday | 22 August | 17:00hrs |
| • Saturday | 23 August | 00:15hrs |
| • Saturday | 23 August | 17:00hrs |
| • Sunday | 24 August | 17:00hrs |
- 3.3 At these meetings agencies brought various reports including details of medical, crime, fire noise, health & safety, licensing and traffic figures and these meetings also provided an opportunity for agencies to raise any matters requiring remedial attention.
- 3.4 At appendix A Members will find a post event report produced by the Environment Department which covers the involvement of both the Health and Safety team and Noise team throughout the event.
- 3.5 A multi- agency debrief was held on the 7 October 2013 and a summary of the outcome of the meeting is attached at appendix B.
- 3.6 It should be noted that appendix B is potentially exempt information under Access to information procedure rule 10.4 (7) as it includes information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

- 3.7 Members are asked to consider exclusion of the press and public from the hearing if these matters contained within appendix B are to be discussed.
- 3.8 The changes to the event management plan brought about post the 2013 event to factor in wet weather contingencies was not called on throughout the event. Although the memorandum of understanding between Festival Republic and the street cleansing team was utilised on the egress of day visitors to keep the highways free of dirt taken from the site.
- 3.9 Following the event communication was received from ward member, Councillor Castle who raised a number of matters on behalf of the residents of Thorner. This included a request to reinstate the speed indication device on Thorner Lane. This has been satisfactorily addressed by Festival Republic.
- 3.10 The same communication also raised problems associated with road surfacing works in Thorner, which was outside the control of Festival Republic. In addition residents had commented that they had not received any communication from Festival Republic setting out the contact details during the festival. It is believed that those residents affected had opted out of the public electoral register from where the postal details are obtained.

4 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.1 The application for a premises licence considered in 2006 underwent the full consultation process including a newspaper advertisement and public notices displayed around the site, and full liaison with the Ward Members and responsible authorities. Mr Benn continues to consult with community representatives through the Parish Councils and local residents on all aspects of the impact of the event.

4.2 Equality and Diversity/Cohesion and Integration

- 4.2.1 At the time of writing this report there were no implications for equality and diversity. Any decision taken by the Licensing Committee will be in accordance with the four licensing objectives as prescribed by the Licensing Act 2003.

4.3 Council Policies and City Priorities

- 4.3.1 When determining applications under the Licensing Act 2003 the Licensing Authority must have regard to the relevant legislation, guidance issued by the Home Office, the council's own statement of licensing policy and any associated local area guidance.
- 4.3.2 Applicants are expected to have had consideration to the relevant policy and any local area guidance when completing their applications and the licensing authority will refer to the policy/local area guidance when making its decision.
- 4.3.3 The licensing regimes contribute to the following outcomes as set out in the Best Council Plan 2013-17:

- Improve the quality of life for our residents, particular those who are vulnerable or in poverty;
- Make it easier for people to do business with us; and
- Achieve the savings and efficiencies required to continue to deliver frontline services.

4.3.4 The application was granted in 2006 with regard to the Council's Licensing Act 2003 Statement of Licensing Policy, and the event will operate in accordance with the licensing objectives as set out in the current Statement of Licensing Policy 2014-2018.

4.4 Resources and Value for Money

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

4.5 Legal Implications

4.5.1 There are no legal implications known to the Council in terms of its responsibilities held under the Licensing Act 2003.

4.6 Risk Management

4.6.1 The event is subject to a number of multi-agency meetings.

4.6.2 Any matters arising during the event having any implication on the premises licence and objectives of the Licensing Act will be brought back before the Licensing Committee.

5.0 Conclusions

5.1 Agencies and the licence holder are of the opinion that the event went well with a good working relationship between the Festival Republic staff and the responsible authorities.

5.2 A review of the Event Management Plan will be undertaken to identify any improvements for 2015. A summary of any changes will be brought before the Licensing Committee in due course.

6.0 Recommendations

6.1 The Licensing Committee is required to note the contents of this report in respect of the debrief following the Leeds Festival 2014 held at Bramham Park.

7.0 Background Papers

None

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Leeds Festival Summary – September 2014

Environmental Protection.

This year we received seven complaints which compared well with previous years where we received 30 in 2013 and 38 in 2012.

Complaints by Area

Scholes & Barwick	5
Garforth	1
Scarcroft	1

Although the number of complaints has reduced compared to previous years we feel the co-operation and working relationship with the noise consultants acting for Festival Republic could be improved. To meet this end we intend to review the working relationship between our Officers and Festival Republic (FR) at a much earlier point in 2015. We will also want to identify and address the positions of stages, etc on site at the same time. There is an expectation that any issues we find will be dealt with in a prompt and efficient manner.

Health and Safety Service

1. Build Up

Site visits were made to observe and inspect structure builds between the 4th and 15th August 2014. As usual, workplace transport and working at height practices were observed and found to be following good practise.

2. Show week

Monday 18th August to Thursday 21st August 2014

Water samples for the whole supply were taken and the results were received a few days later - all satisfactory. The sampling was undertaken by staff from the Food team. General site check undertaken

Site visit was made to check on the completion of the campsite areas prior to opening. A few minor issues were identified at that time :-

- a. Brown campsite – toilets required cleaning and debris removing before being brought in to use.
- b. Green Campsite – water use point needed levelling to allow free draining.
- c. Red Campsite – water point was inadequate in that the taps were directed beyond the sink unit – addressed.
- d. White Village – Male urinals needed levelling off to allow drainage the correct way.
- e. White Camping – no water pressure (established cause was due to ongoing network work).
- f. Yellow Bubble Campsite – one water point had low water pressure and discoloured water was discharging – later identified was due to remedial works being undertaken on that part of the network. Not in use at the time.

These issues were raised with Festival Republic and remedied prior to opening the campsites to the public.

Structural checks with Building Control Inspector were undertaken, on the basis that they will be completed by the 22nd August. Items raised:-

- a. Cross members to main stage viewing platforms present a risk of head injury. Later relocated.
- b. Query re access platforms to stage left and right. Ramp and platform separate structures, and needed to establish whether that was in line with the design. Later confirmed as 2 separate structures so okay.
- c. Front of house tower was incorrectly ballasted – single strap on each side. Later changed to double strap on each side.
- d. Lock Up tent had damaged uprights supporting the edge of the tent structure – later replaced.
- e. Some finishing required to numerous access platforms. Alternative stage access ramp was far too steep and later re-engineered.

In line with previous events, our checks were married up with the festivals own H&S checks and a small number of snagging issues were identified and rectified.

Friday 22nd August to Sunday 24th August 2014 – general overview.

Site visit was made during the day on the Friday to review structural, general health and safety at work, and public safety issues – including main arena (arena 1), arena 2, and campsites. Site layout changes had been made compared to previous years including :-

- a. Main secondary arena toilet block had been moved to between main arena and secondary arena which provided a clearer line for traders.
- b. Temporary road laid leading from each side of the entrance to main arena, converging to the main entrance to secondary arena, and a new temporary road installed on the public side of trader alley. Provided a firmer walkway in the event of any adverse weather.
- c. The back stage production offices, crew catering, and dressing room structures had moved from previous years, which significantly reduced risks from traffic movements from previous years.
- d. Changes made to the fairground layout to improve crowd movement

- e. Improved drainage around the site, which would have lessened the impact of heavy rain had there been any.

Over the weekend, other than minor issues, or transitory issues (e.g. ongoing cleaning) the following significant issues were identified:-

- a. Crowd movement issue in Radio 1 main tent. Due to the secondary barrier being extended beyond the walls of the tent, the area in front of that barrier was completely separated. The exits left and right were insufficient, and had to be widened. This was identified following a large crowd that attended an act on the Saturday afternoon.
- b. On the Friday night, a number of traders were identified as storing waste materials too close to lpg cylinders. The risk being that if the waste materials catch fire , then there is a risk of the lpg cylinders igniting. All of the traders were spoken to at the time, and a follow up conversation took place the following day. The recommendation is for the festival organisers' on site fire brigade to undertake more proactive checks next year in a fire prevention mode.
- c. During water testing on the Saturday, low chlorine levels were detected in one of the camp sites. The levels were not below the minimum required, but were likely to continue to go down rather than improve due to the location/timing of the testing. The water safety manager was informed. An additional chlorinator was installed and the problem was resolved. Will be looked at for next year's event, as the underlying cause was due to the low water usage on site compared to previous years.

Throughout the weekend there were daily multi agency meetings, discussions with Festival Republic Production and Licensing Offices, and liaison with Event safety officers.

3. RIDDORS

No Riddors (Notifiable incident reports) were received/required.

4. Conclusions

As in previous years, this Service had a good working relationship with Festival Republics Licensing compliance team, their event health and safety team, and their contracted health and safety team (TESS). Throughout the build-up to the event a number of safety related issues were identified, raised with the relevant persons, and actioned appropriately. Given the size and nature of the event it is difficult to specify whether some or all of these issues would not have been identified and/or addressed without the presence of H&S inspectors or our Building Control colleagues. Our independent water sampling served to confirm the findings of Festival Republics own water sampling. Numerous checks of the general site were undertaken, and ad-hoc issues identified and rectified. There were 4 laser displays at this year's event which were all assessed prior to taking place ; on site checks made on the morning of each laser show, in conjunction with TESS.

Staff Time

There were no major incidents during the weekend this year. However, it is difficult to predict when incidents may occur. On reflection, the same working pattern is suggested for

next year, with a possibility of reducing the overall time if there are no laser installations to be checked.

In addition to the overtime working, a number of hours are spent attending multi-agency planning meetings, on-site inspections prior to and post event, and attendance at debrief meeting. The number of hours depends on the issues or activities planned. These are all in office hours and no change is envisaged.

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