



LICENSING COMMITTEE

MEETING TO BE HELD IN CIVIC HALL, LEEDS ON
TUESDAY, 10TH FEBRUARY, 2015 AT 10.00 AM

MEMBERSHIP

Councillors

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

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

John Grieve
224 3836

A G E N D A

Item No	Ward/Equal Opportunities	Item Not Open		Page No
1			<p>APPEALS AGAINST REFUSAL OF INSPECTION OF DOCUMENTS</p> <p>To consider any appeals in accordance with Procedure Rule 15.2 of the Access to Information Procedure Rules (in the event of an Appeal the press and public will be excluded)</p> <p>(*In accordance with Procedure Rule 15.2, written notice of an appeal must be received by the Head of Governance Services at least 24 hours before the meeting)</p>	
2			<p>EXEMPT INFORMATION - POSSIBLE EXCLUSION OF THE PRESS AND PUBLIC</p> <p>1 To highlight reports or appendices which officers have identified as containing exempt information, and where officers consider that the public interest in maintaining the exemption outweighs the public interest in disclosing the information, for the reasons outlined in the report.</p> <p>2 To consider whether or not to accept the officers recommendation in respect of the above information.</p> <p>3 If so, to formally pass the following resolution:-</p> <p>RESOLVED – That the press and public be excluded from the meeting during consideration of those parts of the agenda designated as containing exempt information on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the press and public were present there would be disclosure to them of exempt information</p>	

Item No	Ward/Equal Opportunities	Item Not Open		Page No
3			<p>LATE ITEMS</p> <p>To identify items which have been admitted to the agenda by the Chair for consideration</p> <p>(The special circumstances shall be specified in the minutes)</p>	
4			<p>DECLARATION OF DISCLOSABLE PECUNIARY INTERESTS</p> <p>To disclose or draw attention to any disclosable pecuniary interests for the purposes of Section 31 of the Localism Act 2011 and paragraphs 13-16 of the Members' Code of Conduct.</p>	
5			<p>APOLOGIES FOR ABSENCE</p>	
6			<p>MINUTES OF THE PREVIOUS MEETING</p> <p>To approve the minutes of the last meeting held on 9th December 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>ENTERTAINMENT LICENSING SECTION - UPDATE REPORT JULY - DECEMBER 2014</p> <p>To consider a report by the Head of Licensing and Registration which provides an update of matters appertaining to the entertainment licensing section during the last six month period.</p> <p>(Report attached)</p>	9 - 24

Item No	Ward/Equal Opportunities	Item Not Open		Page No
9			<p>WORKING WITH HEALTH</p> <p>To consider a report by the Head of Licensing and Registration which provides details about the ongoing work between the Licensing Authority and Public Health.</p> <p>(Report attached)</p>	25 - 36
10			<p>HACKNEY CARRIAGE PROPRIETORS (HCP) - APPROPRIATE SUITABILITY ASSESSMENT - UPDATE REPORT</p> <p>To consider a report by the Head of Licensing and Registration which provides an update of the requirement to attain ESOL level 3 English comprehension skills for all Hackney Carriage proprietors.</p> <p>(Report attached)</p>	37 - 48
11			<p>INFORMATION REPORT - TAXI AND PRIVATE HIRE LICENSING EQUALITY MONITORING</p> <p>To consider a report by the Head of Licensing and Registration which provides the breakdown of equality monitoring information returned from licence holders.</p> <p>(Report attached)</p>	49 - 60

Item No	Ward/Equal Opportunities	Item Not Open		Page No
12			<p>ACTIVITY UPDATE: TAXI AND PRIVATE HIRE LICENSING 1ST JULY TO 31ST DECEMBER 2014</p> <p>To consider a report by the Head of Licensing and Registration which provides an update on the delegated decisions taken by officers at Taxi and Private Hire Licensing covering the period 1st July to 31st December 2014.</p> <p>(Report attached)</p>	61 - 68
13			<p>LICENSING COMMITTEE WORK PROGRAMME 2015</p> <p>To note the contents of the Licensing Committee Work Programme 2015.</p> <p>(Report attached)</p>	69 - 72
14			<p>DATE AND TIME OF NEXT MEETING</p> <p>To note that the next meeting will take place on Tuesday 10th March 2015 at 10.00am in the Civic Hall, Leeds.</p>	
15		10.4(1, 2)	<p>SAFEGUARDING MEASURES - 'FIT AND PROPER' ASSESSMENT FOR HCD, HCVP, PHD, PHVP, PHO LICENCES, ESCORTS AND 'PERMIT DRIVERS' - INFORMATION REPORT.</p> <p>To consider a report by the Head of Licensing and Registration which highlights the safeguarding and general public safety statutory responsibility attached to the grant of a personal licence in the context of more open EU borders, reduced employment constraints on EU and foreign nationals from outside of the EU.</p> <p>(Report attached)</p>	73 - 106

Item No	Ward/Equal Opportunities	Item Not Open		Page No
			<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. 	

Licensing Committee

Tuesday, 9th December, 2014

PRESENT: Councillor M Harland in the Chair

Councillors N Buckley, R Downes, J Dunn,
G Hyde, A Khan, C Townsley, G Wilkinson
and B Flynn

68 Appeals Against Refusal of Inspection of Documents

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

69 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:-

Appendix (B) to the report entitled “Leeds Festival 2014 – Members Debrief” as referred to in Minute No.84 was designated as exempt under Access to Information Procedure Rule 10.4(7) because it contained information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime. It was considered in these circumstances that the public interest in maintaining the exemption from publication outweighs the public interest in disclosing the information

70 Late Items

There were no late items of business.

71 Declaration of Disclosable Pecuniary Interests

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

72 Apologies for Absence

Apologies for absence were received from Councillor Bruce, Councillor Gettings, Councillor Hanley, Councillor Hussain, Councillor Ingham and Councillor Selby

73 Minutes of the Previous Meeting

RESOLVED – That the minutes of the previous meeting held on 7th October 2014 were confirmed as a true and correct record

74 Matters Arising from the Minutes

There were no issues raised under matters arising.

75 Review of the City Centre Cumulative Impact Policy

The Head of Licensing and Registration submitted a report which set out the annual review of the City Centre Cumulative Impact Policy (CIP)

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

- Crime statistics for the preceding 12 month period provided by West Yorkshire Police (Appendix 1 refers)
- Information relating to the Lower Kirkgate Townscape Heritage Initiative provided by the City Council's Development Department (Appendix 2 and 3 refers)
- The new guidance document (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:

- Background information
- Nuisance statistics
- Police evidence - Crime and Disorder statistics
- Reduction in alcohol related crime
- Other measures

Responding to a question about new applications for premises located in the red area. Officers reported that any such applications would attract representations from both the Police and the Licensing Authority.

A query was raised about the relaxation of highway restrictions on Call Lane

In responding Officers confirmed that some highway restrictions had been relaxed on Call Lane allowing limited access to bus and Hackney Carriage vehicles only.

The issue of begging in the City Centre was highlighted.

Officers reported that begging was not in the remit of the Licensing Committee

In summing up the Chair suggested that Members were supportive of the proposals.

RESOLVED –

- (i) To note the responses to the consultation in respect of the city centre cumulative impact policy areas
- (ii) To welcome and support the suggested amendments to the policy
- (iii) To endorse the new cumulative impact evidence for the city centre and the revised map of the city centre

76 Entertainment Licensing Fees and Charges

The Head of Licensing and Registration submitted a report which sets out the proposed fee scheme that reflects the cost of processing and determining applications for sex establishments, places of marriage and scrap metal dealer licences for 2015.

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:

- European Services Directive
- Case Law - Hemmings Case
- Sex Establishments
- Marriage Act – Places of Marriage
- Scrap Metal

It was the general view of Members that the proposed charges represented a true reflection of the service costs

A query was raised about the accuracy of the figures on pages 56 & 67 of the submitted reported.

Officers confirmed the figures would be re-checked and amended accordingly

RESOLVED – To approve the scheme of charges for sex establishments, places of marriage and scrap metal dealers with effect from 1st January 2015

77 Fixed Odds Betting Terminals

The Head of Licensing and Registration submitted a report which provided background to the White Paper debated at Council in November 2014 concerning fixed odds betting terminals.

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

- Newham's Sustainable Communities Act proposal and betting shop campaign (Appendix 1 refers)

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

Draft minutes to be approved at the meeting
to be held on Tuesday, 6th January, 2015

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

- The work undertaken London Borough of Newham to propose a limit the stakes on FOBTs to £2
- Concern around gambling addiction particularly in areas of deprivation

A Member asked if credit cards could be used in FOBT in Better Shops?

Officers reported that clarification would be sought and Members notified accordingly

In summing up the Chair welcomed the report suggesting that the general view of Members was that the proposals be supported.

RESOLVED –

- (i) That the contents of the report be noted
- (ii) That the Head of Licensing and Registration be requested to write to Helen Grant MP, Parliamentary Under Secretary of State for Sport and Tourism, recommending a reduction in the maximum bet per spin of Fixed Odds Betting Terminals to £2 and to officially support London Borough of Newham’s Sustainable Communities Act proposal to give local authorities the power to do the same

78 Information report - Issues Around Free 'wi fi in Private Hire Vehicles.

The Head of Licensing and Registration submitted a report which informed Members of the issues and opportunities for free “Wi fi” in Private Hire vehicles and any regulatory issues.

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 availability of free “wi fi” in private hire vehicles
- The effect on passengers within the regulatory framework

It was reported that that there had been no applications for free “wi fi” in licensed vehicles and that the personal use of “wi fi” in licensed Private Hire vehicles was a matter for passengers to consider.

RESOLVED – That the contents of the report be noted

79 Additional Taxi and Private Hire Licensing Safeguarding Measures - Annual DBS Checks & the Online DBS Update Service.

The Head of Licensing and Registration submitted a report which proposed 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.

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

- Results of the Public Consultation - 10th October to 10th November 2014 (Appendix 1 refers)

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 DBS process was a credible means of checking a person's criminal activity
- The introduction of the DBS online update service would allow a status check to determine if an individual's certificate was up to date.
- Online DBS Service costs: (initial set up £65.50) (Yearly registration £13)
- License possibly suspended/ not renewed if yearly registration not undertaken
- Text alert to driver/operator/ taxi association reminding them of the necessity to renew their online DBS check

Officers expressed concern political conflict with drivers who had not followed the procedure

Members welcomed the proposal of a text alert to drivers/ operators reminding them of the need to renew their online DBS check in an attempt to demonstrate to drivers/operators and the trade that the City Council were doing all it could to ensure DBS check would be kept up to date.

Officers emphasised it was the drivers responsibility to ensure it was done in good time.

RESOLVED –

- (i) To approve in principle the introduction of annual on-line DBS Status checks on all existing licence holders and new applicants to the trade
- (ii) That the Head of Licensing and Registration be instructed to prepare a further report for consideration of the Executive with a view to approval

80 Additional Licensing Safeguarding Proposals - Improving Criminal Intelligence Lengths with the West Yorkshire Police.

The Head of Licensing and Registration submitted a report which informed Members of the collaborative work undertaken by Officers with the Hackney Carriage Trade and how the focus of attention for the Council had moved from road side policing to intelligence and disclosure.

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

Draft minutes to be approved at the meeting
to be held on Tuesday, 6th January, 2015

- Draft Report – Proposal to secure permanent services of a West Yorkshire Police Constable within Taxi and Private Hire Licensing (Appendix 1 refers)

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 difficult constraints facing the Police in providing such resources – even if funded
- The focus of the Council had moved from road side policing to intelligence and disclosure
- Police intelligence could lead to early intervention
- Establishing more effective links with partners and other agencies could result in improved intelligence possibly reducing potential threats

Members welcomed the report and were supportive of the proposal

RESOLVED –

- (i) That the contents of the report be noted and welcomed
- (ii) To approve the principle in seeking to secure and pay for the service of an intelligence officer within the West Yorkshire Police

81 Unmet demand survey - Hackney Carriages.

The Head of Licensing and Registration submitted a report which highlighted the need to undertake an unmet demand survey and to determine if the issues about retaining a specified number of 5/6/ & 7 seater HCV's should form part of more informed research.

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 necessity to undertake an unmet demand survey less than every 5 years “do we have enough taxi’s”
- The survey allows an opportunity to consider other related issues e.g. vehicle emission concerns
- Work currently ongoing on proposed “Low Emission Zone” feasibility study
- Unmet demand survey presents opportunity to contribute to feasibility study

Officers reported the recent introduction of a trial currently taking place in the city centre using an unlicensed Hackney Carriage electric vehicle. The purpose of the trial was to gather data with a view to determining future Council policy to meet its

environmental obligations and consider how such vehicles might contribute to environmental strategies.

Members welcomed the proposal suggesting vehicle emissions played a major part in increased air pollution

RESOLVED –

- (i) That the contents of the report be noted
- (ii) That determination of the issues around 5/6 & 7 seater Hackney carriage Vehicles (HCV's) be deferred so that a more comprehensive overview could be undertaken in the unmet demand survey

82 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.

83 Date and Time of Next Meeting

RESOLVED – To note that the next meeting will take place on Tuesday, 6th January 2015 at 10.00am in the Civic Hall, Leeds.

84 Leeds Festival 2014 - Members Debrief

The Head of Licensing and Registration submitted a report advising Members of the matters arising from the 2014 Leeds Festival held in the grounds of Bramham Park between 22nd and 24th August 2014.

The report included a post event report produced by the Environment Department which covered the involvement of both the Health and Safety Team and Noise Team throughout the event (Appendix A refers). Also included was a summary of the outcome of the multi-agency de-briefing meeting held on 10th October 2014 at Appendix B (Exempt).

The Principal Licensing 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:

- Street cleansing issues which were satisfactory dealt with
- Good working relationship with the Health and Safety Team
- Good collaboration with Festival Republic (Event organisers)

Members expressed their continued support of the Festival and the work undertaken by the organiser together with support agencies to ensure the smooth running of the event

RESOLVED – To note the contents of the report in respect of the debrief following the Leeds Festival 2014 held at Bramham Park.



Report author: Nicola Raper
Tel: 74095

Report of the Head of Licensing and Registration

Report to Licensing Committee

Date: 10th February 2015

Subject: Entertainment Licensing Section – Update Report
July – December 2014

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. This report provides Members with an update of matters appertaining to the entertainment licensing section between July and December 2014. The section deals with a variety of licences and registrations. This report provides an overview of the applications received, including reviews and appeals, liaison and enforcement actions, and project development.

Recommendations

2. That Licensing Committee note the contents of the report.

1 Purpose of this report

- 1.1 To inform the Licensing Committee of matters appertaining to the entertainment licensing section during the last six month period.

2 Background information

- 2.1 Entertainment licensing deals with licences, permits and authorisations under various pieces of legislation.
- 2.2 The main functions of the section are:
- Licensing Act 2003 - sale/supply of alcohol and regulated entertainment
 - Gambling Act 2005 - gambling facilities including the large casino
 - Local Government (Miscellaneous Provisions Act) 1982 – adult retail shops, cinemas, and sexual entertainment venues.
 - Scrap Metal Dealers Act 2013 – registration of mobile collectors, scrap yards and motor salvage operators.
- 2.3 The council has statement of licensing policies for all but the latter function (scrap metal) set out above.
- 2.4 Application, inspection and enforcement procedures must be followed in accordance with the relevant legislation.
- 2.5 As a general rule any application that attracts adverse representation will be heard before a licensing subcommittee, with the exception of licences for sexual entertainment venues where all new and renewal applications are brought before Members.
- 2.6 Applications made under the Licensing and Gambling Acts must be granted in the absence of representations.
- 2.7 The Scrap Metal Dealers Act is an executive function and as a consequence these will not come before the licensing subcommittee. Any applicant who the licensing authority is minded to refuse due to having relevant offences will have the opportunity to attend an interview before a panel of officers. The applicant then has a further avenue of appeal to the magistrate's court.

3 Main issues

Licensing Act 2003: Application statistics

- 3.1 During this reporting period the licensing authority received the following number of licence applications and variations. This table excludes applications made in any of the CIP areas which can be found at paragraph 3.2 below.

Premises licence applications and variations (excluding CIP areas):

Total number of applications	43
Outcome:	
Applications with no representations	14
Applications with control measures agreed/representation withdrawn prior to a hearing	20
Applications withdrawn	0
Applications granted at hearing	2
Applications refused	0
Applications pending determination	7
Appeals	0

3.2 The following table sets out the applications received in the Cumulative Impact Areas:

	Area 1 City	Area 2 Headingley/ Hyde Park	Area 3 Woodhouse	Area 4 Chapel Allerton	Area 5 Horsforth
Total number of applications	24	1	2	1	0
Applications with no representations	4	0	0	0	0
Applications with control measures agreed/rep withdrawn prior to a hearing	10	0	0	1	0
Applications withdrawn	3	0	1	0	0
Pending determination	5	0	1	0	0
Granted at hearing	2	0	0	0	0
Refused at hearing	0	1	0	0	0

Temporary Event Notices

- 3.3 The following table sets out the number of Temporary Event Notices served on the authority:

Normal Temporary Event Notices:

Total Number Received:	626
Accepted:	593
In process:	27
Objections/ Withdrawn:	0
Hearings	0
Counter Notice	6

Late Temporary Event Notices:

Total Number Received:	232
Accepted:	212
In process:	20
Invalid/Objection/Counter Notice Served:	0

Licensing Act: Reviews

- 3.4 There have been no reviews brought in the past six months. This can be attributed to the close partnership working between agencies and licence holders.
- 3.5 The last update provided reference to the review brought by the West Yorkshire Police against The Angel, High Street, Wetherby.
- 3.6 Members resolved to modify the conditions attached to the premises including a reduction in hours to the upstairs bar, a last entry admission time of 22:30hrs, and a minimum of 120 covers in the restaurant area.
- 3.7 The licence holder subsequently made an appeal to the Magistrates, and the matter was awaiting conclusion.
- 3.8 It can now be reported that the matter was agreed without a need for a hearing before the Magistrates following further dialogue between parties and some further minor amendments to the original decision. Consultation was held with the Licensing Sub Committee Members concerned with the original decision before any agreement was made.

Licensing Act: Appeals

- 3.9 There have been no appeals during this reporting period.

Licensing Act: Section 182 Guidance

- 3.10 Revised S182 guidance was released by the Home Office in October 2014. Members will have been supplied with a copy.
- 3.11 The new guidance clarifies certain processes and includes reference to a change in the TEN notification form which now requires users to describe any entertainment that involves display of nudity.
- 3.12 The new guidance also sets out (para 8.34) that applicants are expected to obtain sufficient information to enable them to demonstrate, when setting out the steps they propose to take to promote the licensing objectives, that they understand amongst other matters the risk posed to the local area by the proposed licensable activities.
- 3.13 To assist in this respect we have provided local area guidance for certain areas of Leeds, such as South Leeds, Armley and Harehills.

Local Area Guidance

- 3.14 The Licensing Committee endorsed the Local Area Guidance for South Leeds in May 2013, and in October 2014 endorsed similar for the areas and Armley and Harehills.
- 3.15 This guidance provides prospective applicants with information on their area and measures that they may consider in preventing their business from adding to the problems experienced in that area. Typically this will apply to off-licences and the suggested control measures will include the secure storage of alcohol, limited or zero advertising of alcohol, CCTV, proof of age schemes and the display of health advice.
- 3.16 Applicants are provided with a copy of the local area guidance and encouraged to consider the suggested control measures. Furthermore it was intended that relevant responsible authorities and area representatives, including those responsible for health (albeit health is not a licensing objective) would liaise with applicants on a case by case basis to discuss and agree control measures. In the absence of any agreed measures, if still considered appropriate, relevant responsible authorities may submit representation against an application. However the Licensing Act may not be used as a means for addressing health concerns.
- 3.17 Entertainment Licensing are now to carry out an audit to determine the success of local area guidance and a fuller report will be presented to the Licensing Committee in due course.

De-regulation of Entertainment:

- 3.18 The Live Music Act 2012 ceased to class certain categories of live entertainment as a licensable activity. This was followed in 2013 by the Licensing Act 2003 (Descriptions of Entertainment) Order that deregulated plays and indoor sports subject to certain restrictions.

- 3.19 The Legislative Reform (Entertainment Licensing) Order 2014 has now been approved and will exempt further activities from April 2015.
- 3.20 Members will find attached at appendix A, a table setting out all of the current exemptions and those that will come in to effect from April 2015.
- 3.21 It is considered that the deregulations will result in a small reduction in the number of licences held with this authority, in the main these will be for schools and community centres which are exempt from a licence fee. In the main all premises also provide alcohol which will remain a licensable activity.
- 3.22 This may however generate addition work for environmental services, as any noise nuisance conditions applied to a licence must be disapplied whilst exempt entertainment is taking place and will not be enforceable under the Licensing Act. Colleagues within that service are aware of the impact this may have on their service and licensing staff will continue to liaise and provide assistance where appropriate.

Statement of Licensing Policy

- 3.23 The current statement of licensing policy was reviewed in 2013 and approved by full council in January 2014.
- 3.24 The five cumulative impact policies (CIP's) as contained in the previous policy remained. These CIP areas are: 1) City Centre, 2) Woodhouse/Hyde Park corridor, 3) Headingley, 4) Horsforth and 5) Chapel Allerton.
- 3.25 The statement of licensing policy was designed so that the city centre CIP would be reviewed on an annual basis in recognition of the changing profile of the city centre.
- 3.26 The annual review of the City CIP was held and the red, amber and green zones were revised in in response to West Yorkshire Police intelligence reports. The new CIP was approved before the Licensing Committee in November 2014, to take effect from 1 January 2015.
- 3.27 The new city centre CIP may be found at appendix B to this report.

Gambling Act 2005: Application statistics

- 3.28 During this reporting period the licensing authority has received 3 new applications for betting shops, 2 of which are in the city centre (Merrion Street and Vicar Lane), and the third new premises can be found at Street Lane, Leeds 17.
- 3.29 In addition 3 betting premises licences have been surrendered. Two of these were also located in the city centre, (Mill Hill and Commercial Street), and the third in Yeadon.
- 3.30 A licence for an adult gaming centre located in Morley has also been surrendered.

Gambling Act 2005: Statement of Licensing Policy

- 3.31 The Gambling Act 2005 Statement of Licensing Policy is due for review this year. It is proposed that the draft policy will be open to consultation during May, June and July 2015. On previous occasions there has been little interest in this policy as the review has generally not incorporated any change as the authority is unable to regulate gambling premises to the same extent as the Licensing Act.
- 3.32 However with growing concerns for gambling, and in particular betting offices in which can be found the Fixed Odds Betting Terminals (£100 stake and £500 prize), a number of licensing authorities are considering setting out in their policy the minimal expectations of applicants in terms of what they should provide to satisfy the authority's concerns for social responsibility and consistency with the three licensing objectives:
- protecting children and other vulnerable persons from being harmed or exploited by gambling
 - ensuring that gambling is conducted in a fair and open way
 - preventing gambling from being a source of crime or disorder
- 3.33 The Policy approval route follows the Budget and Policy framework. The proposed timescales so that the new policy is advertised and in place for January 2016 is for the policy to be presented to Executive Board and Scrutiny in September, to return to Executive Board in October, before being presented to Full Council in November for final approval.

Large Casino

- 3.34 A provisional statement for a large casino premises licence was granted to Global Gaming Ventures Limited for the site at Eastgate, now known at Victoria Gate. Development works to this site are now underway and the site is set to be completed late 2016.
- 3.35 The application for the full casino licence is anticipated by spring of 2015.

Local Government (Miscellaneous Provisions) Act 1982: Licensing of Sex Establishments (including adult shops, cinemas and sexual entertainment venues, i.e. lapdancing)

- 3.36 In November 2014 the Licensing Sub Committee considered the licence renewals for 2 of the sexual entertainment venue's: Purple Door and Liberte, both of York Place, Leeds 1.
- 3.37 The reports included comments from the Enforcement Team of the Entertainment Licensing Section, concerning the activities of promotional staff. As a result the Licensing Sub Committee Members resolved to renew the licences for a further year but with revised conditions to further control the numbers, hours and conduct of promotional staff.
- 3.38 In addition to the 2 premises above, premises known as Silks situated at Sovereign Place, Leeds 1, holds a sexual entertainment venue licence which expires 31st May 2015.

Scrap Metal

- 3.39 The first anniversary of the new Scrap Metal Dealers Act was in September 2014. To date 160 scrap metal collectors and 28 sites have been licensed.
- 3.40 Members are reminded that the Scrap Metal Dealers Act in an Executive Function, with delegation to officers who will consider any applications that may not meet the criteria. If an officer is 'minded to refuse' an application, typically because the applicant has a current conviction for a relevant offence, then the applicant may choose the right to attend an interview before officers. If the applicant remains dissatisfied with the decision, then they have a right of appeal to the Magistrates Court.
- 3.41 In the previous update report Members were advised that one applicant had appealed against the decision to refuse his application to the Magistrates Court.
- 3.42 The Scrap Metal Dealers Act sets out relevant offences which could render an application rejected. The applicant concerned did not hold a conviction for one of the stated offences, but did in the opinion of the licensing authority hold a current conviction for a matter that questioned his suitability to act as a collector. The applicant appealed on this basis, and this was the first case to be taken before the Magistrates.
- 3.43 The Magistrate did confirm that the licensing authority had acted correctly and were entitled to take additional offences into consideration, but also recognised that the rehabilitation period was almost spent. It was therefore suggested that the licensing authority and applicant arrived at an agreement. In conclusion the application was granted and effective from the 1st September 2014.
- 3.44 Between July and December 2014, 12 collectors and 2 site licences were processed.
- 3.45 Of these one 'minded to refuse' notice was issued as officers had concern for a current criminal offence, albeit it was not a relevant offence as set out in the Scrap Metal Dealers Act. After hearing from the applicant at interview the licence was approved.

Enforcement

- 3.46 In accordance with the Hampton Principles and the Regulators' Code, inspections and enforcement action must be risk based and proportionate.
- 3.47 Entertainment Licensing has a dedicated liaison & enforcement team of six officers that address a range of licence compliance and enforcement activities. These officers are also designated as the responsible authority on behalf of the licensing authority for the purpose of making representations against licence applications or bringing licence reviews where necessary.
- 3.48 The team work with a range of partner agencies including the Police, Fire & Rescue Authority, Trading Standards, HM Revenue & Customs, Home Office Immigration

Enforcement (formerly UK Border Agency), Security Industry Authority, environmental action, planning, health & safety, Anti-social Behaviour Team, etc.

3.49 The team are also involved with licensed outdoor events, liaising between promoters and agencies. Members of the team were recently involved in the German Christkindlemarkt and will soon be liaising with organisers for the 2015 events including the Leeds Festival.

3.50 As a general overview, over the past six months the team have dealt with:

- Complaints of unlicensed scrap metal collectors and sites
- Engaged with licence holders and partner agencies/services in the lead up to and on the day of Tour de France Grand Depart
- Investigation of premises allegedly providing unlicensed sexual entertainment
- Complaints of promotional teams acting for licensed sexual entertainment venues
- Prevention of student parties at residences in the LS6 area
- Freshers' Week – licensing compliance visits.
- Safety issues associated with licensed and unlicensed premises which were referred through to the relevant authorities.
- Leeds Festival incl. Operation Kayak – a multi-agency operation tackling illegal ticket touting
- Unlicensed late night refreshment enquiries
- German Christkindlemarkt – briefed bar staff on licensing responsibilities and monitored the event
- Operation Capitol – city centre compliance visits involving WYP & BTP
- Numerous daytime and night-time licensing compliance visits to premises in conjunction with local Neighbourhood Policing Teams
- Engagement with the Children's Safeguarding Team and referrals submitted
- Chairing of six weekly meetings of the Licensing Enforcement Group and attending other partnership meetings such as the Leeds Drug and Alcohol Management Board, City Centre Divisional Community Safety Partnership, City Centre Tasking, Pubwatch, etc.
- Attending the new Legal Highs working group – gathering and distributing info for licence holders via Pubwatch
- Attending and supporting Pubwatch meetings

3.51 During this reporting period the following prosecutions/ action in relation to alleged offences have been taken:

- LCC v Fat Joe's (Amberton Approach LS8). Unauthorised late night refreshment on four separate occasions. Defendant convicted in his absence on 13.06.14 of 4 x s.136 LA03 offences. Case adjourned to 31.07.14 for sentencing. The defendant failed to attend therefore an arrest warrant with no bail was issued for the defendant. Matter still outstanding.
- LCC v Fellmore Ltd (Red Leopard). Unauthorised sexual entertainment at premises previously licensed as a sexual entertainment venue. Matter adjourned to 22.01.15 at Leeds Magistrates.

- LCC v Headingley Sandwiches/American Sub – North Lane, Headingley. Unauthorised late night refreshment on one occasion. Two of the three defendants previously successfully prosecuted by LCC for the same offences. Matter listed for hearing on 06.01.15 at Leeds Magistrates. Adjourned to 19.02.15.
- LCC v Challenge Sandwiches – North Lane, Headingley. Unauthorised late night refreshment on four separate occasions. Matter heard at Leeds Magistrates on 04.11.14. Defendant admitted all three charges and was convicted. Fine - £300. Costs - £250. Victims' surcharge - £30.

4 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.1 New licence applications and full variations to existing licences are subject to a 28 day consultation period.
- 4.1.2 The consultation period is advertised by the display of a site notice at the premises and an advert in a local newspaper.
- 4.1.3 The Licensing Authority consults on the licensing policies in accordance with local and government guidelines.

4.2 Equality and Diversity / Cohesion and Integration

- 4.2.1 The council's statement of licensing policies are developed with matters of equality, diversity and human rights taken into consideration. Policies are regularly reviewed in line with the legislation. The council has completed equality, diversity, cohesion screening and impact assessments with regards to the consultation process undertaken during the review of each policy.

4.3 Council Policies and City Priorities

- 4.3.1 When determining applications the licensing authority must have regard for governing legislation and will be assisted by any guidance issued by the Home Office or Gambling Commission. In addition where there is an associated statement of licensing policy this will set out the principles the council will use to exercise its functions under that policy, and in making a decision the council will have regard to that policy.
- 4.3.2 The licensing regime, in general, contributes to our best council objectives of:
 - Building a child friendly city – improving outcomes for children and families
 - Promoting sustainable and inclusive economic growth – improving the economic wellbeing of local people and businesses
 - 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 Section encourages partnership working with internal and external services making best use of resources and information sharing.

4.5 Legal Implications, Access to Information and Call In

4.5.1 All information provided in this report is publicly accessible and there is no legal implication to the recommendations of this report.

4.6 Risk Management

4.6.1 As this is an advisory report there are no risks associated.

5.0 Recommendations

13.1 That members note the contents of the report.

Background Papers¹

None

¹ 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.

Deregulation of Entertainment Matrix

Licensing Act 2003

Entertainment is regulated if it is:

- Provided in the presence of a public audience; or
- In private, where a charge is made with a view to profit

Entertainment is deregulated if:

Type of entertainment	Location	Audience	Time
Live Music Act 2012			
Performance of live music	Unamplified music anywhere	No limit	08:00 – 23:00
	Amplified music in a workplace	200	08:00 – 23:00
	Amplified music on licensed premises open for the sale or supply of alcohol	200	08:00 – 23:00
Licensing Act 2003 (Descriptions of Entertainment) Order 2013			
Performance of a play	Any premises	500	08:00 – 23:00
Indoor sporting event	Other than boxing & wrestling or combined fighting sports	1,000	08:00 – 23:00
Performance of dance	Any premises	500	08:00 – 23:00
Clause 58 Deregulation Bill (From Feb/March 2015)			
Film	Community premises	No limit	No time restriction
Legislative Reform Order (from 5th April 2015)			
Performance of live and recorded music	Relevant alcohol licensed premises	500	08:00 – 23:00
Entertainment Licensing	On local authority, health care and school premises used by third parties	500	08:00 – 23:00
	Local authorities, health care providers and schools using own premises	No limit	08:00 – 23:00
	Travelling circuses	No limit	08:00 – 23:00
Performance of live and recorded music	Community premises not licensed to supply alcohol	500	08:00 – 23:00
Greco-Roman and freestyle wrestling	Any premises	1,000	08:00 – 23:00
Incidental film	Any exhibition of film where it is incidental to another activity	No limit	No time restriction

Still regulated:

- Exhibition of a film, other than that described above
- Boxing and wrestling entertainment including combined fighting sports (MMA)
- Entertainment of a similar description to live music, recorded music and dance
- All regulated entertainment before 8:00 and after 23:00
- Performance of dance that is relevant entertainment under the Local Government (Miscellaneous Provisions) Act 1982, i.e. sexual entertainment, lap dancing etc.

Types of entertainment which are not licensable:

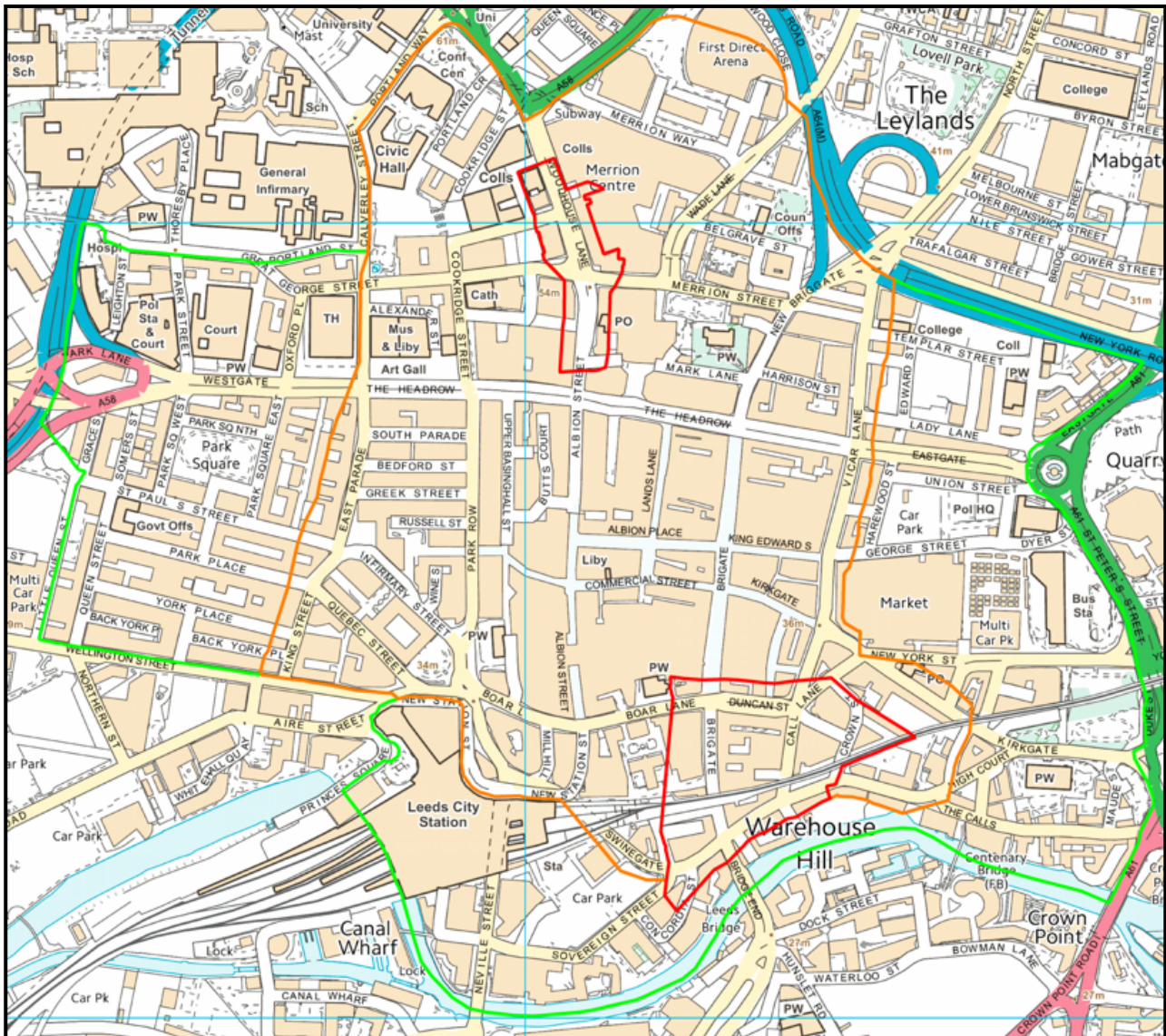
- Education – teaching students to perform music or to dance
- Activities which involve participation as acts of worship in a religious context
- Activities which take place in places of public religious worship
- A demonstration of a product
- Rehearsal of a play or performance of music for a private audience where no charge is made
- Games played in pubs, youth clubs etc. (e.g. pool, darts, table tennis, billiards)
- Stand-up comedy
- Karaoke (classified as live music, so subject to the same exemption)
- Provision of entertainment facilities (i.e. dance floors, piano) for use by customers
- Incidental music or entertainment

City Centre CIP 2015

Licensing Act 2003



Leeds
CITY COUNCIL



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.

Report of Head of Licensing and Registration

Report to Licensing Committee

Date: 10th February 2015

Subject: Working with Health

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. In April 2012 Public Health became a responsible authority under the Licensing Act 2003 with the ability to make representations on applications, be a statutory consultee on all licence applications and the Statement of Licensing Policy.
2. Over the last 3 years Entertainment Licensing has been working closely with colleagues in Public Health in a number of areas. This report advises Licensing Committee of the ongoing work between the Licensing Authority and Public Health.

Recommendations

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

1 Purpose of this report

- 1.1 To advise Licensing Committee of the ongoing work between the Licensing Authority and Public Health.

2 Background information

- 2.1 In April 2012 HM Government's Rebalancing the Licensing Act made a number of fundamental changes to the Licensing 2003.
- 2.2 One of these changes was to make Public Health a responsible authority. They join West Yorkshire Police, West Yorkshire Fire and Rescue Service, Health and Environmental Action Service, Health and Safety, Trading Standards, the Safeguarding Children's Board, Planning and the licensing authority.
- 2.3 The main effect of this change is that all new applications or application to vary existing licences are automatically sent to Public Health to enable them to comment on them.
- 2.3 In addition Public Health become a statutory consultee on the review of the Statement of Licensing Policy.
- 2.4 However HM Government is yet to address the issue of making the protection of public health a licensing objective. There is some discussion ongoing about whether the broad data provided by public health could be used to evidence cumulative impact, but this has not been inserted into the legislation or statutory guidance yet.

3 Main issues

- 3.1 In order for Public Health to make a worthwhile contribution to the licensing of alcohol, officers from Entertainment Licensing have been working with Public Health on a number of project streams.

Public Health as a Responsible Authority

- 3.2 The role of a responsible authority is suited to organisations such as the Police, Fire Service and Environmental Health who deal with business directly. It is much more challenging for agencies such as Social Services and Public Health who operate on a much wider basis.
- 3.3 All licence applications are determined on a case by case basis and any determination must be relevant to the individual premises.
- 3.4 As such it is challenging for Public Health to apply the data they hold to licence applications as the data is so broad in context. For example, in south Leeds Public Health know that the life expectancy of the people living in that area is lower than in other areas, but it is impossible to apply this data to an off licence in Beeston.
- 3.5 Public Health England have taken this challenge on board in order for Public Health directors to have an effective input into licence applications and licensing policies.

- 3.6 A number of workshops are being organised around the country. The purpose of these workshops is to show how Public Health can get involved at all levels and the data they can provide to licensing authorities which can be of assistance. Officers from Entertainment Licensing have presented to Public Health directors, Licensing committee chairs and Licensing Officers in Manchester, Leeds and London.
- 3.7 The workshops have been well received and Leeds has been able to provide further assistance to authorities around the country.

Local Licensing Guidance

- 3.8 As Members are aware there has been concern about life expectancy rates in south Leeds for a number of years. Entertainment Licensing was originally approached by the Community Safety Manager and Health and Wellbeing Manager for South Leeds to implement a cumulative impact policy which would relate to off licensed premises in order to reduce the availability of alcohol in the more deprived areas in south Leeds.
- 3.9 However health is not a licensing objective and there was an overall reduction of on-licensed premises in the concerning areas, and so a cumulative impact policy would not have been evidentially possible.
- 3.10 Instead officers worked with Public Health on some guidance documents for applicants around health promotion.
- 3.11 In April 2012, at the same time Public Health was made a responsible authority, HM Government also published a revised S182 Guidance which required applicants to take into consideration the local area in their applications. This opened the door for a more detailed guidance note which could provide this information and encourage applicants to include specific measures in their applications which, over time, would help to improve the long term health outcomes in that area.
- 3.12 Local Licensing Guidance was endorsed by Licensing Committee in 2013 as a pilot in LS10 and LS11. Guidance was endorsed for inner west and inner east Leeds in September last year.
- 3.13 Officers are currently reviewing the applications received since the LLG was put in place, to evaluate the effectiveness of the Guidance in agreeing conditions with applicants.
- 3.14 The long term value of this guidance is yet to be determined but it is hoped that with other measures being put in place, such as short intervention, alcohol workers and an improvement in treatment services that this will improve life expectancy in these areas.

Data sharing

- 3.15 When Public Health was part of NHS Leeds, Entertainment Licensing and other organisations were able to access a number of different data sets which were useful in providing an overall picture of alcohol related problems in the local area. It has always been the case that individual information sharing agreements have been agreed at service level and Entertainment Licensing were working with Leeds Teaching Hospital Trust to form an information sharing protocol all the responsible

authorities could sign up to so that data could be shared across all agencies party to the Leeds Licensing Enforcement Group.

- 3.16 In addition, great work was being done with the Leeds Teaching Hospitals Trust to improve the data collected in A&E departments so that premises responsible for selling to drunks could be identified and although this alone would not have precipitated formal action it would have highlighted those premises where further investigation was required.
- 3.17 However when Public Health moved into the council, the statutory basis under which the data was shared was lost. It was simply not written into the Public Health Act. Entertainment Licensing and Public Health are equally as frustrated by this oversight by HM Government, and are working with Information Governance to find a solution.
- 3.18 At the corporate level Information Governance officers have done a significant piece of work on setting out the challenges around information sharing between partnerships and the council's dependency on it. The aim is to update procedures and focus on the easier challenges first whilst developing a process for dealing with the more difficult problems. This is an extremely complex situation which needs a lot more clarity in defining where the problems are and how to solve them.
- 3.19 The Leeds Informatics Board has formed a subgroup called the City Wide Information Governance Steering Group which does include LTHT representation. This appears to be primarily about health purposes but Information Governance officers have stressed at the first meeting that the council is concerned with other issues as well.
- 3.20 The next step is to provide a clear documented requirement for existing data and suggested legal grounds to enable LTHT to share the desired information.

Problem Gambling/Problem Drinking

- 3.21 Although there is difficulty in obtaining specific data from Leeds Teaching Hospitals Trust, there is a wealth of data publicly available on the Leeds Health Observatory, the Office of National Statistics and so on.
- 3.22 Officers have met with other local authorities (Westminster, Birmingham, Manchester, Brighton and Hove) to discuss the issues around betting premises and problem gambling. Although it's early days, there is discussion around mapping localities to identify areas which are vulnerable to problem gambling.
- 3.23 For example, organisations working with problem gamblers report that problem gambling is more prevalent amongst white, middle aged men, and people of Chinese ethnicity, in deprived areas and so on. By overlaying these demographics it's possible to produce a heat map of areas where it is more likely for there to be problem gambling issues. This can then be cross checked with treatment services and can direct the council in where to place funding for further work around problem gambling.
- 3.24 This work can feed into the Gambling Act Statement of Licensing Policy where operators wishing to open new betting and gambling premises in those localities

would be expected to take this into consideration in their policies and procedures to show that the companies are meeting the objective of protecting vulnerable people.

- 3.25 Once the model has been established it could also be applied to problem drinking. This could lead to further work around public safety and crime and disorder associated with problem drinking. It would also be important should HM Government introduce public health as a licensing objective in relation to cumulative impact.
- 3.26 Officers are working with Information Governance, Public Health and the team that administrate the Social Inclusion Fund to judge the feasibility of heat mapping localities vulnerable to problem gambling and problem drinking. This work is in its very early stages and officers will report back to Licensing Committee once the preliminary work has been undertaken.

Large Casino Social Inclusion Fund

- 3.27 As part of the Large Casino application process, applicants were required to provide information as to how their bid would best benefit the area. The bids were tied into a Schedule 9 Agreement which is attached to the gambling premises licence.
- 3.28 As part of the reporting process the Financial Inclusion Team provides an update each year on the current work being done relating to the Social Inclusion Fund .
- 3.29 GGV Ltd was the successful applicant in the Large Casino process. Part of the schedule 9 agreement (which had over 30 benefits) was a financial payment to be made as a one off payment, followed by an annual payment based on 4% of the gross gaming yield, or £450k whichever is the higher amount to be paid once the casino opens.
- 3.30 The initial lump sum of £1million and the ongoing annual payments are held in a Social Inclusion Fund (SIF). Of the £1m upfront payment, £200,000 has been used to cover the Council's costs of running the casino process over the previous four years. £800,000 will be used to fund projects and initiatives over a three year period prior to the casino opening. These initiatives will support the city's anti-poverty agenda and is closely aligned to a range of activities that will proactively support financial and economic inclusion. The future annual payment, whilst continuing to fund initiatives that achieve social, financial and economic inclusion priorities, will also fund projects that mitigate potential harmful social effects of gambling. This approach was approved by Executive Board.
- 3.31 The latest estimate of when the casino is likely to open is around September 2016 but this may change dependant on development issues. The next tranche of funding from the casino operator will be due after 12 months of the opening of the casino. Therefore, this is likely to be sometime after September 2017 and the initial £800,000 fund will be required to fund projects up to that time.

Agreeing Criteria for the Fund

- 3.32 In January 2014 Leeds City Council held a workshop with partners and council officers to consult on guidance, criteria and how the funding should be spent. The funding criteria, overarching guidance and examples of the type of projects to be funded, which emanated from the stakeholder workshop, were agreed at the Council's Executive Board in March 2014 (Appendix 1).
- 3.33 This criteria applies to the £800,000 and the subsequent gaming revenue funding once the casino is in operation. The SIF criteria were designed to encourage investment into new projects and activities that will make a real change when tackling poverty. Proposals for new ideas would need to demonstrate sustainability or a social return on investment. Proposals to extend existing services in the city must demonstrate ways to become less dependent on funding and develop ways to become sustainable.
- 3.34 During the workshop it was recommended that the SIF is split into a Small Projects Fund to support more innovative and start up projects and a General Fund to support larger scale projects. In addition to announcements in the local press, both funds were officially open in July 2014 and partners were invited to apply to the fund.

Small Projects Fund

- 3.35 Leeds City Council agreed to set up a £50,000 small projects fund which was managed by Leeds Community Foundation (LCF). The cost for LCF to manage the fund was £5,000. This left a balance of £745,000 in the General Fund. LCF is the city's largest independent grant-maker, who provided guidance and support to an independent panel who reviewed all the applications and took decisions as to the allocation of funding.
- 3.36 The independent panel consists of representation from Yorkshire Bank, Leeds City Credit Union, Public Health, Financial Inclusion Team, Advice Leeds, Area Management and Leeds Voluntary Action.
- 3.37 In October 2014 £44,260 of the fund was awarded to 8 local independent organisations on projects ranging from working with isolated men at risk of suicide, employability skills to ex-offenders, and mentoring and engagement support to vulnerable women.
- 3.38 There was a balance of £5,740 remaining unallocated in the fund. The panel were keen to support projects working to improve digital inclusion, particularly for BME and other disadvantaged groups, to help improve financial inclusion. It was agreed that the remaining balance would be allocated to work in this area. LCF, Voluntary Action Leeds and Advice Leeds are currently progressing this and will decide on what form the activity could take and which community organisations would be appropriate to be involved. The full list of projects supported is attached at Appendix 2.
- 3.39 Impact reporting will be required from all funded organisations at the conclusion of the project. LCF will obtain interim monitoring in February 2015 to provide updates on progress.

General Social Inclusion Fund

- 3.40 Since July 2014, initial proposals are being received by the Financial Inclusion Team. Dialogue has been taking place to assess whether SIF money is appropriate or whether different funding streams need to be explored. Any initiatives that LCC wish to pursue will be invited to submit an official application form. Once applications have been screened to meet the core criteria, they will be reviewed by an independent panel.
- 3.41 To date 13 proposals have been considered, 10 of which have either not qualified under SIF core criteria or require further consideration or partnership work in order to reduce duplication and prevent substitute funding. However 3 applications have reached the formal submission stage. The applications are currently being screened and will be put to the panel for a decision by February 2015. It is anticipated that funding will be released by March 2015. If all the current applications are considered worthy of support the amount of SIF funding allocated to these 3 projects would be £76,425.

4 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.1 This advisory report does not require consultation or engagement.

4.2 Equality and Diversity / Cohesion and Integration

- 4.2.1 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 Each of the four threads is being funded within existing resources. Specifically the Public Health presentations are funded by Public Health, Local Licensing Guidance forms part of other multiagency work, information sharing is part of ongoing enforcement work and the heat mapping of problem gambling and drinking would be funded by the Large Casino Schedule 9 agreement.

4.4.2 As described within the report the Large Casino schedule 9 agreement payment has funded a number of projects and initiatives and is self-sufficient.

4.5 Legal Implications, Access to Information and Call In

4.5.1 Of the four strands, the information sharing is the most significant in relation to legal implications. As the statutory framework has been changed it is no longer possible for the council to access anonymised data in the way that it once was.

4.5.2 There may be legal implications with using the problem gambling/problem drinking heat map data, if it does not have a strong evidential basis. This is still be explored.

4.6 Risk Management

4.6.1 The risk from accessing data unlawfully is low as all those involved are aware of the legislative restrictions.

4.6.2 The risk from over relying on data that cannot be proven to be relevant is medium. The relevance and accuracy of the data must be considered as before it is used in policy documentation or relied upon when making licensing decision as the data would be used to defend licensing decision on appeal. However as officers are aware of this, they can provide the necessary information to Members before any decision to include this data in policies is taken.

5 Conclusions

5.1 In April 2012 Public Health became a responsible authority under the Licensing Act 2003 with the ability to make representations on applications, be a statutory consultee on all licence applications and the Statement of Licensing Policy. Over the last 3 years Entertainment Licensing has been working closely with colleagues in Public Health in a number of areas. The engagement of Public Health has been crucial in this.

6 Recommendations

6.1 That Licensing Committee notes the contents of this report.

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.

SIF Criteria and Overarching Guidance agreed at Executive Board March 2014 **Funding Criteria**

The criteria for funding has been developed with reference to the definitions for social, financial and economic inclusion previously considered by the Executive Board and set out below:

- Social Inclusion activities are those which aim to reduce poverty and social exclusion. In monitoring social exclusion and poverty, the Joseph Rowntree Foundation look at trends and statistics on low income, child poverty, work, education, sickness and disability, benefits and housing.
- Social Inclusion activities would therefore be the sort of activities which work towards improving income, health and wellbeing, reduce child poverty, thereby improving access to work and affordable housing and encourage community engagement and participation. Social Inclusion is the over-arching theme of which being financially and economically included assists in achieving.
- Financial exclusion is a lack of access to mainstream banking or affordable credit which most people take for granted. The consequence of this is that people who do not have access are forced to use alternative providers such as high cost or doorstep lenders, money shops, pawn brokers and illegal loan sharks. This leaves people vulnerable to falling into un-manageable debt, struggling to pay essential bills, struggling to pay for food, causing anxiety, stress and being trapped into poverty.
- Financial Inclusion initiatives help people to manage their finances better through encouraging the use of more affordable sources such as a credit union, maximise their incomes through welfare rights advice and manage their debts through budgeting and effective money management support.
- Economic exclusion occurs when there is a lack of access to the labour market and good jobs, either due to low wages, or not being able to access the relevant skills or training. Economic Inclusion activities would therefore be the sort of activities that support people into work, or provide training, improve skills, or create job opportunities and initiatives to remove barriers to work readiness e.g. deal with debt problems.

Overarching guidelines

- The type of initiatives funded would need to be balanced and could be:
 - Short term until other more permanent funding can be found.
 - For new innovative or experimental projects where there is uncertainty about potential outcomes until a pilot project is completed.
 - Longer term projects where sustainability cannot be guaranteed within a relatively short timescale. In these cases a business plan will be developed with milestones to be achieved at stages in the life of the project.

- The SIF could be used for matched funding of projects that would not be possible to deliver without a matched fund commitment. Eg European funding
- The fund may be used to lever in other capital funding for projects.
- The fund could be used to raise capital for a larger scale project where the repayments could be serviced from the fund. Careful account would have to be given to the long term sustainability of the fund over the servicing period of any capital loan.
- Projects should illustrate a social return on investment and encourage partnership working between organisations.
- Funding should support capacity building and ideally fund substantial projects where sustainability can be achieved.
- Where traditionally the level of funding for a particular service has resulted in gaps in provision the SIF could be used to extend existing services.
- The SIF is intended to support new and increased activity to help deliver social, financial and economic inclusion. The SIF will not normally be used to replace existing funding streams but exceptions may be considered for critical services affected by removal or reduction in Government funding

Summary of projects awarded small grants from the Social Inclusion Fund

Organisation	Issue	Beneficiary	Area	Project Summary
Better Leeds Communities	Advice	Adults	Citywide	BLC plan to build a best practice housing advice service which provides integrated support to clients and links closely with health professionals. Their service currently has an established network and set of connections with local housing agencies, social landlords, departments of the council and local solicitors enabling quicker resolution, shorter turnaround times and constructive discussions towards solving the presenting and associated issues. A key aim is to provide integrated early interventions to prevent financial crisis and reduce the risk of eviction.
St Vincent's Support Centre	Advice	Vulnerable adults	East Leeds	Develop an Additional Support service to work alongside debt and benefits advisers. This team of part time staff and volunteers/social work students sift through the chaotic lifestyle issues often facing people with addictions and mental health problems to determine where the gaps in support are. This may involve opening mail which has been sat unopened for weeks or making appointments. It could also involve supporting clients with issues such as form filling, referral to other agencies, acquiring household essentials such as ovens, fridges as well as furniture from appropriate charities.
Together Women	Advice	Women	East Leeds	Together Women, will be launching the "Money Mentor Project" training up volunteer mentors to provide 1-1 support to women who need help and advice around budgeting, debt management and general financial awareness. Together Women were awarded the grant on agreeing to work with Money Buddies and other similar projects to refer between them and ensure no duplication of provision.

Aim Education	Education/ Training	Ex-service personnel Ex-offenders	Citywide	Providing employability, team building, mentoring and safeguarding skills, alongside sports activity coaching to ex-service personnel and ex-offenders. The aim of the project is to improve client employability, improve access to Sport, Health and Wellbeing and offer ex-service personnel an opportunity to reintegrate into civilian life by providing work experience and training.
Crossroads Youth Project	Education/ Training	Unemployed adults	South Leeds	An experimental project which will aim to improve employment opportunities for unemployed adults to work in youth services. The service will include counselling and mentoring, short introductory and structured placement as volunteers in local agencies – school and youth projects.
Barca Leeds	Isolation	Unemployed young men	West Leeds	Barca will work with socially isolated, unemployed men at risk of suicide in the Armley and Wortley areas. The project will promote and develop community based activities to engage isolated men in local activities and sports, promote discussion, reduce stigma and inform people about services that can help.
Space 2 Leeds	Isolation	Vulnerable, isolated men	East Leeds	Space 2 are expanding their Men's Room project which seeks to build confidence, employability skills, improve health and wellbeing, develop social networks, enable men to become engaged with their local communities and provide additional support on their journeys to find work.
Project Hope	Volunteering	Unemployed Young adults	East Leeds	Project Hope, are focusing on helping young unemployed adults back to work through a structured volunteering programme whereby unemployed people can have "taster placement" in a volunteering role so they can develop new skills and self-confidence.



Report author: Des Broster

Tel: 3781561

Report of Head of Licensing and Registration

Report to Licensing Committee

Date: 10 February 2015

Subject: Hackney Carriage Proprietors (HCP) – appropriate suitability assessment – update report

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

Summary of main issues

1. The Council has in place an approved policy for dealing with the transfer of HCP licences which applies a suitability requirement in respect of a Disclosure and Barring Service (DBS) convictions check and an English language comprehension assessment.
2. Representations have been made by the Hackney Carriage trade that the English comprehension requirement should be removed on the basis that when a HCP dies the widow could be excluded from taking over the proprietorship because of lack of English language skills.
3. A Licensing Committee Working Group (WG) was formed which consulted with the trade and Officers as well as obtaining legal advice. The WG were advised that the initial proposal from the trade, that the English comprehension requirement be removed only for the wives of Hackney Carriage Proprietors, would be in conflict with equality legislation.
4. Following discussion at Licensing Committee on 9 September 2014, Members asked for clarity on a number of issues and subsequently legal advice was obtained. The extent of that advice and the options available to members is set out at '3 - Main Issues', in the body of the report.

Recommendations

5. That the recommendations of the Licensing and Regulatory Panel of 7 February 2006 be retained in respect of the requirement to attain ESOL level 3 English comprehension skills for all Hackney Carriage proprietors, but with the following policy considerations
 - Following transfer of the licence to a widow or civil partner of the licensed proprietor upon the death of the proprietor, the Council allows 3 months for the next of kin to resolve the issues of estate with a further 6 months to attain ESOL level 3.
 - A joint proprietor who is a spouse or civil partner should attain ESOL level 3 within 6 months unless circumstances as above arise, in which case the process is held in abeyance for 3 months.
 - Following the transfer of a licence to any other person or a joint proprietorship taking place in any other circumstances all parties must have attained ESOL level 3 English comprehension prior to the transfer.
 - That all translation costs incurred during the transition and lead-in periods are met by the proprietor and accredited translators must be used to the satisfaction of the Council.
 - That Members consider and approve in principle the amendments to the policy and new policy proposals in respect of the 'Hackney Carriage Proprietors transfer policy' and direct Officers to prepare a report for the consideration of the Executive.

1 Purpose of this report

- 1.1 To supply Members with precise legal information on issues raised at Licensing Committee on 9 September 2014, when the full report was presented.
- 1.2 Members will recall there has been wide discussion on this issue in previous Licensing Committees and Working Groups. Specific questions were posed by Members in the Committee meeting of 9 September 2014 and these are set individually under main issues.

2 Background information

- 2.1 The Council conducts a number of statutory responsibilities across the Taxi & Private Hire licensing functions. The question of 'fit and proper' does not fit as neatly into this area of licensing as other areas. Council policy to date is that it is important to recognise the responsibilities of a HC proprietor and that appropriate accreditations are required.
- 2.2 This particular debate revolves around the English comprehension requirement to the UK Citizenship level, ESOL level 3, for the wives or civil partners of the proprietor in the event of their death and is it necessary in those circumstances to require ESOL level 3 comprehension skills or is it more important for the widow to continue having an income from the licence.

3 Main issues

- 3.1 Legal advice has been sought on the following issues (in bold) and the first point to be covered by Counsel **is the legality of the whole question of refusing to licence an applicant if they did not meet a policy condition set by the council.**
- 3.2 Counsel opinion: "The licensing authority may refuse such an application if it is considered that the applicant is not suitable. It would be perverse to say that the law enabled anyone to have a licence for a year regardless of their suitability."
- 3.3 Counsel opinion: "Therefore there is no absolute right to have (or hold) a licence as a proprietor. What reasons may provide ground for refusal? In the context of this advice, one need only consider whether a failure to attain a minimum level of English comprehension would be a reasonable cause. If it is, then it is perfectly permissible to require such attainment as a prerequisite to being granted a licence provided that is a universal requirement."
- 3.4 Counsel opinion: "This could include a requirement to communicate effectively – i.e. speak and understand a basic level of English. The HCP is accountable for a wide range of statutory responsibilities; the safety of the vehicle(s); controlling the drivers and maintaining a relationship with the regulating council. It is, in my view, reasonable to expect a proprietor to speak and understand English."
- 3.5 **Is it discriminatory to require a proprietor of a Hackney Carriage to hold ESOL3 standard of comprehension?**

- 3.6 As a starting point Counsel advised :- “that it is reasonable to expect a proprietor to speak and understand English on the basis of the wider range of statutory responsibilities; the safety of the vehicle(s); controlling the drivers and maintaining a relationship with the regulating Council. The existing requirement to attain ESOL level 3 is not regarded as too onerous as to be unlawful and setting ESOL level 3 as a benchmark provides a consistent approach.”
- 3.7 Is it discriminatory for the Council to require that any other party to the Proprietor’s licence, and including those who have a licence transferred to them on the death of an HCP proprietor, speak English to ESOL level 3 standard**
- 3.8 Counsel opinion: “If it is not discriminatory to require a proprietor to attain that minimum standard then it cannot be discriminatory to require the person to whom it transfers to in the event of death, to attain that same standard. They are by definition, a proprietor.”
- 3.9 Counsel opinion: “It is both fair and reasonable to allow that individual some ‘lead in time’ in such an eventuality as is the case for joint proprietors. In my view, there can be no special exemption for partners or spouses of deceased proprietors as this would create inconsistency.”
- 3.10 A view previously expressed by Officers that wives or partners of the proprietor could go onto the proprietor’s licence now and be allowed a period of time to attain ESOL level 3 is supported by Counsel and in their view “amounts to an entirely lawful and non-discriminatory approach. However, it is not considered to be good practice to compel wives or partners to become joint proprietors in order to retain proprietorship in the event of death but it could be advisable to provide this as an option.”
- 3.11 Counsel opinion: “It was further advised that a period of three months would be appropriate to enable a spouse or partner to sort out the issues of the estate etc. following the death of the proprietor.”
- 3.12 Building on those views of Counsel, Members may wish to consider the following time scales:
- A) Following transfer of the licence to a widow or civil partner of the licensed proprietor upon the death of the proprietor, the Council allows 3 months for the next of kin to resolve the issues of estate with a further 6 months to attain ESOL level 3.
 - B) A joint proprietor who is a spouse or civil partner should attain ESOL level 3 within 6 months unless circumstances as at ‘A’ arise, in which case the process is held in abeyance for 3 months.
 - C) Following the transfer of a licence to any other person or a joint proprietorship taking place all parties must have attained ESOL level 3 English comprehension.
 - D) It is considered both appropriate for a lead in time for spouses or civil partners.

E) That all costs incurred during the transition and lead-in periods are met by the proprietor and accredited translators must be used to the satisfaction of the Council.

3.13 To consider the public sector equality duty and the need for any further equality impact assessment.

3.14 The response of the Counsel having considered the existing policy and proposals for change is:-

“It is not discriminatory to require that any other party to the proprietor’s licence (whether a transfer following death or a joint proprietor), speak English to ESOL level 3.”

3.16 Consideration of potential discrimination was considered across all of the scenarios by Counsel with a conclusion “the policy is not discriminatory”.

3.17 Inheritance issues including the relevance of Power of Attorney; **whether it would be sufficient for another member of the business such as a manager or driver to attain the English comprehension requirement.**

3.18 Counsel opinion: *“With regards to a proprietor dying intestate, it seems to me that the answer is straightforward. The Council could not properly continue to licence a HC that has no discernible proprietor. This would therefore provide justifiable grounds to refuse to renew a licence (s.60 (1) (c)). This does not mean that the Council could not consider writing a policy exemption to cover this scenario, but it is not uncommon for matters regarding wills and probate to take some considerable time to resolve. There needs to be a proprietor otherwise there is no lawful licence.”*

3.19 Counsel opinion: *“I do not feel it is for the Council to endeavour to cover every scenario that may present. The harsh reality is that it should not be for the Council to assist in resolving intestacy issues. Proprietors should be encouraged to expressly deal with the proprietorship in the event of death to prevent a scenario where the Council does not know who the proprietor is.”*

3.20 Counsel opinion: *“Of course, the policy does not stop the spouse from transferring proprietorship to a trusted member of the family to run the business as proprietor should they wish to keep the business running within the family, provided they reach the requisite level of comprehension. The key point is that the proprietor has legal obligations and is accountable – they should therefore be able to understand a certain level of the language.”*

3.21 The Officer view is that the proprietor must retain responsibility and accountability. If the proprietor wishes the ‘business’ to run for them that is their choice of relationship and not the Councils. The Council’s legal relationship is only with the licensed proprietor. To do otherwise causes confusion, potentially difficult litigation issues along with a host of administrative difficulties which are unnecessary and avoidable.

3.22 The Council must be satisfied that the existing named proprietor had set out in writing their intention to transfer the proprietorship of the licence to the person seeking to become the new proprietor and the Council are entitled to make reasonable enquiries to satisfy themselves of the validity of a claim to the proprietorship of a licence.

4 Corporate Considerations

4.1 Consultation and Engagement

4.1.1 There has been full engagement with the affected trade representatives through Member led Working Groups.

4.2 Equality and Diversity / Cohesion and Integration

4.2.1 Independent legal advice has been sought on this issue and the advice of Counsel, in summary, is that the requirement set out in the existing recommendations is not unlawfully discriminatory when applied to all HC proprietors consistently, whether at the time of bereavement, or otherwise. With further flexibility built into the policy for 'lead-in times' the policy would be seen as reasonable and fair.

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:

4.3.4 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 are no cost implications to the Council when dealing with standard and properly recorded transfer details. In circumstances of dispute, or counter claim that the Council has transferred the proprietorship incorrectly the pathway to a legal resolution could be time consuming and expensive.

4.4.2 That all costs incurred during the transition and lead-in periods are met by the proprietor and accredited translators must be used to the satisfaction of the Council. The Working Group viewed this as being a necessary part of the arrangements to be met by the proposed transferee. For information purposes a copy of the interpreter's costs and policy are attached at **Appendix 1**.

4.5 Legal Implications, Access to Information and Call In

4.5.1 The Council must be satisfied that the existing named proprietor had set out in writing their intention to transfer the proprietorship of the licence to the person seeking to become the new proprietor and the Council are entitled to make reasonable enquires to satisfy themselves of the validity of the claim.

4.6 Risk Management

4.6.1 In a regulated and well audited environment, such as exists now, the risk is low. The risk might be increased when proprietorship and the responsibility for compliance and accountability are managed by unlicensed third parties. Members are advised that a licensed Hackney Carriage not in the full control of the proprietor can present opportunities for links to crime.

5 Conclusions

- 5.1 The regulatory control of Hackney Carriages and the responsibilities of the proprietor conducting their legal responsibilities are important. It is also important that the Council can conduct its statutory business in an efficient manner.
- 5.2 There are ample opportunities for attaining ESOL level 3 English comprehension and with lead-in times built into the policy the Council can demonstrate reasonableness and fairness

6 Recommendations

- 6.1 That the recommendations of the Licensing and Regulatory Panel of 7 February 2006 be retained in respect of the requirement to attain ESOL level 3 English comprehension skills for all Hackney Carriage proprietors, but with the following policy considerations
- Following transfer of the licence to a widow or civil partner of the licensed proprietor upon the death of the proprietor, the Council allows 3 months for the next of kin to resolve the issues of estate with a further 6 months to attain ESOL level 3.
 - A joint proprietor who is a spouse or civil partner should attain ESOL level 3 within 6 months unless circumstances as above arise, in which case the process is held in abeyance for 3 months.
 - Following the transfer of a licence to any other person or a joint proprietorship taking place all parties must have attained ESOL level 3 English comprehension.
 - It is considered in these circumstances appropriate for a lead time for spouses or civil partners.
 - That all costs incurred during the transition and lead-in periods are met by the proprietor and accredited translators must be used to the satisfaction of the Council.
 - The Council must be satisfied that the existing named proprietor had set out in writing their intention to transfer the proprietorship of the licence to the person seeking to become the new proprietor and the Council are entitled to make reasonable enquires to satisfy themselves of the validity of a claim to the proprietorship of a licence.

7 Background documents¹

- 7.1 7 February 2006 – Report to the Licensing and Regulatory Panel
- 7.2 11 March 2014 – Report to the Licensing Committee

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.

- 7.3 10 June 2014 – Report to the Licensing Committee
- 7.4 9 September 2014 – Report to the Licensing Committee
- 7.5 Interpreting and Translation Team Language Access Provision Policy and Procedures



Customer Services Leeds City Council

Interpreting and Translation Team
The Compton Centre
322 Harehills Lane
Leeds LS9 7BG
Tel 0113 3367800
Email: interpreting@leeds.gov.uk

Charges For External Companies for Interpreting and Translation

Face-to-Face Interpreting Minimum booking of 1 hour

- The hourly charge for interpreting from 7.00 am till 7.00 pm is £27.00 for the first hour thereafter every 15 minutes is £6.75. Time is rounded up to the nearest 15 minutes.
- Plus travel time (a one-off charge of either £7.50 or £15.00 depending on where the interpreter is travelling from).
- Plus travel expenses (either public transport costs or mileage at £0.25 per mile). This charge is at cost price.
- If interpreter makes a telephone call from their own mobile - £5.00
- Plus £0.50 admin charge.
- From the hours of 7.00 pm to 7.00 am for the first hour £40.50 thereafter every 15 minutes is £10.13. This is also the weekend and bank holiday rate.

Telephone Interpreting Minimum booking of 30 minutes

- £19.50 per 30 minutes then £9.75 for every 15 minutes. Time is rounded up to the nearest 15 minutes.
- If interpreter makes a telephone call from their own mobile - £5.00
- Plus £0.50 admin charge.

Translations Minimum charge of £21.00

- £0.21 per word up to 1000 words, thereafter £0.19 per word.



Customer Services Leeds City Council

Interpreting and Translation Team

The Compton Centre
322 Harehills Lane
Leeds LS9 7BG
Tel 0113 3367800

Email: interpreting@leeds.gov.uk

Cancellations

If bookings are cancelled with more than 24 hours notice, no charges will apply. If the booking is cancelled/curtailed on the day e.g. where the interpreter is booked from 9.30am to 5pm and only required from 9.30 to 1pm, the remaining hours will be charged at half-hourly rate.

i.e. 9.30am-1pm will be charged at the full hourly rate and 1pm-5pm will be charged at 50%.

If an interpreter has been booked for a session and the session is cancelled within 24 working hours and they have not set off to the venue, then a minimum of 60 minutes will be charged. We will charge for appointments cancelled due to the professional user or customer's failure to attend.

All these rates are exclusive of VAT.

British Sign Language interpreters

	Minimum charge: 2 hours	Per hour thereafter (pro rata 15 mins)
Member of the Register of BSL/English Interpreters	£90.00 + Travel (£45.00 ph)	£45.00

Out of area/unsociable hours and weekends

	Minimum charge: 2 hours	Per hour thereafter (pro rata 15 mins)
Member of the Register of BSL/English Interpreters	£120.00 + Travel (£60.00 ph)	£60.00

BSL Cancellation Charges

If notice is more than working 10 days	No fee
If notice is less than 10 working days and more than 5 working days	Half fee
If notice is less than 5 working days	Full fee

Updated June 2012

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Report author: Kate Coldwell

Tel: 3781563

Report of **Head of Licensing and Registration**

Report to **Licensing Committee**

Date: **10 February 2015**

Subject: **Information Report – Taxi and Private Hire Licensing Equality Monitoring**

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

Summary of main issues

- 1 This report provides statistical information on the equality monitoring returns to the Taxi and Private Hire Licensing Section.

- 2 The report contains a breakdown of the information returned over the last twelve months since equality monitoring was introduced in January 2014.

Recommendations

- 3 That Members note the information in this report.

- 4 That in light of the resource implications involved with analysing this level of detailed information and the fact that Members have now received a full 12 months' worth of data, it is recommended that Members do not continue to receive this level of detail.

1 Purpose of this report

- 1.1 To inform Members of the breakdown of equality monitoring information returned from licence holders.

2 Background information

- 2.1 At its meeting in October 2013, Members of the Licensing Committee directed Officers to begin capturing equality monitoring information to better understand the profile of service users.
- 2.2 An initial report presented in February 2014 only contained one months' worth of data. This report contains all responses received to date.

3 Main issues

3.1 Number of Licences

- 3.1.1 Leeds currently has the following numbers of licences in place: -

- 986 Hackney Carriage Drivers
- 534 Hackney Carriage Vehicles
- 4878 Private Hire Drivers
- 3802 Private Hire Vehicles
- 88 Private Hire Operators

3.2 Response Rates

- 3.2.1 Since the implementation of the equality monitoring process, 5915 forms have been sent out alongside renewal reminder letters.
- 3.2.2 A total of 5093 of renewals have been processed, with 3454 equality monitoring returns received. This equates to a 67% response rate.

3.3 Number of Returns that provided ethnic origin

- 3.3.1 A 55% (3191) response rate was provided for ethnic origin. This is broken down in the following table;

Ethnicity	Volume	Percent
Asian or Asian British – Pakistani	1676	53%
White – English	558	17%
Asian or Asian British – Kashmiri	496	16%
Black or Black British – African	82	3%
Asian or Asian British – Bangladeshi	71	2%
Asian or Asian British – Afghan	62	2%
Asian or Asian British – Indian	62	2%
White - British	43	1.5%

Asian or Asian British – Other	20	0.5%
Mixed/ multiple ethnic group – White & Asian	19	0.5%
Asian or Asian British – Iranian	13	0.5%
Asian or Asian British – Kurdish	10	0.5%
Mixed/ multiple ethnic group – White and black	7	0.2%
Black or Black British – Caribbean	7	0.2%
Other ethnic groups – Arab	6	0.2%
Other ethnic groups – Kurdish	5	0.1%
White – Scottish	5	0.1%
Asian or Asian British – Iraqi	5	0.1%
Other ethnic groups – Iranian	4	0.1%
White – Other	4	0.1%
White – Polish	4	0.1%
Other ethnic groups – Persian	3	0.1%
White – Irish	3	0.1%
White – Turkish	3	0.1%
Mixed/ multiple ethnic group – Other	2	0.05%
White – Albanian	2	0.05%
Asian or Asian British – Burma	1	0.03%
Asian or Asian British – Filipino	1	0.03%
Asian or Asian British – Malaysian	1	0.03%
Mixed/ multiple ethnic group – White & Indian	1	0.03%
Mixed/ multiple ethnic group – White & Black	1	0.03%
Other ethnic groups – Arab Africa	1	0.03%
Other ethnic groups – Assyrian/ Syriac	1	0.03%
Other ethnic groups – Middle East	1	0.03%
White – Brazilian Portuguese	1	0.03%
White – Eastern European	1	0.03%
White – Kosovar	1	0.03%
White – Northern Irish	1	0.03%
White – Zambia	1	0.03%

3.4 Number of returns that provided religion

3.4.1 A 44% (2580) response rate was provided for religion. This is broken down in the following table;

Religion	Volume	Percent
Muslim	1923	75%
Christian	337	13%
No religion	91	3.5%
No belief	56	2%

Sikh	35	1.5%
Jewish	21	1%
Hindu	6	0.2%
Roman Catholic	5	0.2%
Buddhist	3	0.1%
Agnostic	2	0.1%
Other	2	0.1%
Zoroastrianism	1	0.05%
Jedi	1	0.05%
Islam	1	0.05%
Athiest	1	0.05%
C of E	1	0.05%

3.5 Number of returns that provided gender

3.5.1 A 55% (2976) response rate was provided for gender. This is broken down in the following table;

Gender	Volume	Percent
Male	2938	99%
Female	38	1%

3.6 Number of returns that provided date of birth

3.6.1 A 35% (2018) response rate was provided for date of birth. This is broken down in the following table;

Age range	Volume	Percent
35 – 44	798	40%
45 – 54	486	24%
25 – 34	389	19%
55 – 64	257	13%
65+	73	4%
18 – 24	12	1%

3.7 A further breakdown of the equality characteristics of those licence holders whose vehicles have been the subject of a roadside inspection can be found at Appendix 1.

3.8 A breakdown of suspensions and revocations by equality characteristic is provided at Appendix 2. Very limited information is available in these categories; either the equality monitoring forms have not been completed and returned or the renewal of the licence is not yet due and the form has therefore not been issued.

4 Corporate Considerations

4.1 Consultation and Engagement

4.1.1 The information contained in this report has not been the subject of consultation with the trade as it is an information report only.

4.2 Equality and Diversity / Cohesion and Integration

4.2.1 This is an information report relating to the Taxi and Private Hire Licensing process for equality monitoring. We are using the council approach and guidance to equality monitoring and data protection requirements to inform our proposals. As such, an equality screening/ impact assessment is not required.

4.2.2 Information collected is being used to profile the licensed trade, identify trends and take appropriate positive action. It is anticipated that this will support the service to meet the general public sector duty within the Equality Act 2010.

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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- 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:

4.3.4 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 collating and data inputting of the returned Equality Monitoring forms is time consuming, taking approximately 2 hours per week of officer time.

4.5 Legal Implications, Access to Information and Call In

4.5.1 All equality monitoring information is classed as personal data under the Data Protection Act 1998. The law states that we must keep the information accurate and up to date, must only keep it for as long as it is needed for a specific purpose and we must keep it secure.

4.6 Risk Management

4.6.1 There are no issues.

5 Conclusions

5.1 The equality monitoring process is now being carried out in accordance with the Council's standard categories and equality monitoring guidelines.

6. Recommendations

6.1 That Members note the information in this report.

6.2 That in light of the resource implications involved with analysing this level of detailed information and the fact that Members have now received a full 12 months' worth of data, it is recommended that Members do not continue to receive this level of detail.

7 Background documents

Equality Monitoring Guidance
Licensing Committee Report 11 February 2014

Appendix 1

Roadside Inspections

Number of roadside inspections: 1281

Number of roadside inspections involving individuals about who we know ethnic origin: 680 (53.08%)

Breakdown of ethnic origin:

Asian or Asian British - Afghan	18	2.65% of total answered
Asian or Asian British - Bangladeshi	9	1.32% of total answered
Asian or Asian British - Indian	11	1.62% of total answered
Asian or Asian British - IRANIAN	4	0.59% of total answered
Asian or Asian British - Iraqi	2	0.29% of total answered
Asian or Asian British - Kashmiri	132	19.41% of total answered
Asian or Asian British - Kurdish	4	0.59% of total answered
Asian or Asian British - Malaysian	1	0.15% of total answered
Asian or Asian British - Other	8	1.18% of total answered
Asian or Asian British - Pakistani	356	52.35% of total answered
Black or Black British - African	22	3.24% of total answered
Mixed/ multiple ethnic group - White and Asian	7	1.03% of total answered
Mixed/ multiple ethnic group - White and Black	2	0.29% of total answered
Other ethnic groups - Middle East	1	0.15% of total answered
White - British	1	0.15% of total answered
White - English	98	14.41% of total answered
White - Irish	1	0.15% of total answered
White - Other	2	0.29% of total answered

Number of roadside inspections involving individuals about who we know their religion: 511 (39.89%)

Breakdown of religion:

Hindu	3	0.59% of total answered
Muslim	385	75.34% of total answered
Christian	53	10.37% of total answered
Jewish	3	0.59% of total answered
Sikh	5	0.98% of total answered
No religion	33	6.46% of total answered
Roman Catholic	1	0.20% of total answered
JEDI	3	0.59% of total answered
No belief	6	1.17% of total answered
Agnostic	1	0.20% of total answered
Other	3	0.59% of total answered

Number of roadside inspections involving individuals about who we know their gender: 604 (47.15%)

Breakdown of Gender:

Male	604	100.00% of total answered
Female	0	0.00% of total answered

Number of roadside inspections involving individuals about who we know their D.O.B.: 422 (32.94%)

Breakdown of age range:

18-24	2	0.47% of total answered
25-34	59	13.98% of total answered
35-44	187	44.31% of total answered
45-54	94	22.27% of total answered
55-64	65	15.40% of total answered
65+	14	3.32% of total answered

Passes Following a Road Side Inspection

Number of vehicles found to be satisfactory: 830

Number of passes involving individuals about who we know ethnic origin: 445 (53.61%)

Breakdown of ethnic origin:

Asian or Asian British - Afghan	12	2.70% of total answered
Asian or Asian British - Bangladeshi	7	1.57% of total answered
Asian or Asian British - Indian	8	1.80% of total answered
Asian or Asian British - IRANIAN	2	0.45% of total answered
Asian or Asian British - Iraqi	1	0.22% of total answered
Asian or Asian British - Kashmiri	77	17.30% of total answered
Asian or Asian British - Kurdish	4	0.90% of total answered
Asian or Asian British - Malaysian	1	0.22% of total answered
Asian or Asian British - Other	6	1.35% of total answered
Asian or Asian British - Pakistani	236	53.03% of total answered
Black or Black British - African	11	2.47% of total answered
Mixed/ multiple ethnic group - White and Asian	5	1.12% of total answered
Mixed/ multiple ethnic group - White and Black	2	0.45% of total answered
White - British	1	0.22% of total answered
White - English	71	15.96% of total answered
White - Irish	1	0.22% of total answered

Number of passes involving individuals about who we know their religion: 334 (40.24%)

Breakdown of religion:

Hindu	2	0.60% of total answered
Muslim	247	73.95% of total answered
Christian	40	11.98% of total answered
Jewish	2	0.60% of total answered
Sikh	4	1.20% of total answered
No religion	21	6.29% of total answered
Roman Catholic	1	0.30% of total answered
No belief	3	0.90% of total answered
Other	3	0.90% of total answered

Number of passes involving individuals about who we know their gender: 396 (47.71%)

Breakdown of Gender:

Male	396	100.00% of total answered
Female	0	0.00% of total answered

Number of passes involving individuals about who we know their D.O.B.: 283 (34.10%)

Breakdown of age range

18-24	2	0.71% of total answered
25-34	29	10.25% of total answered
35-44	135	47.70% of total answered
45-54	64	22.61% of total answered
55-64	43	15.19% of total answered
65+	9	3.18% of total answered

Passes but advice given Following a Road Side Inspection

Number of vehicles found to be satisfactory but with advice given: 196

Number of passes with advice involving individuals about who we know ethnic origin: 103 (52.55%)

Breakdown of ethnic origin:

Asian or Asian British - Afghan	1	0.97% of total answered
Asian or Asian British - Bangladeshi	2	1.94% of total answered
Asian or Asian British - Indian	1	0.97% of total answered
Asian or Asian British - IRANIAN	2	1.94% of total answered
Asian or Asian British - Kashmiri	30	29.13% of total answered
Asian or Asian British - Other	1	0.97% of total answered
Asian or Asian British - Pakistani	50	48.54% of total answered
Black or Black British - African	5	4.85% of total answered
Other ethnic groups - Middle East	1	0.97% of total answered
White - English	9	8.74% of total answered

Number of passes with advice involving individuals about who we know their religion: 70 (35.71%)

Breakdown of religion:

Hindu	1	1.43% of total answered
Muslim	58	82.86% of total answered
Christian	6	8.57% of total answered
No religion	4	5.71% of total answered
Agnostic	1	1.43% of total answered

Number of passes with advice involving individuals about who we know their gender: 89 (45.41%)

Breakdown of Gender:

Male	89	100.00% of total answered
Female	0	0.00% of total answered

Number of passes with advice involving individuals about who we know their D.O.B.: 58 (29.59%)

Breakdown of age range:

18-24	0	0.00% of total answered
25-34	9	15.52% of total answered
35-44	23	39.66% of total answered
45-54	14	24.14% of total answered
55-64	8	13.79% of total answered
65+	4	6.90% of total answered

Required rectifications identified following a Road Side Inspection

Number of vehicles found to require rectifications: 59

Number of vehicles that require rectifications involving individuals about who we know ethnic origin: 31 (52.54%)

Breakdown of ethnic origin:

Asian or Asian British - Afghan	2	6.45% of total answered
Asian or Asian British - Kashmiri	3	9.68% of total answered
Asian or Asian British - Pakistani	20	64.52% of total answered
Black or Black British - African	1	3.23% of total answered
White - English	5	16.13% of total answered

Number of vehicles that require rectifications involving individuals about who we know their religion: 24 (40.68%)

Breakdown of religion:

Muslim	19	79.17% of total answered
Christian	1	4.17% of total answered
No religion	1	4.17% of total answered
JEDI	1	4.17% of total answered
No belief	1	4.17% of total answered

Number of vehicles that require rectifications involving individuals about who we know their gender: 27 (45.76%)

Breakdown of Gender:

Male	27	100.00% of total answered
Female	0	0.00% of total answered

Number of vehicles that require rectifications involving individuals about who we know their D.O.B.: 21 (35.59%)

Breakdown of age range:

18-24	0	0.00% of total answered
25-34	7	33.33% of total answered
35-44	7	33.33% of total answered
45-54	4	19.05% of total answered
55-64	3	14.29% of total answered
65+	0	0.00% of total answered

Suspension notices served following a road side inspection

Number of vehicles served suspension notices: 196

Number of vehicles suspended involving individuals about who we know ethnic origin: 101 (51.53%)

Breakdown of ethnic origin:

Asian or Asian British - Afghan	3	2.97% of total answered
Asian or Asian British - Indian	2	1.98% of total answered
Asian or Asian British - Iraqi	1	0.99% of total answered
Asian or Asian British - Kashmiri	22	21.78% of total answered
Asian or Asian British - Other	1	0.99% of total answered
Asian or Asian British - Pakistani	50	49.50% of total answered
Black or Black British - African	5	4.95% of total answered
Mixed/ multiple ethnic group - White and Asian	2	1.98% of total answered
White - English	13	12.87% of total answered
White - Other	2	1.98% of total answered

Number of vehicles suspended involving individuals about who we know their religion: 83 (42.35%)

Breakdown of religion:

Muslim	61	73.49% of total answered
Christian	6	7.23% of total answered
Jewish	1	1.20% of total answered
Sikh	1	1.20% of total answered
No religion	7	8.43% of total answered
JEDI	2	2.41% of total answered
No belief	2	2.41% of total answered

Number of vehicles suspended involving individuals about who we know their gender: 92 (46.94%)

Breakdown of Gender:

Male	92	100.00% of total answered
Female	0	0.00% of total answered

Number of vehicles suspended involving individuals about who we know their D.O.B.: 60 (30.61%)

Breakdown of age range:

18-24	0	0.00% of total answered
25-34	14	23.33% of total answered
35-44	22	36.67% of total answered
45-54	12	20.00% of total answered
55-64	11	18.33% of total answered
65+	1	1.67% of total answered

Appendix 2

Suspensions and Revocations by Ethnic Origin:

Description	Licence Revoked	Licence Suspended
Not provided	14	49
Afghan	0	2
African	0	1
Bangladeshi	0	1
English	0	4
Kashmiri	0	9
Pakistani	5	27
White and Asian	0	2

Suspensions and Revocations by Age:

Action	Age not provided	18 to 24	25 to 34	35 to 44	45 to 54	55 to 64	65+
Licence Revoked	17	0	1	0	1	0	0
Licence Suspended	63	0	3	17	10	1	0

Suspensions and Revocations by Gender:

Gender	Licence Revoked	Licence Suspended
Not provided	15	50
Male	4	45



Report author: Kate Coldwell

Tel: 3781563

Report of **Head of Licensing and Registration**

Report to **Licensing Committee**

Date: **10 February 2015**

Subject: **Activity Update: Taxi and Private Hire Licensing 1st July to 31st December 2014**

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 This report updates the previous statistical information that was provided to Members in August 2014 regarding delegated decisions taken by officers at Taxi and Private Hire Licensing.
- 2 This report contains information on decisions taken from 1st July to 31st December 2014.

Recommendations

3. That Members note the information in this report.

1 Purpose of this report

- 1.1 Members requested that further update reports regarding delegated decisions taken by officers be produced and submitted to the Licensing Committee on a six monthly basis.

2 Background information

- 2.1 The report in August 2014 gave information on delegated decisions taken from 1st January to 30th June 2014.

2.2 Information on delegated decisions taken in the first six months of 2014 has been reproduced for comparison purposes.

2.3 All decisions taken are done so with regard to council policy, conditions and application criteria approved by Licensing Committee. A full list is available under Background Documents.

3 Main issues

3.1 Number of Licences

3.1.1 Leeds currently has the following number of licences in place: -

- 986 Hackney Carriage Drivers
- 534 Hackney Carriage Vehicles
- 4878 Private Hire Drivers
- 3802 Private Hire Vehicles
- 88 Private Hire Operators

3.2 Number of Decisions Taken

3.2.2 The application, renewal, refusal, suspension and revocation of licence figures for the first six months of 2014 and 1st July to 31st December 2014 are set out in the table below.

	Applications	Refusals	Suspensions	Revocations
Jan – Jun	331	4	45	11
Jul - Dec	342	4	53	8

3.2.3 When considering the above information it is important to note that there is no direct correlation between the number of suspensions and revocations in any six month period. For example, the number of licences revoked in the last six months will include a proportion which were suspended in the previous six months.

3.3 Refusal and Revocation Decisions taken 1st July – 31st December 2014

3.3.1 Between 1st July – 31st December 2014 four licences were refused and eleven licences were revoked. The reasons for refusal and revocation are set out in the table below.

Categories	Refusals		Revocations	
	Jan - Jun	Jul - Dec	Jan - Jun	Jul - Dec
Dishonesty	2	1	2	1
Drugs	2	3		1
Violence			1	
Sexual		1	3	1
Driving disqualification		1	2	
Plying for hire			3	5
Inappropriate conduct				1
TOTAL	4	6	11	9

3.3.2 In relation to suspensions, 51 drivers have been suspended between 1st July and 31st December 2014. The reasons for suspensions are set out in the table below.

Reason for suspension	Jan - Jun	Jul – Dec
Dishonesty offence	1	2
Drug offence	2	1
Violent offence	1	1
Sexual offence	2	5
Motoring offence	0	6
Driving disqualification	5	4
Plying for Hire	18	7
Fail to comply with conditions	3	0
Fail to disclose convictions	1	0
Inappropriate behaviour	1	1
No right to work in UK	1	2
Medical reason	7	12
DVLA licence expired	3	2
Total	45	43

3.3.3 Members will note that the largest category of suspension in 2014 relate to plying for hire. This illustrates the point that there are few cases which turn solely on the exercise of discretion. Members will also note the number of suspensions relating to offences of violence and dishonesty which directly relate to the ‘fit and proper person’ test and touch on the key aspect of the licensing scheme namely the safety of the travelling public.

The increase in the number of suspensions for medical reasons can be attributed to the expiry of Group II medical reports.

3.4 Complaints Received 1st July– 31st December 2014

3.4.1 In 2014, 579 public complaints have been received. The complaint categories are set out in the table below.

Complaint Category		Jan - Jun	Jul - Dec
Driver behaviour	Rudeness	14	4
	Property	1	1
	Disability	5	12
	Over charging	12	13
	Standard of driving	69	90
	Inappropriate behaviour	44	27
	Lateness	1	2
	Smoking	3	5
	Race Discrimination	3	1
	Refuse to carry	2	7
Environmental	Parking nuisance	83	37
	Noise nuisance	4	7
	Littering	1	0
No Insurance		1	0
Plying for hire		20	30
Breach of licensing conditions		12	1
Criminal complaint		5	7
Defective vehicle		7	8
Operator		16	19
Unlicensed vehicle		2	1
Unlicensed driver		0	2
Total		305	274

3.4.2 Complaints regarding the standard of driving most commonly relate to the use of mobile phones whilst driving and speeding. In the majority of cases, licensed drivers are given verbal warnings, a record of which is placed on their licensing file.

3.4.3 Complaints regarding inappropriate behaviour cover a range of issues and have been broken down in the table below (categorised by the Enforcement Officer investigating the complaint).

Complaint Category		Jul - Dec
Inappropriate behaviour	Driver conduct	9
	Driver conduct/ Standard of driving	6
	Fare refusal	1
	Fighting with another driver	1
	Sexual nature	5
	Standard of driving & abuse	2
	Suspected plying for hire & aggression	1
	Urinating	1
	Verbal abuse	1
Total		27

3.4.4 Each complaint is dealt with on its own merits however complaints regarding racial, sexual or disability discrimination directly relate to the 'fit and proper person' test and touch on the key aspect of the licensing scheme namely the safety of the travelling public.

3.5 Appeals Received 1st January – 31st December 2014

3.5.1 In 2014 25 appeals have been received. The reason for the appeal and the outcome are set out below;

January – June 2014 Type of Appeal	Volume	Court	Result
Against refusal to grant	3	LMC	Dismissed x 1
		LMC	Withdrawn x 1
		LMC	Upheld x 1
Against revocation	5	LMC	Dismissed
		LMC	Withdrawn x 4
Against suspension	11	LMC	Dismissed x 5
		LMC	Withdrawn x 5
		LMC	Upheld x 1

Total	19	Dismissed	7
		Withdrawn	10
		Upheld	2

July – December 2014 Type of Appeal	Volume	Court	Result
Against refusal to grant	3	LMC	Dismissed x 1
		LMC	Withdrawn x 2
Against revocation	1	LMC	Withdrawn x 1
Against suspension	2	LMC	Withdrawn x 2
Total	6	Dismissed	1
		Withdrawn	5

4 Corporate Considerations

4.1 Consultation and Engagement

4.1.4 The information contained in this report has not been the subject of consultation with the trade as it is statistical information only.

4.2 Equality and Diversity / Cohesion and Integration

4.2.1 Equality and Cohesion Screening Assessments are carried out on the policies agreed at Licensing Committee which are used to inform decision making. These are available as Background Documents.

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:

4.3.4 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 As this is a statistical report there are no resource or value for money issues to consider.

4.5 Legal Implications, Access to Information and Call In

4.5.1 As this is a statistical report there are no legal implications or access to information issues to consider. This report is not subject to call in.

4.6 Risk Management

4.6.2 The decisions taken by officers can be challenged by appeal through the Magistrates' Court and further appeal to the Crown Court.

5 Conclusions

5.1 Those decisions taken by officers have regard to council policy, conditions and criteria approved by Licensing Committee and that every case has been judged proportionately on its own merits.

6 Recommendations

6.1 That Members note the information in this report.

7 Background documents

Taxi and Private Hire Vehicle Licensing: Best Practice Guide – Department for Transport March 2010

Approved Policies: -

- Medical Exemptions
- Plying for Hire

Conditions: -

- Private Hire Driver
- Hackney Carriage Vehicle inc. Wheelchair Accessible Vehicles, Vehicle Age Criteria & Livery, Signs and Markings
- Private Hire Vehicle inc. Wheelchair Accessible Vehicles, Vehicle Age Criteria & Livery, Signs and Markings
- Private Hire Operator

Application Criteria: -

- Driving Standards Agency (DSA) Test
- Group II Medical
- English Comprehension
- Convictions Criteria
- Disclosure and Barring Service Vetting
- Local Knowledge Test
- Private Hire Vehicle proprietors inc rental companies
- Executive Private Hire Driver
- Executive Private Hire Vehicle
- Executive Private Hire Operator
- Stretched Limousine Private Hire Driver
- Stretched Limousine Private Hire Vehicle
- Stretched Limousine Private Hire Operator
- Hackney Carriage Proprietor

Equality and Cohesion Screening Documents

LICENSING COMMITTEE WORK PROGRAMME 2014/15 - LAST UPDATED 27/1/15 (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 - HELD: Wi-Fi in licensed vehicles, Additional Licensing Safeguarding Proposals – Improving Criminal Intelligence Lengths with WYP, Unmet demand survey – Hackney Carriages, Yearly DBS Checking, Leeds Festival de brief, City Centre CIP Review, Entertainment Licensing Review of Fees and Charges and Fixed Odds Betting Terminals		

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 27/1/15 (JG)

ITEM	DESCRIPTION	Officer	TYPE OF ITEM
Meeting date: 6TH JANUARY 2015 - CANCELLED			
Meeting date: 10TH FEBRUARY 2015			
Hackney Carriage Proprietors – Appropriate Suitability Assessment	To receive a report back following consultation with the Private Hire and Hackney Carriage Trade	D Broster	DP
Safeguarding measures – ‘fit and proper’ assessment for HCD, HCVP, PHD, PHVP, PHO licences	To consider a report regarding the safeguarding and general public safety statutory responsibility attached to the grant of a personal licence.	D Broster	RP
TPHL Equality Monitoring Report	To receive the TPHL equality monitoring report	D Broster	PM
TPHL Section Activity Update	To receive the TPHL Section activity update	D Broster	PM
Health Guidance	To receive a report providing an update on Health Guidance	S Holden	B

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 27/1/15 (JG)

ITEM	DESCRIPTION	Officer	TYPE OF ITEM
Entertainment Licensing Section Activity Update	To receive the Entertainment Licensing Section activity update	N Raper	PM
Meeting date: 10TH MARCH 2015			
WYP Presentation	To receive the 6 monthly update		B
Large Casino Update	To receive an update dealing with large Casino's	S Holden	B
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
Taxi and Private Hire - Prosecutions outcomes	To receive a report on taxi and private hire - prosecutions outcomes	D Broster	PM
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 Reform – Taxi and Private Hire	To receive an update on Licensing Reform – Taxi and Private Hire	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 27/1/15 (JG)

ITEM	DESCRIPTION	Officer	TYPE OF ITEM
Meeting date: WEDNESDAY 6TH MAY 2015			
Meeting date: 9th JUNE 2015			
Meeting date: 7th JULY 2015			
Meeting date: 11th AUGUST 2015			
Private Hire Vehicles Bonnet Stickers	Following consultation with the trade to receive a report on Private Hire Vehicles Bonnet Stickers	D Broster	DP



Report author: Des Broster

Tel: 3781561

Report of Head of Licensing and Registration

Report to Licensing Committee

Date: 10 February 2015

Subject: Safeguarding measures – ‘fit and proper’ assessment for HCD, HCVP, PHD, PHVP, PHO licences, Escorts and ‘permit drivers’ – Information report.

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

Summary of main issues

1. The existing control measures for the grant or renewal of a personal licence or permit have been in place for a considerable time and the opportunities for people to move easily cross national or international borders to gain employment have increased significantly, and in economic terms, beneficially.
2. The statutory responsibilities of the Council have been carefully considered and the challenges that might be presented to a regulatory authority in the light of this, to ensure that applicants for a licence are adequately assessed to minimise the potential risk to children, vulnerable adults, women or passengers generally.
3. The focus of this report, having recognised the challenges, is to balance the opportunity of employment and equality with the significant responsibilities for public safety the Council has.
4. Administrative changes are outlined in the body of the report, but in essence applicants with little credible DBS history in the UK will be required to more comprehensively demonstrate they are a ‘fit and proper’ person, by presenting

accredited and checkable information to the Council so that a satisfactory determination can be made.

Recommendations

5. That Members note the content of the report, particularly the background to the need for a thorough checking system applied to the 'fit and proper' person assessment and make any observations they consider appropriate.
6. That the development of the new policy be included in the Work Program forward plan.

1 Purpose of this report

- 1.1 To enable Members to consider the safeguarding and general public safety statutory responsibility attached to the grant of a personal licence in the context of more open EU borders, reduced employment constraints on EU and foreign nationals from outside of the EU.

2 Background information

- 2.1 Members are reminded that this is a statutory responsibility in respect of a HCD, PHD or PHO and a licensing suitability responsibility in respect of HCVP or PHVP.

- 2.2 The Local Government (Miscellaneous Provisions) Act 1976 requires that:

Section 51 Licensing of drivers of private hire vehicles

Subject to the provisions of this Part of this Act, a district council shall, on the receipt of an application from any person for the grant to that person of a licence to drive private hire vehicles, grant to that person a driver's licence:

Provided that a district council shall not grant a licence—

- (a) unless they are satisfied that the applicant is a fit and proper person to hold a driver's licence

Section 55 Licensing of operators of private hire vehicles.

Subject to the provisions of this Part of this Act, a district council shall, on receipt of an application from any person for the grant to that person of a licence to operate private hire vehicles grant to that person an operator's licence:

Provided that a district council shall not grant a licence unless they are satisfied that the applicant is a fit and proper person to hold an operator's licence.

Section 59 Qualifications for drivers of hackney carriages

Notwithstanding anything in the Act of 1847, a district council shall not grant a licence to drive a hackney carriage:

- (a) unless they are satisfied that the applicant is a fit and proper person to hold a driver's licence

- 2.3 In respect of permit drivers and escorts the same principle is applied but by way of Council policy and best practice measures in the absence of primary legislation.

- 2.4 The responsibility of a local authority to exercise good practice in this area has gained momentum and focus in light of the letter to local Authorities from The Rt Hon Eric Pickles MP, Secretary of State, Department for Communities and Local Government. A similar emphasis was adopted in a letter from Baroness Kramer, Department for Transport. **Appendix 1**

3 Main issues

- 3.1 The existing standard appears to have worked well on the information currently available, but nationally there have been examples of some EU citizens going under the radar in respect of their previous criminal history. That could pose a significant threat if a personal licence was granted to such a person.
- 3.2 The situation is complicated in the EU by variations in how criminal record data bases are constructed; how such information is shared between different countries; the differing 'rehabilitation of offenders' time periods; how criminal intelligence around allegations made about a suspect is recorded or released to agencies and whether or not any such information could be shared with a UK Licensing Authority. These inconsistencies are matters of concern.
- 3.3 These problems in respect of non EU countries are increased as there may be no system or low quality systems for the recording of convictions or arrests for crime. It is not unreasonable to say that in some countries a prevailing view might be not to prioritise either the recording of crimes or bringing offenders before the courts in a way we would recognise. These are matters of significant concern.
- 3.4 Currently applicants for personal licences are required to undertake a UK DBS enhanced disclosure. This may reveal nothing if the applicant has not been in the UK for a sufficient period of time. However, it is still necessary to undertake such a check. Further supporting evidence may be supplied in the form of character references. Officer experience has found these predominantly fall significantly short in terms of demonstrating a true knowledge of the individual or a worthwhile employment record of the applicants' true suitability for the role of a licensed driver. Custom and practice has accepted such endorsement for many years across Licensing Authorities.
- 3.5 Additional supporting evidence may be supplied by the applicant in the form of a 'certificate of good conduct'; more usually from Pakistan or India. Some issues around the integrity of such documents have caused concern and Officers feel that the continued reliance on such documents alone may be unsustainable for a safeguarding assessment. Members are referred to those confidential documents under 'Exempt information'.
- 3.6 That situation might improve marginally if the information was supplied via the applicants Consul or Embassy, but may still fall short of a minimum standard to satisfy the Council.
- 3.7 Legal advice has been obtained in respect of how the Council satisfies itself on the 'fit and proper' person test; where the onus lays to demonstrate this; and proportionality and the discriminatory effects of a blanket policy.
- 3.8 For ease of reference the main legal view expressed is set out below in response to a notional standard from Officers:-
- 3.9 "The pre-requirement to the grant of a PHD, HCD, PHO, HCP, PHVP, is that an enhanced DBS must be submitted to the Council which covers a full five year

period of continued residency in the UK for officers to consider and apply a ‘fit and proper’ person character assessment’.”

3.10 Legal advice in respect of that question was; Counsel opinion ...’that it was likely to be considered discriminatory, directly and indirectly particularly so from countries that have convictions recording systems, as an example, France. The imposition of such a policy would make the Council susceptible to Judicial Review. ends

3.11 There are complexities around the obtaining of convictions or other recorded allegations for a local authority and these need more detailed examination from national; agencies, for example;-

3.12 UKCA – ECR (United Kingdom Central Authority for the Exchange of Criminal Records)

The UKCA-ECR’s main responsibility is exchanging criminal record information with countries in the European Union (EU). This work is carried out on behalf of UK Government in support of law enforcement and authorised agencies throughout the country. It involves two main processes – Conviction Notifications and Requests

3.13 ECRIS (European Criminal Records Information System)

Established in April 2012 to achieve an efficient exchange of information on criminal convictions between EU countries and to improve the exchange of information on criminal records throughout the EU. It introduced an electronic interconnection of criminal records databases to ensure that information on convictions is exchanged between EU countries in a uniform, speedy and easily computer-transferable way.

The system gives judges and prosecutors easy access to comprehensive information on the offending history of any EU citizen, no matter in which EU countries that person has been convicted in the past.

3.14 NEU –ELL (Non-European Union Exchange of Criminal Records)

The NEU-ECR works in close collaboration with a number of UK law enforcement and government agencies, including all police forces across the UK, the Serious Organised Crime Agency (SOCA), the UK Border Agency (UKBA) and the National Offender Management Service (NOMS).

The NEU-ECR manages foreign criminal conviction information on behalf of these agencies ensuring that databases and registers in the UK are updated and information is available to those who require it. By providing this service to partner agencies, the NEU-ECR can supply UK law enforcement with extra knowledge and data to help police and protect the UK Requests for extracts from non-EU criminal registers are made on behalf of UK law enforcement agencies for persons who are subject to criminal proceedings in the UK or where there are public protection objectives.

3.15 The relationships between these organisations and a Local Authority need formal enquiries and recognition before a conclusive statement of policy can be

introduced in the context of our public protection matters. The issue hinges on whether or not these organisations formally recognise the relationship between public protection and safeguarding when exercised in the civil arena of licensing as opposed to the criminal courts

- 3.16 In the interim, in respect of EU nationals Officers will require non UK applicants to request such information themselves from their home country, and any other country they have resided in. The proposed route for this would be a Data Disclosure request. The emphasis will be completeness and a clear audit trail of authenticity of the detailed application and the response.
- 3.17 In respect of non EU applicants the issue of 'certificates of good conduct' are the subjective of retrospective licensing enquiries to more closely examine the value or fragility of such documents before a final recommendation is made.
- 3.18 As an interim measure the personal production of such documents during an application process will be discontinued and Officers will seek to improve the validity of such certificates by ensuring the character enquiry is approached on a more formal basis through the applicants Consul or Embassy. This might still not provide the levels of assurance required and Officers are looking at other ways of establishing the merits of the applicant's character.
- 3.19 There are no easy solutions to this problem and Officers are aware of the sensitivities involved which have to be balanced with the necessity to ensure the principles of safeguarding are adequately and proportionately met. A final recommendation will be made in due course to Members.
- 3.20 All of these concerns extend also to those non EU citizens who have been granted a 'right to work' by the Border Agency and to those UK and EU citizens who have been out of the UK for more than 3 months.
- 3.21 The issue of personal references from MPs, Elected Members and Officers has been the subject of an Executive decision on 15 December 2014. Officers will require a much higher standard of character reference in the future that is focussed on employment or credible professional assessments with clear trail of authenticity on the part of the provider and the role described in the previous employment.
- 3.22 The tightening up of existing policy in respect of these issues will be explained to future applicants and the trade.
- 3.23 It is considered that these administrative changes to the application process are relatively minor and do not require Executive approval at this stage

4 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.1 An earlier report of 7 October 2014 informed Members that it is important there is a quick turn around on this consultation and it is in the public interest to protect the Council in its Safeguarding responsibilities. It is proposed the consultation period be for a period of one month. That consultation was not undertaken

because of the developing issues. It is not proposed to undertake consultation until the proposals and information are complete.

4.2 Equality and Diversity / Cohesion and Integration

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

4.3 Council policies and City Priorities

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

Best Council Plan 2013 -17

Towards being an Enterprising Council

Our Ambition and Approach

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

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

Our Best Council Outcomes

Make it easier for people to do business with us

Our Best Council Objectives

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

- Helping people into jobs,
- Boosting the local economy
- Generating income for the council

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

- Getting services right first time
- Improving customer satisfaction

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

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

4.3.3 Safeguarding children and vulnerable adults:

4.3.4 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 Please note risk comments at 4.6

4.5 Legal Implications, Access to Information and Call In

4.5.1 Advice from Counsel has been sought on a number of areas related to this issue and that advice is reflected in the body of the report in one instance. Other areas of advice will continue to be evaluated in the context of developing policy and be taken into account in a future report.

4.6 Risk Management

4.6.1 A risk review of the licensing function by experienced Officers from 'Revenue and Benefits' has recently been undertaken and several areas of potential weakness identified e.g. resource levels, specific fraud training, supervisory overview, conducting renewal decisions in an environment where queue pressure can mitigate against proper diligence, in the validation of documents. These are being further considered by senior management.

5 Conclusions

5.1 The impetus for enhancing processes in respect of safeguarding issues is clear and significant from Central Government. However, the measures identified to enhance the decision making process have to be proportionate and non-discriminatory. Achieving an improved level of safety in one respect is dependent on the protocols not only between the UK agency which might accept a Local Authority enquiry but also the acceptance of the legitimacy of that application within other EU member states.

5.2 Interim administrative measures will be time consuming for staff and applicants and the frustrations of applicants will need to be handled with understanding.

5.3 There is no easy solution to this issue, even in the event of some co-operation from the various intelligence agencies and much depends on developing a process which is thorough but not obstructive and which facilitates credible character references that have a manageable and credible audit trail to enable measured decision making.

6 Recommendations

- 6.1 That Members note the content of the report, particularly the background to the need for a thorough checking system applied to the 'fit and proper' person assessment and make any observations they consider appropriate.
- 6.2 That the development of the new policy is included in Work Program forward plan.
- 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.



**Department for
Communities and
Local Government**

The Rt Hon Eric Pickles MP
Secretary of State

**Department for Communities and Local
Government**

2 Marsham Street
London SW1P 4DF

Tel: 0303 444 3450
Fax: 0303 444 3289
E-Mail: eric.pickles@communities.gsi.gov.uk

www.gov.uk/dclg



Rt Hon Nicky Morgan MP
Secretary of State

Department for Education

Sanctuary Buildings Great Smith Street
Westminster London SW1P 3BT

tel: 0370 000 2288
www.education.gov.uk/help/contactus

The Leader

Principal Councils in England

24 September 2014

Dear Leader,

Safeguarding vulnerable children

We are sure that you, like us, have been shocked and saddened by the failure of Rotherham Metropolitan Borough Council together with other local services (including the police) to protect and safeguard some of their most vulnerable children.

The Government has already announced that Rotherham will be subject to a statutory inspection under section 10 of the Local Government Act 1999 in relation to the council's exercise of its functions on governance, children and young people, and taxi and private hire licensing. Louise Casey CB has been appointed to undertake this independent statutory inspection.

We have also asked Louise, in addition to her statutory inspection, to highlight issues that councils, police forces and the justice system generally should consider in their work on child sexual exploitation, and to report on these and any further matters which might help councils and others to improve their services particularly for children and young people. There will be lessons to be learnt that can help better protect vulnerable children everywhere, not just in Rotherham. This was set out in detail in a Written Ministerial Statement to the House of Commons on 10 September, attached to this letter.

Alongside this section 10 inspection will be a thematic review of Local Authorities' children's services work in combatting child sexual exploitation announced by Ofsted last week, and the publication of an inspection on how effectively South Yorkshire Police safeguards children and young people at risk, undertaken by Her Majesty's Inspectorate of Constabulary. Ofsted are also inspecting Rotherham's arrangements for children in need of help and protection, and services for looked after children.

The Home Secretary is chairing a series of meetings with relevant Secretaries of State to consider the findings of Professor Jay's report and identify what further action is needed at all levels to ensure such failings do not occur again.

We are already taking work forward in a number of key areas. For example, the Chief Social Worker is working with local government and social work experts to understand the lessons from the Jay report for local authorities more widely and any implications for the Government's drive to improve front line social work practice. The National Policing lead for child protection and child abuse investigation has reviewed the national policing child sexual exploitation action plan in light of lessons from the Jay report.

Professor Jay's report highlighted serious failings in the council over a number of years with regard to the safeguarding of children, and also serious failings of corporate governance, leadership, culture, and the operation of the overview and scrutiny function. In advance of Louise Casey's inspection, we ask that every Leader read Professor Jay's report and consider whether you have adequate measures in place to ensure that you cannot be accused of similar failings.

Louise Casey will be writing to you shortly setting out the information and help she will need to undertake her work and we expect that you will give her your full cooperation and support.

We cannot undo the permanent harm that these children have suffered. But we can and should take steps to ensure that this never happens again and make sure that all local authorities deliver on their essential duty to protect vulnerable children.



This letter is copied to all Chairmen of all Health and Wellbeing Boards in England. The Home Secretary is writing in similar terms to Chief Constables, copied to Police and Crime Commissioners.



THE RT HON ERIC PICKLES MP

THE RT HON NICKY MORGAN MP

Annex A - Written Ministerial Statement by the Secretary of State for Communities and Local Government – 10 September 2014

Governance in Local Government

One of the most important duties of local authorities is the protection of vulnerable children. Professor Jay's recent inquiry into child sexual exploitation in Rotherham has painted a horrific and awful picture that the council utterly failed its children.

As Professor Jay noted:

"No one knows the true scale of child sexual exploitation in Rotherham over the years. Our conservative estimate is that approximately 1400 children were sexually exploited over the full Inquiry period, from 1997 to 2013. In just over a third of cases, children affected by sexual exploitation were previously known to services because of child protection and neglect. It is hard to describe the appalling nature of the abuse that child victims suffered. They were raped by multiple perpetrators, trafficked to other towns and cities in the north of England, abducted, beaten, and intimidated. There were examples of children who had been doused in petrol and threatened with being set alight, threatened with guns, made to witness brutally violent rapes and threatened they would be next if they told anyone. Girls as young as 11 were raped by large numbers of male perpetrators. This abuse is not confined to the past but continues to this day."

Following the publication of the Jay report, my right honourable friend the Home Secretary announced to the House on 2 September that I was minded to use my powers to commission an independent inspection of the council. In parallel, I would also be considering the implications of the report's findings for all local authorities in England.

With clearly documented failures by the council on so many levels, the rare step of a statutory inspection is in the public interest. I have now decided to exercise my powers under section 10 of the Local Government Act 1999 to appoint Louise Casey CB to carry out an inspection of the compliance of Rotherham Metropolitan Borough Council with the requirements of Part 1 of that Act, in relation to the council's exercise of its functions on governance, children and young people, and taxi and private hire licensing.

In undertaking her inspection, I have directed her to consider whether, in exercising its functions on governance, children and young people, and taxi and private hire licensing, the local authority:

- allows for adequate scrutiny by councillors;
- covers up information, and whether "whistleblowers" are silenced;
- took and continues to take appropriate action against staff guilty of gross misconduct;
- was and continues to be subject to institutionalised political correctness, affecting its
- decision making on sensitive issues;

- undertook and continues to undertake sufficient liaisons with other agencies, particularly the police, local health partners, and the safeguarding board;
- took and continues to take sufficient steps to ensure only “fit and proper persons” are permitted to hold a taxi licence;
- is now taking steps to address effectively past and current weaknesses or shortcomings in the exercise of its functions, and has the capacity to continue to do so.

As the statute allows, I also intend to appoint on her recommendation, assistant inspectors to ensure that she has all the skills and experience available to her which she believes are necessary for her to fulfil her remit. Louise Casey will report to me by 30 November 2014, or such later date as I may agree with her, whether or not the council is meeting this duty to secure continuous improvement in respect of its governance, the services it delivers for children and young people, and taxi and private hire licensing.

I have appointed Louise Casey to carry out this sensitive task rigorously and independently. I am confident that with her track record of working in public service and particularly in challenging established practices in regard to the most vulnerable—for example, in reducing rough sleeping, as Commissioner for Victims and Witnesses and in her current role as head of the troubled families programme—she has the experience and skills to undertake a robust and independent inspection which will provide a full and comprehensive report on these matters.

Beyond the terms of reference I have set out in this statement, it is for Louise Casey, with any assistant inspectors I appoint on her recommendation, to decide how to carry out this inspection, and her findings and conclusions will be a matter for her alone.

Louise will continue to lead the troubled families programme. While she is carrying out the inspection in Rotherham, arrangements are being put in place to ensure that progress on troubled families is maintained.

If I am satisfied that an authority is failing to comply with its duty under part 1 of the 1999 Act, that Act gives me the power to statutorily intervene in that authority. Intervention may take a number of forms, including directing the authority to take any action that I consider necessary or expedient to secure its compliance with the 1999 Act duty, or directing that certain of the authority's functions be undertaken by me or by a person—a commissioner—appointed by me for that purpose. The inspection report that I receive will assist me in reaching my view as to whether or not Rotherham metropolitan borough council is meeting its duty under part 1 of 1999 Act.

As part of my consideration of the implications of the Jay report for all authorities in England, I shall be asking Louise Casey, in addition to and outside the scope of the statutory inspection, to explore the links between Rotherham metropolitan borough council and the police and justice system, and highlight issues that local authorities, police forces and the justice system should consider in their work on child sexual exploitation, and my right honourable friend the Home Secretary welcomes this.

I will also ask Louise Casey to report to me on whether she considers, as a result of undertaking the inspection or otherwise, there are any further matters which might appropriately be drawn to the attention of authorities and other local service providers generally to assist them to improve the delivery of their services, particularly those relating to children and young people.

In order to assist Louise Casey and help my consideration of the wider issues I will be writing to all leaders of principal councils asking them to consider the implications of the Jay report for their own authority.

I will make a statement to the House in due course on the completion of this work and after due consideration of the report.

We cannot undo the permanent harm that these children have suffered. But we can and should take steps to ensure that this never happens again and make sure that all local authorities deliver on their essential duty to protect vulnerable children.



Department
for Transport

Chief Executive
Local licensing authorities

From the Minister of State
Baroness Kramer

Great Minster House
33 Horseferry Road
London
SW1P 4DR

Tel: 020 7944 3082
Fax: 020 7944 4492
E-Mail: baroness.kramer@dft.gsi.gov.uk

Web site: www.gov.uk/dft

Our Ref:

Dear Colleague

18 NOV 2014

Taxi and private hire vehicle drivers

I am writing to you about the important issue of ensuring that licensed taxi and private hire vehicle drivers are safe to drive the travelling public.

National and local government have a joint interest in ensuring personal safety of passengers. We recognise the good work that many local authorities have already done through stringent licensing procedures to protect passengers and maintain confidence in taxi and private hire vehicle services.

Licensing authorities have power to undertake enhanced Disclosure and Barring Service checks on all applicants for taxi and private hire vehicle driver licences. These checks will highlight convictions for sex offences and other relevant information that can be taken into consideration when deciding who to license. Furthermore, once a licence has been issued, licensing authorities should have systems in place, including maintaining links with the police, to ensure that drivers continue to be 'fit and proper'. While the decision to revoke or suspend a licence should never be considered lightly, the licensing system is designed to protect the public and it would be wrong to avoid this course of action where it is clearly appropriate.

In the interests of public safety and the reputation of the licensed trade, I encourage you to use all the tools available to ensure that all licensed drivers have undergone a thorough vetting process, their conduct is monitored once licensed, and all available information is fully considered when making licensing decisions.

B. Kramer

BARONESS KRAMER

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