



LICENSING COMMITTEE

MEETING TO BE HELD IN CIVIC HALL, LEEDS ON
TUESDAY, 9TH FEBRUARY, 2016 AT 10.00 AM

MEMBERSHIP

Councillors

N Buckley	Alwoodley;
R Downes	Otley and Yeadon;
J Dunn	Ardsley and Robin Hood;
B Gettings	Morley North;
M Harland (Chair)	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;
S McKenna	Garforth and Swillington;
A Ogilvie	Beeston and Holbeck;

Agenda compiled by:
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A G E N D A

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

Item No	Ward/Equal Opportunities	Item Not Open		Page No
3			<p>LATE ITEMS</p> <p>To identify items which have been admitted to the agenda by the Chair for consideration</p> <p>(The special circumstances shall be specified in the minutes)</p>	
4			<p>DECLARATION OF DISCLOSABLE PECUNIARY INTERESTS</p> <p>To disclose or draw attention to any disclosable pecuniary interests for the purposes of Section 31 of the Localism Act 2011 and paragraphs 13-16 of the Members' Code of Conduct.</p>	
5			<p>APOLOGIES FOR ABSENCE</p> <p>To receive apologies for absence (If any)</p>	
6			<p>MINUTES OF THE PREVIOUS MEETING</p> <p>To approve the minutes of the last meeting held on 15th December 2015</p> <p>(Copy attached)</p>	1 - 4
7			<p>MATTERS ARISING FROM THE MINUTES</p> <p>To consider any matters arising from the minutes.</p>	
8			<p>CHANGES TO THE HACKNEY CARRIAGE TRADE FORUM MEETINGS CONSTITUTION.</p> <p>To consider a report by the Head of Elections, Licensing and Registration which sets out details of proposed changes to the Hackney Carriage forum constitution, and to approve the proposed amendment to the existing frequency of such meetings.</p> <p>(Report attached)</p>	5 - 8

Item No	Ward/Equal Opportunities	Item Not Open		Page No
9			<p>REVIEW OF DRIVER LICENSING REQUIREMENT FOR GROUP II MEDICALS</p> <p>To consider a report by the Head of Elections, Licensing and Registration which seeks the views of the Committee as to whether or not the existing Group II medical policy is sufficient in terms of public safety or if it needs to be strengthened by more frequent medical assessments.</p> <p>(Report attached)</p>	9 - 34
10			<p>ACTIVITY UPDATE: TAXI AND PRIVATE HIRE LICENSING 1ST JANUARY TO 31 DECEMBER 2015</p> <p>To consider a report by the Head of Elections, Licensing and Registration which provides a summary of the activity undertaken the Taxi and Private Hire Licensing Section during the period 1st January to 31 December 2015</p> <p>(Report attached)</p>	35 - 44
11			<p>LICENSING COMMITTEE WORK PROGRAMME 2016</p> <p>To note the contents of the Licensing Committee Work Programme for 2016/17.</p> <p>(Copy attached)</p>	45 - 48
12		10.4(1, 2, 3, 7)	<p>ENTERTAINMENT LICENSING SECTION - ANNUAL REPORT JANUARY - DECEMBER 2015</p> <p>To consider a report by the Head of Elections, Licensing and Registration which provides a summary of the issues dealt with by the Entertainment Licensing Section during the period January to December 2015.</p> <p>(Report attached)</p>	49 - 62

Item No	Ward/Equal Opportunities	Item Not Open		Page No
13	Wetherby	10.4(3, 7a)	<p>MINT FESTIVAL 2015 - MEMBERS DEBRIEF</p> <p>To consider a report by the Head of Elections, Licensing and Registration which provides details of the de-brief following the Mint Festival 2015 held at Wetherby Racecourse between the 19th and 20th September 2015.</p> <p>(Report attached)</p>	63 - 74
14			<p>DATE AND TIME OF NEXT MEETING</p> <p>To note the next meeting will take place on Tuesday 8th March 2016 at 10.00am in the Civic Hall, Leeds.</p> <p>Recording of this meeting is allowed to enable those not present to see or hear the proceedings either as they take place (or later) and to enable the reporting of those proceedings. A copy of the recording protocol is available from the contacts named on the front of this agenda.</p> <p>Use of Recordings by Third Parties– code of practice</p> <p>a) Any published recording should be accompanied by a statement of when and where the recording was made, the context of the discussion that took place, and a clear identification of the main speakers and their role or title.</p> <p>b) Those making recordings must not edit the recording in a way that could lead to misinterpretation or misrepresentation of the proceedings or comments made by attendees. In particular there should be no internal editing of published extracts; recordings may start at any point and end at any point but the material between those points must be complete</p>	

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Licensing Committee

Tuesday, 15th December, 2015

PRESENT: Councillor M Harland in the Chair

Councillors N Buckley, R Downes, J Dunn,
B Gettings, G Hussain, G Hyde, A Khan,
B Selby, C Townsley, G Wilkinson, B Flynn,
S McKenna and A Ogilvie

64 Chair's Opening Remarks

The Chair welcomed everyone to the final meeting of the Licensing Committee in 2015.

The Chair also introduced and welcomed Gill Hunter, Area Community Safety Co-ordinator who would address Members on the Cumulative Impact Policy for Armley.

65 Appeals Against Refusal of Inspection of Documents

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

66 Exempt Information - Possible Exclusion of the Press and Public

There were no items identified where it was considered necessary to exclude the press or public from the meeting due to the confidential nature of the business to be considered.

67 Late Items

There were no late items submitted

68 Declaration of Disclosable Pecuniary Interests

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

69 Apologies for Absence

There were no apologies for absence.

70 Minutes of the Previous Meeting

RESOLVED – That the minutes of the previous meeting held on 17th November 2015 were approved as a true and correct record.

71 Matters Arising from the Minutes

There were no issues raised under matters arising.

Draft minutes to be approved at the meeting
to be held on Tuesday, 9th February, 2016

72 Review of the City Centre CIP Areas

The Head of Elections, Licensing and Registration submitted a report which sought the views of Members in relation to the Annual Review of the City Centre CIP areas.

Appended to the report were the following appendices:

- West Yorkshire Police – Leeds City Centre: Night time Economy Related Crime - Statistics for the preceding 12 month period (Appendix 1 referred)
- CIP New Guidance (Appendix 2 referred)

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

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

- The suggested amendments to the proposed cumulative impact policy areas for the City Centre
- The revised map of the City Centre
- Clarification around how incidents of crime were reported
- Reductions in Police and Local Authority funding
- Examples of good practice /initiatives implemented in other core cities
- Sufficient resources within the Taxi and Private Hire Licensing Section to undertake enforcement operations
- The need for responsible authorities to comment on applications in CIP areas
- That the issue of a night time levy for the city centre be re-visited

Responding to Members concerns as to how incidents of crime were reported. Officers referred Members to page 27 of the submitted report “Police reporting” which suggested that changes in crime recording practices had resulted in an increase in the number of recorded crimes. However, changes in crime levels, along with a number of other measures, concluded that a proportion of these recent increases were related to administrative change rather than an increase in criminality. It was suggested that the statistics be refreshed in 6 months to determine if there was a true increase in crime.

Commenting on taxi and private hire enforcement operations, the Head of Elections, Licensing and Registration reported that 7 Enforcement Officers together with a Supervising Officer were in post currently undergoing training. Training would be finalised in January 2016 at which point all those staff would be fully operational. There was also recruitment underway in relation to a vacant enforcement officer.

Referring to the reductions in Police and Local Authority funding a number of Members expressed the view that it was now appropriate to revisit the issue of a night time levy

RESOLVED –

- (i) To welcome and support the suggested amendments to the proposed cumulative impact policy areas for the City Centre
- (ii) To endorse the new cumulative impact evidence for the City Centre and the revised map of the City Centre
- (iii) That an update report on the Business Improvement District (BID) and the night time economy be prepared and brought back to this Committee in March 2016

73 Cumulative Impact Policy for Armley

The Head of Elections, Licensing and Registration submitted a report which sought the views of Members as to whether a cumulative impact policy would be appropriate for Armley, in view of the increase in disorder being experienced in the area.

Appended to the report were the following appendices:

- Leeds Anti-Social Behaviour Team – Anti – social Behaviour in Armley - Incidents for the preceding 12 month period (Appendix 1 referred)

The Principal Licensing Officer, Entertainment Licensing together with the Area Committee Safety Co-ordinator presented the report and responded to Members questions and queries.

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

- Anti – social Behaviour around Armley Town Street, many types of alcohol related problems
- Large number of off licence premises in the Town Street, Branch Road areas
- A culture of street drinking
- Incidents captured on CCTV footage

In offering comment Members suggested that the views of Ward Members/ Community Committee should be included within any cumulative impact policy for Armley

In responding officers confirmed that the views of Ward Members/ Community Committee would be included as part of the public consultation exercise.

A Committee Member with close links to the Armley area said that local residents, particularly the elderly, were frightened to go to Armley Town Street because of the problems of anti-social behaviour.

It was the view of the Committee that more evidence be gathered to support the preparation of a cumulative impact policy for Armley

RESOLVED -

- (i) To agree that it was appropriate to consider a cumulative impact policy for Armley Town Street and the neighbouring area
- (ii) To request that officers undertake further work in researching the evidence and designing a cumulative impact policy
- (iii) To approve that a public consultation be undertaken in relation to the proposed cumulative impact policy
- (iv) That following the expiry of the public consultation period and subject to the preparation of a draft cumulative impact policy for Armley, a further report seeking determination of the CIP be brought back to this Committee

74 Licensing Committee Work Programme 2015/16

Members considered the contents of the Licensing Committee Work Programme for 2015/16.

Referring to the report entitled Activity Update – Taxi and Private Hire Licensing 31st July to 31 December 2015, scheduled to come to the next meeting on 9th February 2016. Members requested if the report could also include up to date information on enforcement resources and also to include statistics on plying for hire covering a 12 month period.

Members requested that reports in relation to the Night time Economy and an update on Legal Highs' be added to the meeting to be held in March 2016

RESOLVED – That with the inclusion of the suggested amendments/ additions the contents of the Licensing Committee Work Programme for 2015/16 be noted

75 Date and Time of Next Meeting

RESOLVED – To note that the next meeting will take place on Tuesday, 9th February 2016 at 10.00am in the Civic Hall, Leeds.



Report author: Des Broster
Tel: 3781562

Report of Head of Elections, Licensing and Registration

Report to Licensing Committee

Date: 9 February 2016

Subject: Changes to the Hackney Carriage trade forum meeting's constitution.

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

Summary of main issues

1. The Council has in place a formal constitution for membership of the Hackney Carriage forum. This sets out the frequency of the meetings held between the trade and Officers. However, Members will be aware that for the past 18 months the workloads of Officers have not enabled the frequency of the meetings set out in the constitution to be met. Officers have commented on this at Licensing Committee, however, issues arising have been dealt with on an ad-hoc basis with individual representatives or special topics. It is now opportune to restructure that part of the constitution so that it can be properly met amongst other competing demands.

2. Following discussions with the representatives of the Hackney Carriage trade they are in agreement that the constitution may be altered to specify that meetings will take place every 4 months (or as frequently as business demands), which is a change from the current two months.

Recommendations

3. That Members note the proposed change to the Hackney Carriage forum constitution.

1 Purpose of this report

- 1.1 To inform Members of the proposed changes to the Hackney Carriage forum constitution and for Members to approve the proposed amendment to the existing frequency of such meetings.

2 Background information

- 2.1 The Hackney Carriage forum has been in existence in various forms since the introduction of Hackney Carriage licensing in Leeds fell under the remit of Leeds City Council. It is an old and well established forum for representatives and Officers to discuss issues of concern and consult on policy and procedural changes.
- 2.2 The Council has a recognised constitution for the Hackney carriage forum that stipulates the frequency of meetings and it is that frequency which it is proposed to change.

3 Main issues

- 3.1 Although the existing arrangements were formalised and approved by the Licensing Committee in July 2011, operational demands have not enabled Officers to meet the demands of the constitution in respect of holding a forum every two months or at least 4 times per year.
- 3.2 Members should note however that trade issues are dealt with as they arise in the majority of cases. Following further consultation with the Hackney carriage forum the trade membership agreed that that part of the terms of reference in the constitution relating to frequency should be changed to read as follow:-

Meetings of the Taxi and Private Hire forum will take place every 4 months (or as frequently as business demands). Special meetings may be called as necessary to deal with issues as they arise.

- 3.3 No other part of the constitution is affected.

4 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.1 Existing trade representatives on the Hackney Carriage Trade Forum were consulted on the proposals in this report and agreed with them.

4.2 Equality and Diversity / Cohesion and Integration

- 4.2.1 There are no implications.

4.3 Council policies and Best Council Plan

- 4.3.1 There are no implications.

4.4 Resources and value for money

4.4.1 There are no implications.

4.5 Legal Implications, Access to Information and Call In

4.5.1 There is no legal requirement for the Council to operate a constitution and the proposed change does not present any legal or resource implications.

4.6 Risk Management

4.6.1 There are no perceived risks.

5 Conclusions

5.1 The proposal is a sensible way forward to enable the Council to meet the needs of the trade in a way that retains some formality but also allows flexibility for both parties particularly at times of high operational demand or to deal with issues arising which need more urgent discussion or consultation.

6 Recommendations

6.1 That Members note the changes to the Hackney Carriage forum constitution.

7 Background documents¹

7.1 Hackney Carriage trade forum constitution

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

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Report author: Des Broster
Tel: 3781562

Report of Head of Elections, Licensing and Registration

Report to Licensing Committee

Date: 9 February 2016

Subject: Review of driver licensing requirement for Group II medicals

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. Following the significant fatal road traffic collision enquiry in Glasgow, where a number of people died as a consequence of the medical condition of a Glasgow Council employee, which apparently had not been disclosed to the Council, a Corporate concern has been raised to the Taxi and Private Hire Licensing Section regarding the adequacy and frequency of the existing Group II medical assessments policy
2. This policy determines at what stages and with what regularity existing licensed drivers have to undertake additional Group II medical assessments. That detail is set out at paragraph 3.2.
3. This report is to enable the Licensing Committee to consider the effectiveness of the existing control measures and any perceived necessity to change policy and the proportionality of any extended testing requirement.

Recommendations

4. That Members consider the information and views supplied by Officers of the Council and determine whether they are satisfied that the existing requirements are sufficient or if they should be increased to a more rigorous regime of annual testing.

1 Purpose of this report

- 1.1 To enable Members to consider currently available information and determine whether or not the existing Group II medical policy is sufficient in terms of public safety or if it needs to be strengthened by more frequent medical assessments.

2 Background information

- 2.1 On 18 November 2008 the author of this report submitted a report to the then Licensing and Regulatory Panel concerning the introduction of a Group II medical report requirement on all existing licensed drivers and new applications. A copy of that report appears at **Appendix 1**.
- 2.2 There was good reasoning for the adoption of this policy following on from The House of Commons Transport Select Committee on Taxis and Private Hire Vehicles recommended in February 1995 that taxi licence applicants should pass a medical examination before such a licence could be granted. (Previously LCC operated a weaker form of medical assessment which was not compliant with DVLA Group II medical assessments. Responsibility for determining the standards, including medical requirements, to be applied to taxi drivers, over and above the driver licensing requirements, rests with the Transport for London in the Metropolitan area and the Local Authority in all other areas. Current best practise advice is contained in the booklet "Fitness to Drive": A Guide for Health Professionals published on behalf of the Department by The Royal Society of Medicine Press Limited ((RSM) in 2006. This recommended that the applicant or licence holder must notify DVLA unless stated otherwise in the text 6 the Group 2 medical standards applied by DVLA in relation to bus and lorry drivers should also be applied by local authorities to taxi drivers.
- 2.3 Our current policy is compliant with the DVLA medical standards of fitness to drive (Group II).
- 2.4 Members adopted the recommendations and since that time the Group II medical requirement has remained in place in line with the national DVLA standards.
- 2.5 Corporately it is thought appropriate that the existing policy for ensuring licensed taxi, Private Hire and Permit Drivers are medically fit, should be reviewed in light of the Glasgow fatal accident enquiry. It is proposed that Members should consider the risks, the costs, benefits and proportionality of requiring a newly certified Group II medical report to be provided at each subsequent renewal, which is a DfT best practice guidance advice.
- 2.6 The 19 recommendations of the 'Glasgow enquiry' are reproduced below. Members will note that the first 13, in the main, distinctly refer to the relationships between the driver, the DVLA, the driver's GP and the DfT. This part of the recommendations do not created any new responsibilities for the Council.
1. Doctors generally, and general practitioners in particular, should take steps to ensure that medical notes are made and kept in such a way as to maximise their ability to identify repeated episodes of loss of

consciousness, loss of or altered awareness, in the case of patients who are or may become drivers.

2. When a doctor is advising an organisation employing a driver as to that driver's fitness to drive following a medical incident whilst driving, that organisation should provide all available information about the incident to the doctor and the doctor should insist on having it prior to giving advice to the organisation and the driver.
3. The Driver and Vehicle Licensing Agency (DVLA) should satisfy itself as to precisely what the categorisation is intended to mean and to achieve in the loss of consciousness/loss of or altered awareness section of the guidance contained in its "At a Glance Guide to the Current Medical Standards of Fitness to Drive" ("at a glance"). Having done so, DVLA should then ensure that the meaning is made clear to those who apply the guidance in practice.
4. DVLA should consider if a flow chart could be provided to guide doctors through the categorisations contained in the loss of consciousness/loss of or altered awareness section of "at a glance".
5. DVLA should consider whether the section of "at a glance" on loss of consciousness/loss of or altered awareness gives sufficient weight to the absence of prodrome [symptoms experienced in advance of an episode] given its significance for road safety.
6. DVLA should consider whether the section of "at a glance" on loss of consciousness/loss of or altered awareness gives sufficient weight to a medical event occurring at the wheel of a vehicle and its consequences.
7. DVLA should change its policy on notification from third parties so that relevant fitness to drive information from ostensibly reliable sources, such as the police, can be investigated whether or not it comes in written form.
8. DVLA should redouble its efforts to raise awareness of the implications of medical conditions for fitness to drive amongst the medical profession.
9. The Secretary of State for Transport should instigate a consultation on how best to ensure the completeness and accuracy of the information available to DVLA in making fitness to drive licensing decisions with a view to making legislative change.
10. The Secretary of State for Transport should instigate a consultation on whether it is appropriate that doctors should be given greater freedom, by the General Medical Council, or an obligation, by Parliament, to report fitness to drive concerns directly to DVLA.
11. Occupational health doctors performing D4 examinations and providing advice to employers on applicant drivers, and employers of drivers who facilitate their staff applying for renewal of group 2 licences without the involvement of GPs, should consider whether to require the applicant to

sign a consent form permitting release by any GP of relevant medical records to the occupational health doctor.

12. DVLA and the Department for Transport should consider how best to increase public awareness of the impact of medical conditions on fitness to drive and the notification obligations in that regard.
13. DVLA, the Crown Prosecution Service and Crown Office and Procurator Fiscal Service should review whether there are policies in place which prevent or discourage prosecution for breaches of sections 94 and 174 of the Road Traffic Act 1988. If there are such policies, consideration should be given by DVLA and the prosecuting authorities to whether they are appropriate where the current fitness to drive regime is a self-reporting system which is vulnerable to the withholding and concealing of relevant information by applicants.

2.7 The remaining 6 recommendations deal with the employment and recruitment processes of local Authorities and relate particularly to refuse collection vehicles, (but probably because it was such a vehicle that was involved in the Glasgow fatal incident). Corporately LCC are considering the implication of these recommendations in respect of drivers who are in control of vehicles of 3.5 tonnes or over

Impact on Local Authority

14. Local Authorities, when employing a driver, should not allow employment to commence before references sought have been received.
15. Local Authorities should carry out an internal review of its employment processes with a view to ascertaining potential areas for improvement in relation to checking medical and sickness absence information provided by applicants, for example by having focussed health questions within reference requests for drivers and obtaining medical reports in relation to health related driving issues from applicants' GPs.
16. Local Authorities should provide its refuse collection operators with some basic training to familiarise them with the steering and braking mechanisms of the vehicles in which they work.
17. Local Authorities and any other organisations which collect refuse, when sourcing and purchasing refuse collection vehicles which are large goods vehicles, should seek to have AEBS fitted to those vehicles wherever it is reasonably practicable to do so.
18. Local Authorities and any other organisations which collect refuse and which currently have large goods vehicles without AEBS but to which AEBS could be retrofitted, should explore the possibility of retrofitting with the respective manufacturer.
19. Local Authorities should seek to identify routes between refuse collection points which, so far as is reasonably practicable, minimise the number of

people who would be at risk should control be lost of a refuse collection lorry. Sheriff Becket said the extent of the harm which may be caused by a large goods vehicle could be reduced further by careful route risk assessment, to avoid “exceptional numbers of pedestrians at particular times”.

3 Main issues

3.1 LCC policy, which is, in principle, in line with DVLA requirements, in that all applicants should provide a certified Group II medical report from their GP. This Authority has offered a slight variation to enable a GP who can demonstrate they have had access to the full medical records held by the patients GP and has used them to assist in the medical assessment, as evidence that they are medically fit to hold a taxi or Private Hire driver licence. This variation was introduced because not all GP surgeries will undertake Group II medicals and in some cases there is a significant cost. GP's are not obliged to undertake such assessments.

3.2 A newly certified Group II medical report is also required at the age of 45, 50, 55, 60 and 65 and then annually thereafter. At all other times the licensed driver is required to self-certify at the point of renewal that there have been no changes to their health.

3.3 Re-produced below are the relevant extracts from the DfT best practice guidance.

3.4 Medical fitness

It is clearly good practice for medical checks to be made on each driver before the initial grant of a licence and thereafter for each renewal. There is general recognition that it is appropriate for taxi/PHV drivers to have more stringent medical standards than those applicable to normal car drivers because: -

- *they carry members of the general public who have expectations of a safe journey;*
- *they are on the road for longer hours than most car drivers; and*
- *they may have to assist disabled passengers and handle luggage.*

It is common for licensing authorities to apply the “Group 2” medical standards – applied by DVLA to the licensing of lorry and bus drivers – to taxi and PHV drivers. This seems best practice. The Group 2 standards preclude the licensing of drivers with insulin treated diabetes. However, exceptional arrangements do exist for drivers with insulin treated diabetes, who can meet a series of medical criteria, to obtain a licence to drive category C1 vehicles (ie 3500-7500 kgs lorries); the position is summarised at Annex C to the Guidance. It is suggested that the best practice is to apply the C1 standards to taxi and PHV drivers with insulin treated diabetes.

3.5 A concern is that there may be a risk to the Council and the public if the driver conceals medical health issues at the point of renewal or in the duration of a licence and that this may result in injury to passengers and other members of the public. On the other hand, the implications of introducing an annual requirement

for every driver to undertake a Group II medical prior to the licence being renewed would lead to the following issues:-

- Significant on-cost to drivers;
- Heavy administrative burden for staff and potentially the need to increase staffing levels;(the detail of each document has to be checked in respect of 6,000+ drivers)
- General Practitioners unable to cope with the demand;
- The risk of legal challenge on the basis that the requirement would be disproportionate to risk; and
- Such an onerous requirement may lead to drivers leaving the Leeds licensing authority and moving to 'out of town' businesses leading to significant enforcement challenges and reduction in service to the residents of Leeds and visitors to Leeds.

3.6 The Licensing Committee will, therefore, want to be sure that such a rigorous licensing requirement is in proportion to the risk it aims to address and also whether the cost of such a requirement in terms of its effect on the availability of transport to the public is at least matched by the associated benefit to the public, for example through increased safety.

3.7 As an overview of previous issues, Officers have dealt with one public complaint, in recent years, concerning a driver with a sleeping disorder which was dealt with quickly and appropriately through the existing procedures. Other medical risk issues have been identified at the point of renewal and dealt with accordingly. In the preceding two years there have been 42 suspensions and 1 revocation. The majority of all these issues have been dealt with without incident and usually resulted in remedial attention prior to a licence being renewed or the licence remaining suspended until a new Group II medical assessment is produced.

3.8 It may be considered neither practical, nor necessary, to conduct a more detailed, quantitative, cost-benefit assessment in this case; particularly as there have been limited instances of enforcement activity, none of which was the result of an issue leading to injury or a road traffic collision.

3.9 Officers would suggest Members should determine whether all of the negative potential consequences are commensurate with the benefits that such a policy change is intended to achieve.

4 Corporate Considerations

4.1 Consultation and Engagement

4.1.1 No consultation has taken place on this issue and Members would need to consult if they thought it was necessary to change the existing policy. However, if Members considered that the report prepared by Officers gives a sufficient

indication of the adequacy of the current measures and make no change to the existing policy then there would be no need to consult on that decision.

4.2 Equality and Diversity / Cohesion and Integration

- 4.2.1 There are no implications for the equality and diversity/cohesion and integration arising from this report. If Members decide to consult on a revised policy, an appropriate assessment will be conducted at that time on the revised policy.

4.3 Council policies and Best Council Plan

- 4.3.1 There are no directly linked policies which cover the matter set out in this report but Members will see the link to the current Corporate review being undertaken by the Council in respect of LCC drivers of vehicles of 3.5 tonnes or over

4.4 Resources and value for money

- 4.4.1 The existing arrangements are adequately catered for within the staffing structure. A change to the policy would have significant financial impact upon the trade but would also impact upon staffing requirements at Taxi and Private Hire Licensing leading to a further potential cost to the trade.

4.5 Legal Implications, Access to Information and Call In

- 4.5.1 A key issue in moving away from the existing policy to a more rigorous one would undoubtedly be the risk of legal challenge by way of Judicial Review on the basis that such a requirement may be considered wholly disproportionate in the safety context considering the effectiveness of the existing provision; the DVLA standard and the financial impact upon the trade. This final matter has to be seen in the light of GPs not being able to accommodate Group II medicals on this scale.

4.6 Risk Management

- 4.6.1 Licensing Officers consider that the existing scheme which follows the DVLA standard is adequate and proportionate to the risk that may be caused by the ill health of a driver. It is very difficult to account for anyone who may not provide information or be honest about their health to a GP or the Council and Members may want to consider that remark in the context of paragraph 3.7.

5 Conclusions

- 5.1 That Members may feel that it is most appropriate to follow the tone of the report set out by Officers and retain the existing requirement as opposed to moving to a much more onerous requirement.

6 Recommendations

- 6.1 That Members consider the information and views supplied by Officers of the Council and determine whether they are satisfied that the existing requirements are sufficient or if they should be increased to a more rigorous regime of annual testing.

7 Background documents¹

7.1 DfT best practice guidance

7.2 Taxi & Private Hire Licensing Group II medical examination report form (completed by the clients General Practitioner).

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

Report of the Assistant Chief Executive (Corporate Governance)

To the Licensing and Regulatory Panel

Date: 18th November 2008

Subject: GROUP 2 MEDICAL REPORT

Electoral Wards Affected:

All

Specific Implications For:

Ethnic minorities

Women

Disabled people

Executive Summary

Although the Council requires applicants for Hackney Carriage and Private Hire Vehicle Driver licences to submit a medical disclosure to confirm that their General Practitioner is satisfied that they are fit to drive a hackney carriage or private hire vehicle, no specific standards have been set to enable applicants or General Practitioners to measure this fitness against. The purpose of this Report is to recommend a recognised occupational health standard in respect of taxi drivers and private hire drivers in the interest of public safety.

The Driver Vehicle Licensing Authority (DVLA) sets the medical standards for some categories of drivers within the transport and passenger service industry, but Hackney Carriage and Private Hire drivers are not defined as a specific group.

1.0 PURPOSE OF THIS REPORT

- 1.1 To consider the adoption of Group 2 Medical standards for Hackney Carriage (HC) and Private Hire (PH) drivers as applied by the DVLA to bus and lorry drivers, together with considering the C1 criteria, which enables licensed drivers and new applicants with insulin treated diabetes to continue driving.

2.0 BACKGROUND INFORMATION

- 2.1 The main reason for licensing HC & PH vehicles is public safety and an important aspect of that is that the driver is medically fit to drive.
- 2.2 The Group 2 Medical standard is a more defined examination of a driver's medical fitness. The DVLA states that medical standards for Group 2 are very much higher than those for Group 1 because of the size and weight of the vehicle, and also the length of time the drivers may spend at the wheel in the course of their occupation. It should be noted that whilst the size and weight of HC & PH vehicles may be less than coaches and buses, the Tachograph Legislation does not apply to them and therefore there is no limit on the hours a HC or PH driver can work, as opposed to drivers of coaches and buses.
- 2.3 The responsibilities of a HC & PH driver also involves carrying children (i.e. school contracts), the elderly and vulnerable people. It is a matter of knowledge that licensed drivers often work long hours, work through the night and drive vehicles as a second occupation. Some licensed drivers have advised officers that they could regularly exceed a 60 hour driving working week. On one specific occasion a driver has to be suspended because of fatigue issues.
- 2.4 The responsibility for determining the medical requirements to be applied to HC & PH, over and above DVLA licensing requirements, rests with the local authority.
- 2.5 Current best practice advice contained within the booklet "Medical Aspects of Fitness to Drive", published by the Medical Commission on Accident Prevention, recommends that the Group 2 Medical standards applied by the DVLA in relation to bus and lorry drivers, should also be applied by local authorities to HC & PH drivers. The existing Taxi and Private Hire Licensing medical examination form is attached at Appendix A. The DVLA Group 2 medical examination form is attached at Appendix B.
- 2.6 The Department for Transport's best practice guidance was issued in October 2006 with the aim of assisting local authorities. It stated that it was clearly good practice for medical checks to be made on each driver and concurred with the DVLA to apply 'Group 2' medical standards to HC & PH drivers. This advice has subsequently been widely adopted by local authorities across the country.
- 2.7 A number of medical issues have gained wider prominence in recent years. For example, conditions including Chronic Fatigue, Depression, Alcohol misuse, Prosthesis Malfunction, Visual Disorders, Cardio Vascular i.e. Arrhythmia and Disabled Drivers. The distinctions between Group One and Group Two medicals are listed in the DVLA guide, medical standards of fitness to drive.

3.0 MAIN ISSUES

- 3.1 The power to issue HC & PH Vehicle Driver's Licences is contained in the Town Police Clauses Act 1847, Section 46 and the Local Government (Miscellaneous Provisions) Act 1976, Section 57. The Council is required under these Acts to consider whether an applicant is a "fit and proper" person before a licence is granted.
- 3.2 The Council has an existing policy in respect of medical examinations for hackney carriage and private hire driver licensing. This report suggests an amendment to that policy.
- 3.3 The adoption of the Group 2 Medical standard in light of best practice guidance, mentioned earlier in this report, would satisfy the Council's obligation under the mentioned Acts of Parliament, providing it was fixed within a reasonable time scale.

4.0 IMPLICATIONS FOR COUNCIL POLICY AND GOVERNANCE

None

5.0 LEGAL CONSULTATION AND RESOURCE IMPLICATIONS

- 5.1 Limited consultation has taken place on the grounds that this is a safety issue for the Council to which will have significant beneficial effects for the public, licence holders and the Council. However, the Hackney Carriage trade have been supportive of its introduction but accept that the cost will have to be borne by individuals. It is accepted that this is recognised best practice. There will be no detrimental effect on new applicants or existing licence holders that will effect their livelihoods unless they are medically unfit.

6.0 CONCLUSIONS

- 6.1 That it is proportionate, reasonable and in the public interest to recognise a medical standard prior to the grant or renewal of a HC, or PH driver licence or during the lifetime of an existing licence should a medical concern be raised.

7.0 RECOMMENDATIONS

- 7.1 That Council adopts the Group 2 Medical standards for fitness to drive Hackney Carriage & Private Hire Vehicles in accordance with the DVLA and Department for Transport best practice guidance.
- 7.2 That this policy requirement be applied to: -
- All new HC or PH driver applications, to those HC or PH driver applications
 - Those HC or PH drivers who are required to undertake a medical examination during the lifetime of an existing licence
 - Renewals of existing licences
 - Those drivers who attain 65 years of age during the lifetime of a licence.
- 7.3 That Group 2 Medical reports are only accepted from the applicant's own doctor, or another doctor in the same practice.

- 7.4 That where the Group 2 Medical has already been carried out for any other purpose, the Council will accept that but it must cover the entire period of the licence being granted.
- 7.5 That the C1 criteria for insulin treated diabetes be adopted in relation to Hackney Carriage and Private Hire Drivers. **(See Appendix C)**
- 7.6 That Officers will undertake to inform the existing licence holders of this change by way of a Newsletter to be sent to every licensed driver.
- 7.7 To enable reasonable arrangements to be made by licensed drivers that the commencement date of this decision be 1st February 2009.
- 7.8 That any subsequent amendments or changes to the policy or Conditions are dealt with by way of 'Delegated Powers'.

BACKGROUND PAPERS

Department for Transport, Taxi and Private Hire Best Practice Guidance.

This document can be found at:

www.dft.gov.uk/stellent/groups/dft_localtrans/documents/page/dft_localtrans_613442.hcsp.

DVLA guide to current Medical Standards of Fitness to drive.

This document can be found at:

<http://www.dvla.gov.uk/medical/ataglance.aspx>

CHECKED BY:

DATE:

Licence No.:

--	--	--	--	--	--

Other Licence No.:

--	--	--	--	--	--

Client No:

--	--	--	--	--	--



Leeds
CITY COUNCIL

Legal, Licensing & Registration
Taxi and Private Hire Licensing
225 York Road
Leeds, LS9 7RY
Tel: 0113 2143366
Fax: 0113 2143369
taxiprivat hire.licensing@leeds.gov.uk

MEDICAL EXAMINATION REPORT FORM

INFORMATION NOTES

It is a requirement under Section 57 of the Local Government (Miscellaneous Provisions) Act, 1976, to provide a Medical Examination Report to the effect that you are physically fit to drive a Public, Private Hire or Contract vehicle.

This form is to be completed by the applicant's own General Practitioner (GP) and is for the confidential use of the Licensing Authority

The form should be returned by the medical practitioner to the address detailed above

Any fee charged is payable by the applicant

- PLEASE USE THIS FORM TO RECORD MEDICAL EXAMINATION DETAILS
- PLEASE COMPLETE IN BLOCK CAPITAL LETTERS IN BLACK INK

IF YOU HAVE ANY PROBLEMS COMPLETING THE FORM IN FULL PLEASE CONTACT THE LICENSING OFFICE FOR ASSISTANCE

Licensing Officers are not permitted to complete or amend forms on behalf of applicants for legal reasons

The Taxi and Private Hire Licensing Section is committed to an accessible public transport system in which all members of society have the same opportunity to travel.

Taxis and Private Hire vehicles are a vital link in the transport chain and it is important that people who use them have confidence that drivers will accept them and transport them in safety and reasonable comfort, providing assistance as may be reasonably required.

OPENING TIMES

Monday – Thursday 08:00 – 15:30
Friday 08:00 – 15:00
Saturday/ Sunday CLOSED

2nd Tuesday in every month closed 08:00 – 09:30
The Section is closed every day between 12:00 – 12:30

Medical Examination

1. Is the applicant registered at your practice?
 Yes No
2. Is the applicant, to the best of your judgement, subject to diabetes, epilepsy, vertigo or any mental ailment likely to affect his/ her efficiency as a Public/ Private Hire/ Contract driver?
 Yes No
3. Does the applicant suffer from any heart of lung disorder which might interfere with the efficient performance of his/ her duties as a Public/ Private Hire/ Contract driver?
 Yes No
4. Are the blood pressure readings – both Systolic and Diastolic – normal, having regard to his/ her age?
 Yes No
- 4a. If no, is it likely to affect his/ her competence as a Public/ Private Hire/ Contract driver?
 Yes No
5. Is there any defect of vision?¹
 Yes No
- 5a. If yes, please provide details?

- 5b. Please give acuity of vision by Snellens Test with and without glasses and state whether:
- (i) the test was conducted with suitable glasses in the applicants own possession
 Yes No
- (ii) suitable glasses have been prescribed
 Yes No

		Right Eye			Left Eye					
Unaided Vision	6	/				6	/			
Aided Vision	6	/				6	/			

- 5c. Do you consider that the applicant should wear glasses when driving?
 Yes No
6. Is there any defect of hearing?
 Yes No

¹ The standard acuity of vision is considered unsatisfactory if it is below 6/12 with one eye and 6/36 with the other eye, with or without optical aid

6a. If yes, do you consider that it would interfere with the efficient performance of his/ her duties as a Public/ Private Hire/ Contract driver?

Yes No

7. Has the applicant any deformity or loss of members?

Yes No

7a. If yes, do you consider that it would interfere with the efficient performance of his/ her duties as a Public/ Private Hire/ Contract driver?

Yes No

8. Is the applicant sufficiently active for the performance of his/ her duties?

Yes No

9. Are you aware of any reason which may prevent the applicant from carrying out any of the responsibilities required of a Public/ Private Hire/ Contract driver? (This would include helping passengers with their luggage and assisting passengers with disabilities etc.)

Yes No

9a. If Yes, please give full details;

10. Does the applicant have a medical condition which is aggravated by exposure to dogs?

Yes No

If Yes, medical information is required to support an exemption from the duty to carry assistance dogs.

11. Does the applicant have a medical condition would make it difficult for you to carry passengers in wheelchairs?

Yes No

If Yes, medical information is required to support an exemption from the duty to carry passengers in wheelchairs.

12. Does the applicant show any evidence of being addicted to the excessive use of alcohol, tobacco or drugs?

Yes No

12a. If yes, please provide details?

13. Is there any abnormality present that is not included in the above questions? (please state)²
(Continue on a separate sheet if necessary)

14. Do you consider further examination necessary within

Years

Yes No

General Practitioner Declaration

I certify that I have today examined..... the applicant and I consider him/
her

Fit Unfit

to act as a Public/ Private Hire/ Contract driver in the city of Leeds. I declare that the answers to all questions are true to the best of my knowledge and belief.

Name and Signature:

Date:

GP/ Practice Stamp:

PLEASE NOTE: It is an offence for the person completing this form to make a false statement or omit relevant details.

² Special attention is directed to the condition of the arms, hands, legs and feet and particularly to the joints of the upper and lower extremities

For Office Use Only

The details in this box are to be completed by authorised staff only.

Badge Number:

--	--	--	--	--	--	--	--	--	--	--

Date Report Received:

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

Name and Signature:

--

Date:

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

Medical Report on an applicant for a Hackney Carriage and Private Hire Driver's Licence

NOTES:

The questions in Part A must be completed by the applicant, you must then arrange for Part B to be completed by a Medical Practitioner of choice, and pay any consequential fee for this service.

The completed form should then be returned to the Licensing Section,

Please note that a licensed Hackney Carriage / Private Hire Driver must arrange for a medical report to be **completed within three years** of the completion of the last report (annually having attained the age of 65 years). **Before proceeding with this medical report, applicants are advised to observe the guidelines below:**

GUIDELINES ON THE MEDICAL HISTORY OF APPLICANTS FOR HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER'S LICENCES

It is unlikely that a recommendation to issue a licence will be authorised to applicants with a medical history of the following:

*Heart pain (angina), heart attack (ischaemic episode), or irregularity, unless supported by a Specialist's report.**

Uncontrolled and markedly raised blood pressure (hypertension).

Debility from a stroke, from other diseases or injuries affecting the brain, or from a chronic neurological disorder.

Seizures (epilepsy, narcolepsy, or cataplexy), or sudden onset of dizziness / loss of consciousness.

Diabetics requiring insulin injections, or who suffer complications from their diabetes, or from the treatment thereof.

Severe mental conditions, unless controlled without side effects by medication and supported by a Specialist's report.

Dependency upon, or persistent misuse of alcohol, or of drugs (prescribed or illicit).

Only one good eye (monocular vision), or double vision (insuperable diplopia).

Severe and disabling arthritis, or other serious loss of limb function.

Profound deafness.

*Applicants with the following medical conditions will only be considered following satisfactory exercise testing to Bruce protocol stage 3 or greater **at each renewal**. Please consult your GP for this to be carried out:

Heart pain (angina).

Heart attack (ischaemic episode).

Heart surgery.

It is strongly recommended that applicants ensure that their optician confirms that their visions meet Group 2 Licence requirements **prior to** attending the Medical Practitioner who is to complete part B of this form, in order to avoid the cost of failed examinations.

Whether or not the applicant is certified on this form as meeting Group 2 Licence requirements, they shall, if requested by the Council, undergo a medical examination by a Medical Practitioner to be selected by the Council.

Part A

TO BE COMPLETED BY THE APPLICANT

PLEASE USE BLOCK CAPITALS AND BLACK INK

1. Full Name _____
2. Address _____

_____ Postcode _____
3. Date of Birth _____ (day) _____ (month) _____ (year)
4. Name and address of your general practitioner or of the group practice who hold your current medical records
Name _____
Address _____

5. Please state whether the medical report is being submitted in respect of a licence for

NEW [GRANT] / RENEWAL
6. I hereby give my consent to the licensing authority receiving reports from GPs and specialists about my medical condition.
7. I have provided two forms of identification to be checked by the medical practitioner who is to complete Part B.
8. I confirm that I have been totally open and honest in my application, and that I fully understand that any errors or omissions may invalidate my licence and my insurance.

PLEASE READ ALL THE ABOVE POINTS VERY CAREFULLY BEFORE SIGNING.

**PLEASE DO NOT SIGN UNTIL YOU ARE IN THE PRESENCE OF
THE MEDICAL PRACTITIONER WHO IS TO COMPLETE PART B.**

APPLICANT'S SIGNATURE _____ DATE _____

PART B

MEDICAL REPORT ON:.....

To be completed by a Medical Practitioner

1. Cardiovascular	Yes	No	Notes
(a) Is there any history of myocardial infarction, any acute coronary syndrome, any persisting anginal pain, or any current need of treatment for anginal pain?	<input type="checkbox"/>	<input type="checkbox"/>	
(b) Is there any clinical or other evidence of ischaemic heart disease?	<input type="checkbox"/>	<input type="checkbox"/>	
(b) Is there a history of any cardiac arrhythmia?	<input type="checkbox"/>	<input type="checkbox"/>	
(d) Is the resting blood pressure consistently 180 mm Hg systolic or more, and/or 100 mm Hg diastolic or more?	<input type="checkbox"/>	<input type="checkbox"/>	
(e) Only complete this section if hypertension is treated by medication: Does treatment cause any side effects which may interfere with driving?	<input type="checkbox"/>	<input type="checkbox"/>	
(f) Is any form of cardiac pacemaker / defibrillator fitted?	<input type="checkbox"/>	<input type="checkbox"/>	
(g) Is there a history or clinical evidence of peripheral vascular disease, or of aneurysm of any artery?	<input type="checkbox"/>	<input type="checkbox"/>	
(h) Is there a history of any invasive procedure or any form of surgery to the heart, or to the arterial tree?	<input type="checkbox"/>	<input type="checkbox"/>	
2. Endocrine System Is the applicant a diabetic treated by insulin injection, or who suffers from complications from their diabetes or treatment?	<input type="checkbox"/>	<input type="checkbox"/>	
3. Seizures Has the applicant suffered any form of seizure (epilepsy, narcolepsy, or cataplexy)?	<input type="checkbox"/>	<input type="checkbox"/>	
4. Nervous System			
(a) Is there any progressive disorder of the nervous system?	<input type="checkbox"/>	<input type="checkbox"/>	
(b) Is there a history of any transient ischaemic attack, cerebrovascular accident, or sudden onset of dizziness / loss of consciousness?	<input type="checkbox"/>	<input type="checkbox"/>	
(c) Is there a history of a severe head injury or major craniotomy?	<input type="checkbox"/>	<input type="checkbox"/>	
(d) Is there any hearing defect to the extent of preventing communication by telephone?	<input type="checkbox"/>	<input type="checkbox"/>	
5. Psychiatric Illness			
(a) Is there any past history of psychosis, hypomania / mania, or of schizophrenia?	<input type="checkbox"/>	<input type="checkbox"/>	
(b) Is there any past history of dependancy upon, or persistent misuse of alcohol, or of drugs (prescribed or illicit)?	<input type="checkbox"/>	<input type="checkbox"/>	

MEDICAL REPORT ON:.....

	Yes	No	Notes
(c) Has the applicant suffered from any other mental disorder requiring psychotropic medication during the last six months?	<input type="checkbox"/>	<input type="checkbox"/>	
6. Vision			
If you do not have the equipment to carry out these checks, please refer the applicant to an ophthalmic specialist or optician:	<input type="checkbox"/>		
(a) (i) Does the applicant fail to meet a standard of 3/60 (Snellen) without correction in both eyes separately?	<input type="checkbox"/>	<input type="checkbox"/>	
(ii) Is the visual acuity, using corrective lenses if necessary, less than 6/12 in worse eye, and 6/9 in the better eye?	<input type="checkbox"/>	<input type="checkbox"/>	
(b) Has the patient monocular vision?	<input type="checkbox"/>	<input type="checkbox"/>	
(c) Is there insuperable diplopia or a pathological field defect?	<input type="checkbox"/>	<input type="checkbox"/>	
7. Musculoskeletal System			
Has the applicant any deformity, loss of members, or physical disability (with special attention paid to the condition of the arms, legs, hands and joints) which is likely to interfere with the efficient discharge of his or her duties as a vocational driver? If "yes", please specify.	<input type="checkbox"/>	<input type="checkbox"/>	
8. Other Conditions			
Does the applicant suffer from any disease not mentioned above, which is likely to interfere with the sufficient discharge of his or her duties as a driver, or to cause driving by him or her on a vocational licence to be a source of danger to the public? If "yes", please specify.	<input type="checkbox"/>	<input type="checkbox"/>	

If any of the above answers are in the affirmative, please refer to the Guide to the current Medical Standards of Fitness to Drive issued by the Drivers Medical Group at the DVLA before verifying that:

*The applicant **meets** Group 2 medical standards.

*and can be verified for the full three year period.

*and can only be verified until:.....

*due to:.....

*The applicant **does not meet** Group 2 standards.

*Please delete as appropriate

Doctors Stamp here please

Signed
Medical Practitioner

Date.....

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C1 CRITERIA FOR INSULIN DEPENDENT DRIVERS

Recent regulation changes allow insulin dependent drivers to apply for, or renew, their entitlement to drive small lorries with or without a trailer, subject to them meeting all the 'qualifying conditions'.

The qualifying conditions that must be met when applicants apply are as follows:

- (1) They must have had no hypoglycaemic attacks requiring assistance whilst driving within the previous 12 months.
- (2) They will not be able to apply until their condition has been stable for a period of at least one month.
- (3) They must regularly monitor their condition by checking their blood glucose levels at least twice daily and at times relevant to driving. DVLA advise the use of a memory chip meter for such monitoring.
- (4) They must arrange to be examined every 12 months by a hospital consultant, who specialises in diabetes. At the examination the consultation will require sight of their blood glucose records for the last 3 months.
- (5) They must have no other condition, which would render them a danger when driving this type of vehicle.
- (6) They will be required to sign an undertaking to comply with the directions of doctors treating the diabetes and to report immediately to DVLA any significant change to their condition.

It is evident that some licensing authorities who are now operating within group 2 standards are now permitting drivers with insulin treated diabetes to be issued with taxi licences, subject to them satisfying all the above criteria, although as explained above, this decision is entirely down to individual authorities.

At a meeting of the Secretary of State for Transport's Honorary Medical Advisory Panel on Driving and Diabetes Mellitus, the Panel was made aware that some licensing authorities were permitting drivers with insulin treated diabetes to be issued with taxi licences. The Panel was of the view that the group 2 medical was still the best practice standard for drivers, but that it would be reasonable for licensing authorities to accept the C1 criteria above should they wish to do so.



Report author: Kate Coldwell
Tel: 3781563

Report of **Head of Elections, Licensing and Registration**

Report to **Licensing Committee**

Date: **9 February 2016**

Subject: **Activity Update: Taxi and Private Hire Licensing 1st January to 31 December 2015**

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 2015 regarding delegated decisions taken by officers at Taxi and Private Hire Licensing and now includes the period of July – December 2015.
- 2 This report also contains information on decisions and public complaints from 1st January to 31 December 2014 as a comparison.

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 regular basis.

2 Background information

- 2.1 The report in August 2015 gave information on delegated decisions taken from 1st January to 30th June 2015.
- 2.2 A request has been made for the previous data produced in the reports of 2014 to be presented again alongside the information relative to licensing decisions and enforcement activity for the whole of 2015.
- 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: -

- 980 Hackney Carriage Drivers
- 537 Hackney Carriage Vehicles
- 5018 Private Hire Drivers
- 4112 Private Hire Vehicles
- 76 Private Hire Operators

- 3.1.2 Members will note there has been a decrease in the number of Private Hire Operators. The probable explanation for this lies behind how the trade views the Deregulation Act, 2015, and a belief that the operating market place needs to be more technically available through smartphones and apps. Some smaller Operating bases may have felt challenges as the market evolves whilst others have viewed the changes as business development opportunities and either mutually merged companies or bought other existing operating businesses to gain a larger stake in the competitive in the industry.

3.2 Number of Decisions Taken

3.2.1 The application, renewal, refusal, suspension and revocation of licence figures for 1st January to 31st December 2014 and 2015 are set out in the table below.

	Applications	Refusals	Suspensions	Revocations
2014	673	8	98	19
2015	731	3	88	22

3.2.2 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 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

3.3.1 Between 1st January – 31st December 2015, three licences were refused and twenty one licences were revoked.

3.3.2 Between 1st January – 31st December 2014, ten licences were refused and twenty licences were revoked.

3.3.3 The reasons for refusal and revocation are set out in the table below.

	2014		2015	
	Refusal	Revocation	Refusal	Revocation
Dishonesty	3	3	2	0
Drugs	5	1	0	2
Violence	0	1	0	1
Sexual	1	4	1	2
Driving disqualification	1	2	0	0
Plying for hire	0	8	0	5
Inappropriate conduct	0	1	0	7
Medical	0	0	0	1
No right to work in UK	0	0	0	1
Safeguarding	n/a	n/a	0	2
TOTAL	10	20	3	21

3.4 Suspension Decisions

3.4.1 In relation to suspensions, seventy nine drivers were suspended between 1st January – 31st December 2015.

3.4.2 Eighty eight drivers were suspended between 1st January – 31st December 2014.

3.4.3 The reasons for suspension are set out in the table below.

Reason for suspension (allegations)	2014	2015
Dishonesty	3	1
Drug offence	3	5
Violent offence	2	1
Sexual offence	7	12
Safeguarding concerns	0	8
Motoring offence	6	1
Driving disqualification	9	10
Plying for Hire	25	2
Fail to comply with conditions	3	0
Fail to disclose convictions	1	0
Inappropriate behaviour	2	5
No right to work in UK	3	5
Medical reason	19	23
DVLA licence expired	5	0
Non completion of DBS/ Not attended safeguarding training	0	6
Total	88	79

3.4.4 Members will note that the largest category of suspensions in 2015 relate to a medical reason and plying for hire in 2014. 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 allegations of a sexual nature 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.

3.5 Complaints Received

3.5.1 In total, 483 public complaints were received in 2015.

3.5.2 In total, 579 public complaints were received in 2014.

3.5.3 The complaint categories are set out in the table below.

Complaint Category		2014	2015
Driver behaviour	Rudeness/Verbal Abuse	18	34
	Driver Conduct	0	57
	Property	2	11
	Disability	17	16
	Over charging	25	37
	Standard of driving	159	158
	Inappropriate behaviour	71	n/a
	Inappropriate Sexual behaviour	n/a	11
	Lateness	3	3
	Smoking	8	3
	Race Discrimination	4	3
	Refuse to carry	9	9
	Sex Discrimination	0	1
Environmental	Parking nuisance	120	41
	Noise nuisance	11	4
	Littering	1	0
No Insurance		1	1
Plying for hire		50	17
Breach of licensing conditions		13	38
Criminal complaint		12	8
Defective vehicle		15	5
Operator		35	24
Unlicensed vehicle		3	1
Unlicensed driver		2	1
Total		579	483

3.5.4 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.

3.5.5 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.

3.5.6 Following presentation of the July – December 2014 report, (February 2015), Members asked for more clarity around the term ‘Inappropriate Behaviour’ in the complaints category tables. Members wanted to be able to more readily identify issues that might have Safeguarding concerns. Accordingly, the figures were rationalised, this does however create an apparent disparity between those two tables for 2014 and 2015.

3.6 Appeals Received

3.6.1 In total, 12 appeals were received in 2015. The reason for the appeal and the outcome are set out below;

2015 Type of Appeal	Volume	Court	Result
Against refusal to grant	1	LMC	Dismissed x 1
Against revocation	1	LMC	Upheld x 1
Against suspension	10	LMC	Dismissed x 4
			Withdrawn x 5
			Upheld x 1*
LCC Appeal against Magistrates Decision	1	Crown	Upheld x 1*
Total	13	Dismissed	5
		Withdrawn	5
		Upheld	3

*A council appeal to the Crown Court was lodged against this decision. That appeal was successful and the Council was awarded costs.

3.6.2 In total, 25 appeals were received in 2014. The reason for the appeal and the outcome are set out below;

2014 Type of Appeal	Volume	Court	Result
Against refusal to grant	6	LMC	Dismissed x 2
		LMC	Withdrawn x 3
		LMC	Upheld x 1
Against revocation	6	LMC	Dismissed x 1
		LMC	Withdrawn x 5
Against suspension	13	LMC	Dismissed x 5
			Withdrawn x 7
			Upheld x 1
Total	25	Dismissed	8
		Withdrawn	15
		Upheld	2

3.7 Changes to Policy

3.7.1 In December 2015, a recommendation regarding a new policy in respect of the 'fit and proper' person assessment for applicants born outside of the EU was approved by the Executive Board.

3.7.2 This policy has now been implemented and is available as a Background Document.

3.8 Annual DBS

3.8.1 Executive Board directed that the Section should move to annual online DBS checks for all licence holders. Staff were recruited in August/ September 2015 to carry out this programme of work and reproduced below is the information table as of January 2016. Further information will be presented to Licensing Committee as part of the January to June half yearly decisions report.

3.8.2

As at	Enrolled in update service	DBS application pending
1 st November 15 (Actual)	701	1031
1 st December 15 (Actual)	799	1394
1 st January 16 (Actual)	944	1806
1 st February 16 (Estimated.)	1158	2089
1 st March 16 (est.)	1474	2260
1 st April 16 (est.)	1871	2378
1 st May 16 (est.)	2300	2491
1 st June 16 (est.)	2672	2661
1 st July 16 (est.)	3037	2811
1 st August 16 (est.)	3423	2568
1 st September 16 (est.)	3829	2162
1 st October 16 (est.)	4235	1756
1 st November 16 (est.)	4642	1349
1 st December 16 (est.)	5130	861
1 st January 17 (est.)	5471	520
1 st February 17 (est.)	5846	145
1 st March 17 (est.)	5991	0

4 Corporate Considerations

4.1 Consultation and Engagement

4.1.3 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
- 'Fit and Proper' person assessment

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 2016/17 - LAST UPDATED 29/01/16 (JG)

ITEM	DESCRIPTION	NOTES	TYPE OF ITEM
Items Currently Unscheduled			

ITEM	DESCRIPTION	Officer	TYPE OF ITEM
Meeting date: 9th February 2016			
Activity Update – Taxi and Private Hire Licensing – 1 st July to 31 st December 2015	To receive an activity update for Taxi and Private Hire Licensing covering the period 1 st July to 31 st December 2015	D Broster	PM
Review of Driver Licensing Requirement for Group ii Medicals	To receive a report which seeks Members views on the requirement for Group II Medicals	D Broster	DP
Hackney Carriage Forum Constitution	To receive a report which highlights recent changes to the Hackney Carriage Forum Constitution	D Broster	DP
Entertainment Licensing Section – Update Report July to December 2015	To receive an update report on Entertainment Licensing covering the period July to December 2015	N Raper	PM

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

LICENSING COMMITTEE WORK PROGRAMME 2016/17 - LAST UPDATED 29/01/16 (JG)

ITEM	DESCRIPTION	Officer	TYPE OF ITEM
Large Casino - Premises Licence Transfer	To consider a report which seeks to transfer the casino premises licence from GGV Limited to GGV (Leeds) Limited	N Raper	B
Mint Festival 2015 D- Brief	To receive a report which provides a de-brief of the Mint Festival 2015	S Holder	B
Meeting date: 8th March 2016			
The Night Time Economy - Leeds City Bids	To consider a report which provides an update on the night time economy and provides an update on the Leeds City bids	J Ebo	B
Update Report on Legal Highs'	To consider a report which provides an update on the use and sales of legal highs	S Kennedy	B
Meeting date: 12th April 2016			
Leeds Festival 2016 – Update	To receive an update on the Leeds Festival 2016	N Raper	B

LICENSING COMMITTEE WORK PROGRAMME 2016/17 - LAST UPDATED 29/01/16 (JG)

ITEM	DESCRIPTION	Officer	TYPE OF ITEM
Unmet Demand Survey	To receive a report which provides an update on the unmet demand survey	D Broster	B
Meeting date: 10th May 2016			
Wheel Chair Accessible Vehicles	To receive an update on Wheel Chair Accessible Vehicles	D Broster	B

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Report author: Nicola Raper
Tel: 74095

Report of the Head of Elections, Licensing and Registration

Report to Licensing Committee

Date: 9th February 2016

Subject: Entertainment Licensing Section – Annual Report
January – December 2015

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: 10.4(1), (2), (3) and (7), Appendix number: A	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Summary of main issues

1. This report provides Members with an update of matters appertaining to the entertainment licensing section between the period January and December 2015. The section deals with a variety of licences and registrations. This report provides an overview of the applications determined, 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 calendar year.

2 Background information

- 2.1 Entertainment licensing deals with licences, permits and authorisations under various 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.
 - Police, Factories etc (Miscellaneous Provisions) Act 1916 and House to House Collections Act 1939 - Charity street and house to house collections
 - Hypnotism Act 1952 - Regulation of performances of hypnotism in public venues
 - Marriage Act 1949 - Venues for the conduct of civil marriage ceremonies
 - Scrap Metal Dealers Act 2013 – registration of mobile collectors, scrap yards and motor salvage operators.
- 2.3 The council is required to publish statement of licensing policies/local regulations for the above with the exception of hypnotism, marriage and scrap metal.
- 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 a licensing subcommittee.
- 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 determined the number of licence applications and variations set out in the tables below. For comparison purposes the tables also include the numbers determined during 2014. The following table at 3.2 does not include the number of determinations in any of the CIP areas, which may be found at tables 3.3 and 3.4.

3.2

Premises Licence applications and variations (excluding CIP areas) determined:		Jan – Dec 2014	Jan – Dec 2015
Total number of determinations		95	111
Of which:			
no representations		35	44
control measures agreed/representation withdrawn prior to a hearing		42	36
withdrawn		3	10
granted at hearing		15	21
refused at hearing		0	0
Appeals		0	0

3.3 The following table sets out the applications and variations determined for Areas 1, 2, 3, 4 and 5 subject to Cumulative Impact Policies

	Area 1 City		Area 2 Headingley & Hyde Park		Area 3 Woodhouse		Area 4 Chapel Allerton		Area 5 Horsforth	
	2014	2015	2014	2015	2014	2015	2014	2015	2014	2015
Year	2014	2015	2014	2015	2014	2015	2014	2015	2014	2015
Total number of determinations	43	45	4	7	2	3	4	7	0	3
Of which:										
no representations	10	9	1	2	0	1	0	3	0	1
control measures agreed/rep withdrawn prior to a hearing	26	25	0	3	1	1	2	3	0	0
withdrawn	4	4	1	0	1	1	2	0	0	0
granted at hearing	3	5	1	1	0	0	0	1	0	1
refused at hearing	0	2	1	0	0	0	0	0	0	1
Appeals	0	0	0	0	0	0	0	0	0	0

3.4 And the following table breaks down the data for the City Centre CIP further to identify the determinations for each of the red, amber and green zones:

	City Red Zone		City Amber Zone		City Green Zone	
	2014	2015	2014	2015	2014	2015
Total number of determinations	3	16	27	25	13	4
Of which:						
no representations	0	1	1	6	9	2
control measures agreed/rep withdrawn prior to a hearing	0	7	22	16	4	2
withdrawn	2	1	2	3	0	0
granted at hearing	1	5	2	0	0	0
refused at hearing	0	2	0	0	0	0
Appeals	0	0	0	0	0	0

Temporary Event Notices

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

Normal Temporary Event Notices:	Jan - Dec 2014	Jan - Dec 2015
Total Number Received:	1276	1334
Accepted:	1268	1255
In process:	0	56
Objections/ Withdrawn:	0	0
Hearings	0	0
Counter Notice	8	23

Late Temporary Event Notices:	Jan - Dec 2014	Jan - Dec 2015
Total Number Received:	406	473
Accepted:	406	448
In process:	0	25
Invalid/Objection/Counter Notice Served:	0	0

Licensing Act: Reviews

- 3.6 There have been three determinations of premises licence reviews under the Licensing Act 2013. Both were brought by the West Yorkshire Police and supported by representations from the licensing authority.
- i) Armley, Ls12.
A review brought on the grounds of crime & disorder and public nuisance. Licence revoked by the licensing subcommittee on the 16th March 2015.
 - ii) Pudsey, Ls28.
A review brought on the grounds all four licensing objectives. Decision by the licensing subcommittee on the 23rd June was for the licence to continue with additional conditions as suggested by the police.
 - iii) Selby Road, Ls 9.
Review brought on the grounds of crime and disorder and protection of children from harm. Decision of the licensing subcommittee on the 18th August was to take no action following the removal of the premises licence holder and the DPS prior to the hearing.

Licensing Act: Appeals

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

Statement of Licensing Policy

- 3.8 The current statement of licensing policy was reviewed in 2013 and approved by full council in January 2014. The next full review will take place in 2017.
- 3.9 There are currently five cumulative impact policies (CIP's) as contained in the statement of licensing policy. These CIP areas are: 1) City Centre (with red, amber and green zones), 2) Headingley/Hyde Park, 3) Woodhouse, 4) Horsforth and 5) Chapel Allerton.
- 3.10 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.
- 3.11 The annual review of the city CIP took place late 2015 and in December 2015 licensing committee agreed to the new policy for the city centre that includes two red zones around Albion Street/Woodhouse Lane, and The Calls/Lower Briggate. Members also heard that the area of Merrion Street, presently an amber zone, is to be monitored due to the growth of bars in this area. The new city centre CIP became effective from January 2016.
- 3.12 Officers are now in the process of devising a draft CIP for Armley Town Street and will be putting this out to public consultation in February 2016.

Gambling Act 2005: Application statistics

- 3.13 During this reporting period there have been no determinations for new premises licences.
- 3.14 One licence for an amusement arcade located at Crossgates, Ls15 has been surrendered.

Gambling Act 2005: Statement of Licensing Policy

- 3.15 In 2015 the Gambling Act 2005 Statement of Licensing Policy was subject to its five yearly review and was approved through the budget and policy framework, ending before Full Council in November 2015. The new policy includes reference to locally based risk assessments which is a new requirement under the operator's licence issued by the Gambling Commission.
- 3.16 All existing operators and new applicants for gaming premises will now be required to provide a risk assessment setting out how they intend to address gambling harms in the locality
- 3.17 To assist operators we are developing a range of measures that they may include in their risk assessments. This work is being carried out in association with other authorities such as Westminster and Manchester, with a view to developing a national standard.
- 3.18 In addition following liaison with Leeds CC partners, Strategy and Resources is in the final stages of developing a system which may produce profile data for any particular area of the Leeds district to identify vulnerable areas, by layering data such as deprivation, income, places of education etc. over the city map, which will aid applicants in developing their risk assessments.

Large Casino

- 3.19 In May 2013, following a competitive process the council granted the large casino licence to Global Gaming Ventures Ltd (GGV Ltd) for the site at Eastgate, now known as Victoria Gate. In granting the licence, the council secured an up-front financial payment in addition to commitments for annual payments to be made from the first anniversary of the casino opening.
- 3.20 A schedule 9 agreement between the council and GGV Ltd sets out the 38 benefits that will accrue from the operation of the licence. These benefits include funding projects that both mitigate potential harmful social effects of the large casino and more general social inclusion priorities across the city. This separate ring fenced activity is now under the direction of Citizens and Communities and managed by the financial inclusion team to allocate towards specific projects to address the council's anti-poverty agenda.
- 3.21 Development works are underway and at a meeting of the licensing committee in November 2015 Members were provided with a presentation by GGV Ltd, and a

site visit will be held when the premises are nearing completion in September 2016.

- 3.22 As anticipated the large casino licence is presently subject to a transfer application to GGV (Leeds) Ltd, which is a wholly owned subsidiary of GGV Ltd.

The Schedule 9 agreement will also be novated to GGV (Leeds) Ltd.

Sexual Establishments

- 3.23 The Council has a statement of licensing Policy for the licensing of sex establishments which includes adult shops and lap dancing venues.
- 3.24 There are presently two licensed adult shops in the city centre, with a further two shops at Ls12 and Ls7. All licences are applied for on an annual basis before which they are subject to a compliance visit. The applications for 2015 were not subject to any objections.
- 3.25 In addition to the shops, there are three lap dancing venues in the City Centre. Two of the premises are located on York Place, Leeds Ls1 and had their licences approved until the 30th September 2016. The remaining premise at Sovereign Place Leeds Ls2 had its licence approved until the 1st March 2016.

Updates of the Liaison & Enforcement Team

- 3.26 In 2015 the Liaison & Enforcement Team reduced from five to four senior officers headed by a principal officer.
- 3.27 The team operates in accordance with the Hampton Principles and the Regulators' Code to ensure that compliance inspections and enforcement action are risk based and proportionate.
- 3.28 In addition the officers carry out the role of the responsible authority on behalf of the licensing authority, for the purpose of making representations and applying for reviews under both licensing and gambling legislation, and have an active role in the city's licensed outdoor events.
- 3.29 The team hosts six weekly partnership meetings and work with a range of partner agencies including the West Yorkshire Police, British Transport Police, Fire & Rescue Authority, Trading Standards, HM Revenue & Customs, Home Office Immigration Enforcement, Security Industry Authority, Environmental Protection Team (Noise), Environmental Action Team, Planning, City Centre Management, Health & Safety, Anti-social Behaviour Team, Public Health, Children's Services etc.
- 3.30 Examples of work carried out by the Liaison & Enforcement Team and details of formal actions taken during this reporting period, can be found at Appendix A to this report.
- 3.31 Appendix A contains potentially exempt information under Access to Information Procedure Rule 10.4(1), (2), (3) and (7), as this includes information relating to an

individual, likely to reveal the identity of an individual, includes information relating to the financial or business affairs of any particular person, and information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime and in all the circumstances the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

Members are requested to exclude the press and public when discussing Appendix A of this report

Outdoor Events:

- 3.32 Last year officers dealt with 59 outdoor events, compared to 41 in 2014.
- 3.33 In addition to the multi-agency meetings, the council's Resilience and Emergencies Team have recently formed a Strategic Safety Advisory Group to co-ordinate a calendar of all events, and convene safety advisory meetings for those events that are flagged through a risk scoring matrix. This is to ensure that all agencies have a full picture of events, both licensed and unlicensed taking place around the Leeds district and have an opportunity to feed in to the planning and debrief processes.
- 3.34 Since the last report to the licensing committee, the Leeds Festival has taken place at Bramham Park. A debrief report was brought before Members by Mr Melvin Benn on the 17th November 2015, with no matters of concern reported.

The multi-agency meetings for the 2016 event are about to commence.

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 contributes to the following Best Council Plan 2015-20 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.

4.3.3 The licensing regime is linked to the Best Council Plan objectives:

- Supporting communities and tackling poverty, and
- Becoming a more efficient and enterprising council

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.

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Report author: Stephen Holder
Tel: 0113 2474095

Report of the Head of Elections, Licensing and Registration

Report to the Licensing Committee

Date: 9 February 2016

Subject: Mint Festival 2015 - Members Debrief

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s): Wetherby		
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? Appendix A	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

Summary of main issues

1. The Mint Festival was held at the Wetherby Racecourse on the 19th and 20th September 2015 with proposals for this to be an annual event. The Festival is held under the authorisation of a premises licence issued under the Licensing Act 2003.

Recommendations

2. The Licensing Committee is required to note the contents of this report in respect of the de brief following the Mint Festival 2015 held at Wetherby Racecourse.

1.0 Purpose of this Report

1.1 This report is to notify the Members of the outcome of the Mint Festival held between the 19th and 20th September 2015.

2.0 Background Information

2.1 The premises licence for the Mint Festival, a two day music festival with overnight camping was considered and approved by the Members of the Licensing Sub Committee on the 13 April 2015, following representations received from a Local Ward Councillor.

2.2 Members of the Licensing Sub Committee resolved to grant the application as requested and attached the following additional conditions to the licence:

- 1) The Premises Licence Holder shall comply with the terms and requirements of the Event management Plan each year.
- 2) There shall be an Event management Plan which incorporates the Operating Schedule submitted to the Licensing Authority at least six months prior to the festival each year
- 3) The licence holder will co-ordinate meetings of the Safety Advisory Group throughout the planning process.
- 4) The licence holder will provide the Event Management Plan to all members of the Safety Advisory Group not less than six months before the event.
- 5) The licence holder will meet with Ward Members, Representatives of Parish Councils and community representatives throughout the planning process.
- 6) The final Event Management Plan will be provided to the Licensing Authority not less than 35 days prior to the event.
- 7) The Event Management Plan and any revisions to the Event Management Plan must be approved by the Licensing Authority prior to the Festival, in accordance with the officer delegation scheme.
- 8) There shall be a review of the event on an annual basis, to come before the full Licensing Committee.

3.0 Main Issues

3.1 Multi agency meetings were held with the promoter during the build up to the event.

3.2 The promoter met with Ward and Parish Councillors prior to the event.

3.3 Issues arising at these meetings were addressed within the Event Management Plan.

- 3.4 A site multi-agency meeting was held the day prior to the site being opened to the public and Officers from Entertainment Licensing attended the site during the event, liaising with the event safety co-ordinator throughout.
- 3.5 A multi- agency debrief was held on the 18th November 2015 and the minutes of that meeting are attached at appendix A.
- 3.6 It should be noted that the contents of appendix A is potentially exempt information under Access to Information Procedure Rules 10.4(3) as this includes information relating to the financial or business affairs of any particular person, and 10.4 (7), information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime and in all the circumstances the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
- 3.7 Agencies and the licence holder are of the opinion that significant changes to the Event Management Plan will be required for future events at this site, to include but not limited to revised security procedures and event personnel, improved traffic management, and improved communication procedures with Ward Councillors and residents. All identified issues will be addressed in the multi- agency meetings and Event Management Plan prior to the 2016 event.
- 3.8 Members are also asked to note that licensing officers met with ward members post the event, and were informed of the nuisance to residents due to the low frequency noise that could be heard some distance away. In addition the members noted an amount of discarded drinks containers outside the licensed site. Similarly these matters will be addressed for any future event.

4 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.1 The application for the premises licence in 2015 was subject to the statutory consultation process involving a newspaper advertisement and public notices displayed around the site for 28 days. Full liaison was held with the Ward Members, responsible authorities and community representatives.

4.2 Equality and Diversity/Cohesion and Integration

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

4.3 Council Policies and City Priorities

- 4.3.1 When determining applications under the Licensing Act 2003 the Licensing Authority must have regard to the relevant legislation, guidance issued by the Home Office, the council's own statement of licensing policy and any associated local area guidance.

4.3.2 Applicants are expected to have had consideration to the relevant policy and any local area guidance when completing their applications and the licensing authority will refer to the policy/local area guidance when making its decision.

4.3.3 The licensing regime contributes to the following Best Council Plan 2015-20 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.

4.3.4 The licensing regime is linked to the Best Council Plan objectives:

- Supporting communities and tackling poverty, and
- Becoming a more efficient and enterprising council

4.3.5 The application was granted in 2015 with regard to the Council's Licensing Act 2003 Statement of Licensing Policy, and the event will operate in accordance with the licensing objectives as set out in the current Statement of Licensing Policy.

4.4 Resources and Value for Money

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

4.5 Legal Implications

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

4.6 Risk Management

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

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

5.0 Conclusions

5.1 This report advises Members of certain issues following the 2015 Mint event that will be addressed for any subsequent event, namely but not limited to revised security procedures and event personnel, improved traffic management, and improved communication procedures with Ward Councillors and residents. All identified issues will be addressed in the multi-agency meetings and Event Management Plan prior to the 2016 event.

In addition to litter outside the site, the Event Management Plan will also address noise control to the satisfaction of Leeds City Council's Environmental Health Department following the comments received after the event, in particular to address low frequency noise and complaints handling.

6.0 Recommendations

6.1 The Licensing Committee note the contents of this report.

7.0 Background Papers

None

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