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**LICENSING COMMITTEE**

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**MEETING TO BE HELD IN CIVIC HALL, LEEDS, LS1 1UR ON  
TUESDAY, 7TH FEBRUARY, 2017 AT 10.00 AM**

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**MEMBERSHIP**

**Councillors**

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

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

**John Grieve  
224 3836**

# A G E N D A

Item No	Ward/Equal Opportunities	Item Not Open		Page No
1			<p><b>APPEALS AGAINST REFUSAL OF INSPECTION OF DOCUMENTS</b></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><b>EXEMPT INFORMATION - POSSIBLE EXCLUSION OF THE PRESS AND PUBLIC</b></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><b>RESOLVED</b> – 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><b>LATE ITEMS</b></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><b>DECLARATION OF DISCLOSABLE PECUNIARY INTERESTS</b></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><b>APOLOGIES FOR ABSENCE</b></p>	
6			<p><b>MINUTES OF THE PREVIOUS MEETING</b></p> <p>To approve the minutes of the last meeting held on 6<sup>th</sup> December 2016.</p> <p>(Copy attached)</p>	1 - 8
7			<p><b>MATTER ARISING FROM THE MINUTES</b></p> <p>To consider any matters arising from the Minutes</p>	
8			<p><b>DEFRA AIR QUALITY IMPROVEMENT PLAN &amp; OLEV GRANTS</b></p> <p>To consider a report by the Director of Environments and Housing which provides an update on the progress made in terms of CAZ implementation and the submission of applications for funding.</p> <p>Details of DEFRA's CAZ plans and the opportunity to submit funding requests were advised to the Committee in July 2016.</p> <p>(Report attached)</p>	9 - 20

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9			<p><b>TRAINING REVIEW, TAXI &amp; PRIVATE HIRE LICENSING</b></p> <p>To consider a report by the Head of Elections, Licensing and Registration which is intended to provide the background and reasons for the Training Review.</p> <p>(Report attached)</p>	21 - 26
10			<p><b>LETTER FROM COMPETITION &amp; MARKETS AUTHORITY</b></p> <p>To consider a report by the Head of Elections, Licensing and Registration which is intended to provide an opportunity to Members to respond to the letter received by the Council from the Competition &amp; Markets Authority (CMA).</p> <p>(Report attached)</p>	27 - 46
11			<p><b>TAXI &amp; PRIVATE HIRE LICENSING - 2017 FEES REVIEW</b></p> <p>To consider a report by the Head of Elections, Licensing and Registration which seeks the support of Members for a review of the council's Taxi &amp; Private Hire licensing fees.</p> <p>(Report attached)</p>	47 - 54

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12			<p><b>LICENSING ANNUAL REPORT</b></p> <p>To consider a report by the Head of Elections, Licensing and Registration which present the annual report of Entertainment Licensing and Taxi and Private Hire Licensing.</p> <p>The report provides information and statistics on the type and number of licensing applications processed by Entertainment Licensing and Taxi and Private Hire Licensing. It also provides information about the enforcement activity and liaison work undertaken by both Sections.</p> <p>(Report attached)</p>	55 - 84
13			<p><b>LICENSING COMMITTEE WORK PROGRAMME</b></p> <p>To note the contents of the Licensing Committee Work Programme 2016/17.</p> <p>(Report attached)</p>	85 - 88
14			<p><b>DATE AND TIME OF NEXT MEETING</b></p> <p>To note that the next meeting will take place on Tuesday 7<sup>th</sup> March 2017 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, 6th December, 2016

**PRESENT:** Councillor G Hyde in the Chair

Councillors N Buckley, R Downes, J Dunn,  
B Flynn, B Gettings, M Harland,  
J Heselwood, G Hussain, A Khan,  
C Townsley and G Wilkinson

### **84 Appeals Against Refusal of Inspection of Documents**

There were no appeals against refusal of inspection of documents.

### **85 Exempt Information - Possible Exclusion of the Press and Public**

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

- (i) Gambling Act 2005 – Licensing of the Large Casino Schedule 9 Agreement – Annual Update – Appendix A of the report by the Head of Elections, Licensing and Registration was deemed exempt from publication in accordance with Access to Information Rule 10.4 (3) as it included information relating to the financial or business affairs of any particular person and in all circumstances of the case, the public interest in maintaining the exemption outweighed the public interest in disclosing the information. (Minute No. 95 referred)
- (ii) Leeds Festival 2016 – Members De Brief - Appendix A of the report by the Head of Elections, Licensing and Registration was deemed exempt from publication in accordance with Access to Information Rule 10.4 (3) as it included 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. In those circumstances, the public interest in maintaining the exemption outweighed the public interest in disclosing the information. (Minute No. 96 refers)

### **86 Late Items**

There were no late items of business

### **87 Declaration of Disclosable Pecuniary Interests**

Draft minutes to be approved at the meeting  
to be held on Tuesday, 10th January, 2017

No declarations of disclosable pecuniary interests were made.

## **88 Apologies for Absence**

Apologies for absence were received from Councillors: Field, and Selby

## **89 Minutes of the Previous Meeting**

**RESOLVED** – That the minutes of the previous meeting held 1<sup>st</sup> November 2016 were accepted as a true and correct record.

## **90 Matters Arising from the Minutes**

There were no issues raised under matters arising.

## **91 Review of the City Centre CIP Areas**

The Head of Elections, Licensing and Registration submitted a report which requested the Committee to review the annual Cumulative Impact Assessment for the city centre.

Appended to the report were copies of the following appendices:

- West Yorkshire Police crime statistics for the preceding twelve month period (Appendix 1 referred)
- Cumulative Impact Assessment – (Appendix 2 referred)

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

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

- The requirement of licensing authorities to prepare and publish a statement of licensing policy every 5 years
- The current policy was adopted as part of the Licensing Act 2003 Statement of Licensing Policy 2014 to 2018 in December 2013 and updated in June 2016 to introduce a CIP for Armley
- The policy specifies that the city centre CIP evidence and map would be reviewed each year based on the most recent crime and disorder statistics supplied by West Yorkshire Police. This review would be detailed in the Cumulative impact Assessment for the city centre, which provides guidance for business making application in the city centre
- West Yorkshire Police crime statistics for the preceding 12 months demonstrated that violent crime and theft had increased significantly in the red areas of the city centre and continued to be problematic.
- The conclusion of the crime statistic report that the increase in theft and violent crime in the two red areas was concerning



- The review showed that there should be no change to the current CIP areas, due to the increase in crime, and that further work with businesses and partners would be undertaken to reduce crime in these red areas

In the discussion that ensued Members expressed concern and disappointment at the increase in violent crime and theft, suggesting that more police resources required deploying in the problem areas.

In responding Sergeant Shaw from West Yorkshire Police said there was an intention to provide more resources to the city centre for weekend nights to address the increase in violent crime in the red areas. It was also understood that more police were being recruited and would be deployed once they had been fully trained.

It was suggested that a policy was required for tackling night time crime in the city centre.

Members were supportive of the proposal.

It was also suggested that a letter be sent to the West Yorkshire Police Crime Commissioner expressing this Committees concern and disappointment at the increase in violent crime at night in the city centre and, whilst acknowledging the good work being done by the police officers on duty, requesting that further police resources be deployed to the area to address the issue.

Again, Members were supportive of the suggestion.

## **RESOLVED –**

- (i) To approve the cumulative impact assessment for the city centre effective from 1<sup>st</sup> January 2017
- (ii) That a strategy be developed for tackling night time crime in the city centre and that outline proposals be submitted to the Licensing Committee in March 2017
- (iii) That a letter be sent to the West Yorkshire Police Crime Commissioner on behalf of this Committee, expressing this Committees concern and disappointment at the increase in violent crime at night in the city centre and, whilst acknowledging the good work being done by the police officers on duty, requesting that further police resources be deployed to the area to address the issue.

## **92 Licensing Committee Work Programme**

Members considered the contents of the Licensing Committee Work Programme for 2016/17. It was noted that in view of the decisions made earlier, the following items would be added to the Work Programme:

- That a strategy be developed for tackling night time crime in the city centre, outline proposals to be submitted to the meeting in March 2017

- Site visit to the new Victoria Gate Casino, Eastgate (10<sup>th</sup> January 2017)
- That an update/ monitoring report on the Victoria Gate Casino be submitted to the meeting in June 2017

**RESOLVED** – That with the inclusion of the above, to approve the contents of the Licensing Committee Work Programme for 2016/17

### **93 Joining Police Officers on a Night Time Patrol of the City Centre**

The Chair reported that further dates had been added for Members of the Licensing Committee to join Police officers on a night time patrol of the City Centre (10.00pm – 4.00am).

Dates available:

- Saturday 11<sup>th</sup> February - Councillor Coulson + One vacancy
- Saturday 25<sup>th</sup> February – Two vacancies
- Saturday 4<sup>th</sup> March – Two vacancies
- Saturday 18<sup>th</sup> March – Two vacancies

The Chair suggested that any Member wishing to attend should contact either the Clerk or Officers in Entertainment Licensing

### **94 Date and Time of Next Meeting**

**RESOLVED** – To note that the next meeting will take place on Tuesday 10<sup>th</sup> January 2017 (Site visit to the Victoria Gate Casino, Eastgate, Leeds 1)

### **95 Gambling Act 2005 - Licensing of the Large Casino Schedule 9 Agreement - Annual Update**

The Head of Elections, Licensing and Registration submitted a report which provided an update on the delivery of the benefits of the Schedule 9 Agreement as a condition of the casino premises licence.

Appended to the report were copies of the following appendices:

- Victoria Gate Casino – Second Annual Progress Report to Leeds City Council Licensing Committee (Appendix A referred - Exempt)
- Problem Gambling in Leeds – Briefing Note of the Financial Inclusion Team (Appendix B referred)

The Section Head, Entertainment Licensing together with representatives from Global Gaming Ventures (Leeds) Limited (the casino operators) presented the report and responded to Members' questions and queries.

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

- Progress on the delivery of the Schedule 9 Agreement
- Employment and training opportunities for local people
- Problem gambling in Leeds
- Social inclusion fund and monitoring arrangements
- A recent variation to the casino premises licence and a new application under the Licensing Act 2003
- Progress on the fit-out and preparatory work underway for the casino and possible timescale for opening

The Chair thanked Global Gaming Ventures for their attendance and presentation

#### **RESOLVED –**

- (i) That the contents of the report be noted
- (ii) That the presentation made by Global Gaming Ventures (Leeds) Limited be received and welcomed
- (iii) To note the contribution of the City Council's Financial Inclusion Team with regard to problem gambling in Leeds
- (iv) That an update/ monitoring report be submitted to Licensing Committee in June 2017
- (v) That arrangements be made for the Licensing Committee to undertake a site visit to the premises on Tuesday 10<sup>th</sup> January 2017

#### **96 Leeds Festival 2016 - Members Debrief**

The Head of Elections, Licensing and Registration submitted a report which informed Members of the issues arising from the 2016 Leeds Festival held in the grounds of Bramham Park between 26<sup>th</sup> and 28<sup>th</sup> August 2016.

The report included a summary of the outcome of the multi-agency de-briefing meeting held on 27<sup>th</sup> September 2016 at Appendix B (Exempt).

The Principal Licensing Officer, Entertainment Licensing Section, presented the report together with Mr Melvin Benn, Festival Republic (Event organiser) and responded to Members questions and queries.

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

- General Health & Safety issues
- Good working relationship with the Health and Safety Team
- Good collaboration with Festival Republic (Event organisers)
- A review of the event management plan would be undertaken following egress difficulties experienced on Sunday evening and Monday morning together with wet weather contingencies and improvements to the car park drop off areas

- Post the event Entertainment Licensing received a number of complaints, covering various issues, all of which were passed onto the event organiser and responded to direct.

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

**RESOLVED** – That the contents of the report be noted including the issues raised at the debrief, following the Leeds Festival 2016 event.

**Labour Councillor Graham Hyde  
Killingbeck & Seacroft Ward**

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graham.hyde@leeds.gov.uk  
Our ref GH/KLC  
Date 15<sup>th</sup> December 2016

Dear Mark,

**LEEDS CITY CENTRE EVENING AND NIGHT TIME ECONOMY**

You will be aware that the Licensing Act 2003 requires licensing authorities to prepare and publish a statement of licensing policy every 5 years. The Licensing Policy for Leeds contains six cumulative impact policies (CIPs) for various areas of the Leeds district, including the City Centre. The City Centre CIP goes further to designate red, green and amber zones. The policy specifies that the city centre CIP evidence and map would be revised each year based on the most recent crime and disorder statistics supply by the West Yorkshire Police.

Most notably are the two red zones that apply to the areas of Albion Street/Woodhouse Lane, and Lower Briggate/Call Lane/Duncan Street. It is the Council's view that these areas cannot support any further licensed premises or variations to existing premises as this would impact on the antisocial behaviour experienced in these areas.

The annual review of the city centre zones was brought before the recent meeting of the Licensing Committee. The Committee were most concerned to hear that the West Yorkshire Police crime statistics for the preceding 12 months demonstrated that violent crime and theft had increased significantly in the red areas of the city centre and continued to be problematic. In fact, the most recent figures show that the two red areas are responsible for the majority of the crime in the city centre during the night time economy. I enclose the latest crime report produced by the Leeds District Analysis Unit which was used to review the city centre cumulative impact areas.

The Members were informed that agencies are now looking at how the situation may be improved, with planned meetings with the trade and partner agencies including voluntary organisations.

The Members also heard how the West Yorkshire Police are in the process of reviewing Operation Capitol which should hopefully provide more police resources in the City Centre during the peak times of the night time economy.

However, the Licensing Committee remain concerned and disappointed at the increase in violent crime and despite assurance that agencies and the trade are working together, the Members are of the opinion that police resources within the busy night time economy are inadequate.

Members have recently joined police colleagues on Operation Capitol conducting night time patrols of the city centre and therefore have a firsthand account of the strains that are put on the police, in particular when all resources are directed to a serious incident.

Whilst acknowledging the good work being done by the police officers on duty, it is the Licensing Committee's desire to see additional police deployed to the city centre during the night time economy, without having any detrimental impact on the ability to police other areas of the district.

I would be happy to meet and discuss further as necessary.

Yours sincerely

A handwritten signature in black ink, appearing to read 'G. Hyde', with a stylized flourish at the end.

Councillor Graham Hyde  
On behalf of the Licensing Committee



Report author: Andrew Hickford

Tel: 37 85846

**Report of**     **Director of Environments and Housing**

**Report to**     **Licensing Committee**

**Date:**         **7 February 2017**

**Subject:**     **DEFRA Air Quality Improvement Plan & OLEV Grants**

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 UK Government published a plan to improve the UK's air quality in December 2015, this plan as set out by The Department for Environment Food & Rural Affairs (DEFRA) has determined that Leeds must implement a Clean Air Zone. This zone means that 'dirty' older vehicles will be discouraged from entering the city centre and areas with air quality concerns. DEFRA consulted on their draft national framework for this at the end of 2016.
  
2.     Taxi and Private Hire vehicles will be impacted by Clean Air Zones in all named cities, with the emissions from these vehicles determined as being disproportionately high due to the significant mileage travelled by vehicles in this industry. DEFRA recommend that policy levers are utilised to encourage emissions reductions across transport categories.
  
3.     Leeds City Council has a programme plan that identifies the steps required to scope, design and implement a Clean Air Zone. The programme will report to Executive Board in June 2017 with recommendations for the location and scope of the Clean Air Zone (CAZ). This will be followed by a period of public consultation on the CAZ plans.
  
4.     West Yorkshire Combined Authorities co-ordinated a regional application for funding to the Office for Low Emission Vehicles (OLEV) Clean Taxi Scheme in order to secure funding to support the transition of taxi and private hire fleets to ultra-low emission vehicles (ULEVs). If the application is successful; funding will be available to deliver a network of electric vehicle charge points across the West Yorkshire region for use by the Taxi and Private Hire trade.

5. Leeds City Council has also submitted an application for funding to DEFRA to request grant funding to assist Taxi and Private Hire owners and operators with the purchase costs for Electric vehicles.

## **Recommendations**

It is recommended that the committee note;

1. The information regarding the programme plans for delivery of a CAZ in Leeds, in particular the key milestone of the June Executive Board.
2. The update on the submission of an application for funding from OLEV to support delivery of electric vehicle charge point infrastructure for the trade.
3. That the authority has sought to secure funding to assist the taxi and private hire trade with the purchase of electric vehicles.
4. That a further report will be provided with details of any proposed vehicle licensing condition changes that may be considered following discussion with the other West Yorkshire and York authorities. The aim of these discussions is to look at a common approach across the region. Any proposals for change would be subject to the usual full public consultation.

## **Purpose of this report**

- 1.1 This purpose of this report is to update the committee on the progress made in terms of CAZ implementation and the submission of applications for funding. The Committee were provided with details of DEFRA's CAZ plans and the opportunity to submit funding requests in July 2016.

## **Background information**

- 1.2 Air quality is now a major issue of growing interest and significance at a national and international level. Leeds was identified last year by DEFRA as one of six locations in England that is not expected to meet air quality standards by 2020 and to require the introduction of a Clean Air Zone. DEFRA's proposal is for charges to be levied on all pre Euro 6 diesel vehicles, excluding the private car, to prevent exceedances on the Inner Ring Road.
- 1.3 A Supreme Court ruling on 2<sup>nd</sup> November 2016 that found the government's air quality improvement plan was inadequate, suggests that more cities will be required to take action. The government has said it will not appeal against the decision that their current plans to improve air quality are insufficient. They have also agreed to produce a new timetable for more realistic pollution modelling and the steps needed to bring pollution levels down to legal levels. The governments revised draft plan to improve air quality will be issued in April 2017. Following a short period of consultation the final plan will be published in July 2017.
- 1.4 The results of work on DEFRA's proposal for a clean air zone for Leeds will be brought to Executive Board in the June 2017. In order to verify the predictions of the modelling produced by DEFRA, the Council is monitoring the air quality of the inner ring road and a number of other city centre sites, as well as conducting an analysis of the types of vehicles using the roads. This analysis will enable the Council to come forward with specific proposals about where and what measures need to be applied to become compliant. The monitoring will assist in confirming



the type and scope of Clean Air Zone required by Leeds. The work study will also set out, for consultation, the geography and vehicles affected.

- 1.5 It is anticipated by DEFRA that a CAZ proposal in Leeds will require the introduction of a charge for diesel buses, coaches, taxis, HGV's and LGV's but not domestic cars, which have pre Euro 6 diesel and pre Euro 4 petrol engines. DEFRA are progressing with introduction of legislation for the introduction of Clean Air Zones, rather than leave their introduction to the discretion of the affected local councils.
- 1.6 DEFRA have indicated in their Draft National Framework for Clean Air Zones that they will revise the engine standards for CAZ's in 2025. It is not known what the revised standard will be – however Leeds is engaging with fleet operators to encourage them to consider this horizon date when considering procurement of vehicles. ULEV purchases are considered to offer a greater lifespan for vehicles as they are more likely to be compliant with any future standards that DEFRA will apply to a CAZ in 2025.
- 1.7 A Joint Air Quality Unit (JAQU) has been set up, which is a combined team of the Department for Transport and DEFRA. Leeds has worked closely with JAQU since the publication of their latest action plan but progress has been slow since BREXIT and the changes in central government over the summer.
- 1.8 Following legal action by non-governmental organisation Client Earth, the government has lost two successive trials at the supreme court resulting in a verdict that current plans to tackle air quality are illegal on the basis that;
  - Best effort is not being made to meet air quality standards as soon as possible
  - Over-optimistic pollution modelling has been used, which have produced inaccurate representations of air quality in towns and cities
- 1.9 At the time of writing, the government has agreed to discuss further actions to be taken to bring air pollution to legal levels within the shortest possible time, rather than the previous ambition to achieve air quality standards by 2020.
- 1.10 DEFRA have stated that pending their new plans being published, we in Leeds should continue to work to their existing plans. It should be noted that the speed of the Court Ruling and the government's indication that they would not appeal suggests that revised plans are likely to be more significant than the original plan as published in 2015. This may mean that a greater number of towns and cities may be called to take action and it is possible that other roads within Leeds may be identified. The government has indicated that the decision to leave the EU will not affect the UK's commitment to meeting air quality targets.

## **2 Main issues**

### **2.1 Current and Planned Actions to address air quality in Leeds**

- 2.1.1 The importance of air quality as an issue is reflected in the Council's arrangements to oversee progress. Air quality is part of one of the Council's seven breakthrough projects. A cross departmental officer group is chaired by the Director of Environment and Housing. There is a cross party working group chaired by the Executive Member for Environment and Sustainability which has

been established to oversee initiatives. The Scrutiny Board for Environment and Housing has also set up an inquiry.

- 2.1.2 Significant steps have been taken to improve air quality in Leeds through a number of projects. To provide an example to other major fleet operators in the city, a new procurement framework for fleet purchases has been introduced in the Council. All procurements are considered with reference to the availability of ultra-low emission vehicles. Life time costs and environmental factors are considered, rather than a simple up front cost. As a result an increasing number of the corporate fleet are being replaced with zero or ultra-low emission vehicles, with over 100 projected to be on fleet by the end of the current financial year.
- 2.1.3 The Park and Ride scheme at Elland Road has been extended with an average of 11,000 cars and 24,000 patrons using this facility each month. Additional Park and Ride schemes are planned, with a new 1000 space site now under construction at Temple Green adjacent to the M1 and the Leeds Enterprise Zone, due to open in 2017. Funding from the Office of Low Emission Vehicles was successfully gained, through the Go Ultra Low Clean Bus Fund that will enable hybrid buses to be used at this new Park and Ride scheme. Funding has also been secured through the Clean Bus Technology Fund that is enabling the installation of 'retrofit' technology that will improve the emissions of over 50 buses that operate in the Leeds region, with high frequency buses serving areas with air quality concerns being targeted for this installation.
- 2.1.4 The Cycle Superhighway has been opened, providing a cycle link between Bradford and Leeds. A monitoring programme is now in place to determine the success of this scheme including full before and after studies and user surveys planned. Two additional railway stations have also been opened, with this increased offering designed to provide a viable alternative to commuting by car to residents serviced by the new stations at Apperley Bridge and Kirkstall Forge.
- 2.1.5 Free parking has been offered to owners of Zero and Ultra Low Emission vehicles at Council operated car parks. 253 permits have been issued to drivers since the scheme was launched at the end of March 2016, with approximately 10 applications per week currently being received.
- 2.1.6 Planning is underway for the establishment of the UK's largest alternative fuel station. This will provide both city scale opportunities to commercial fleets as well as enabling the conversion of 200 corporate vehicles to Compressed Natural Gas (CNG) from diesel, including the refuse collection fleet. Opportunities to include provision of further alternative fuel will also be sought, with potential for hydrogen, or electric charging from this development also being considered. The CNG station is planned to be located in the Leeds Enterprise Zone.
- 2.1.7 Activity to promote sustainable travel and improve air quality in schools has seen 80 Leeds schools register for the 'Mode Shift Stars' scheme. Mode Shift Stars is an externally assessed scheme that assesses schools travel plans and home to school travel profiles and awards schools for developing low impact travel behaviours. Currently 27 schools have achieved accreditations, with 5 of these attaining the 'gold' level award. This work will form part of wider programmes to promote more sustainable travel which will be continue to emphasis health and

environment benefits. A list of schools registered and accredited through this scheme is attached in Appendix A.

- 2.1.8 Ongoing engagement with fleet operators to raise awareness of Air Quality is also being undertaken. Large and small bus operators have been engaged with in terms of DEFRA's plans to ensure that they take part in the National Framework Consultation being undertaken by government. We are seeking commitment from operators to ensure their fleets are upgraded to reduce emission impacts with the minimum bench mark of Euro 6 diesel standard by 2020, and we are looking to support operators going further and trialling alternative fuels and zero emission opportunities. Active dialogue with key fleet operators is ongoing with priority being given to ensure city centre fleets meet this standard minimum a Euro 6.
- 2.1.9 Additionally, taxi and private hire forums have been utilised to discuss air quality and raise awareness of alternative fuel opportunities. Businesses have been approached through organisations such as the Chamber of Commerce and Fleet Associations, with all key stakeholders being encouraged to take part on the National consultation exercise. Leeds City Council plans for delivery of a CAZ, timescales and advice on DEFRA's outline plans for the CAZ have been outlined to operators at Hackney and Private Hire forums. Additionally details of the applications for funding have also been advised through forums and by contact via newsletters.
- 2.1.10 DEFRA announced an air quality grant fund in early October with a total value of £3 million, split into two lots. The Council have been able to submit a bid for each lot as well as to be part of a consortium bid for lots. Money that is awarded through this scheme will be available from the start of March 2017 up to March 2018. The Council has submitted three appropriate bids with details outlined below in section 2.3. The announcement on whether bids are successful will be made in late January 2017.
- 2.1.11 The Office for Low Emission Vehicles (OLEV) also announced a grant scheme for workplace electric vehicle charging and details of a grant that will support Taxi and Private Hire vehicles being replaced with electric vehicles. The Council worked with the West Yorkshire Combined Authority and partners to make a submission for the OLEV Clean Taxi Grant, with details of this bid detailed below in section 2.3.
- 2.1.12 The OLEV has two grants available currently that could be utilised by the trade. Firstly the Home Charge Grant that vehicle owners can apply for to assist with the cost of installing home electric vehicle charge points would mean that drivers could charge their vehicles at home whilst off shift – reducing reliance on a public network. Secondly workplace grants are also available, meaning that offices, or business premises can apply for a grant to support installation costs of charge points, again allowing for taxi and private hire vehicles could be charge without being reliant upon a public network. The wider government strategy for electric vehicle charge points ensures that major road networks (motorway and major A-roads) will have charge point coverage, providing a national spine network.
- 2.1.13 A programme is in development for the forward strategy to invest the £173.5 million earmarked for Leeds by the government following the Secretary of State's

decision not to give consent to the next generation Trolleybus scheme. The programme being prepared for public transport focused funding was reported to Executive Board in December 2016. It is anticipated that this major new investment to enhance public transport in the city will have significant benefits to the environment and air quality, both lower emissions from an improved public transport operation and complementary air quality improvements from changes in travel mode. As well as the further development of park and ride capacity, the scope for adopting modern vehicle fleets including alternative fuels, innovative new technologies and information provision will form key components of the developments proposals.

- 2.1.14 The proposed investment programme will sit alongside the wider development of the city transport strategy as informed by the continuing transport conversation in the city and the development of the new West Yorkshire Transport Strategy.

## **2.2 Engagement Plans**

- 2.2.1 In addition to the conversations currently underway, the Council is looking at how it can engage more fully with all interested and involved parties in managing air quality in Leeds. The promotion of a city-wide 'pledge' campaign, to seek commitment to small but significant changes by businesses and private car owners alike, is taking place. A long term campaign will be supported by the development of an air quality brand identity for Leeds.

- 2.2.2 Air Quality communications and engagement plans will aim first to raise awareness of the significance of air quality, as a necessary background to understand any measures which may need to be introduced. A communication strategy will also be required to spell out the implications of any measures for businesses and the travelling public. Thirdly, the communication strategy will seek to encourage businesses and commuters to make transportation choices which help improve air quality in the city.

## **2.3 Applications for funding**

### **2.3.1 OLEV Clean Taxi Grant Bid**

- 2.3.2 West Yorkshire Combined Authorities co-ordinated an application for funding to the Office for Low Emission vehicles. This West Yorkshire ULEV Taxi Scheme bid is proposed to transform taxi and private hire operations in West Yorkshire through a comprehensive package of investment in an electric vehicle charge network.

- 2.3.3 Initial information about the OLEV Clean Taxi Grant suggested that there may have been provision to support purchase of purpose built pure electric Hackney vehicles as part of this scheme. This element of the OLEV grant was withdrawn however, focussing this grant on provision of infrastructure only.

- 2.3.4 In order to seek to address this omission Leeds City Council has sought separate funding to support vehicle purchases. (See 2.3.9.) The vehicle support element of the OLEV scheme would only have been applicable to new purpose built Hackney style EV WAV's , which are a high cost purchase which, even with a grant, would have been significantly higher than the typical purchase price of Taxis purchased on Leeds.

2.3.5 The application for funding has requested funding on the basis of the below table;

<b>Area</b>	<b>2017/18</b>	<b>2018/19</b>	<b>2019/20</b>	<b>Total</b>
Leeds	£336,255	£336,255	£672,509	1,345,020
West Yorkshire	£894,000	£894,000	£1,788,000	£3,576,000

2.3.6 The funding (if approved by OLEV) will support delivery of a charge point infrastructure as below;

<b>Area</b>	<b>Fast Chargers</b>	<b>Rapid Chargers</b>	<b>Total</b>	<b>Funding</b>
West Yorkshire	48	144	192	£3,576,000

2.3.7 The Energy Savings Trust Taxi and Private Hire feasibility study identified that the below proportion of the taxi and private hire fleets could be ULEV by 2020 if the charge network detailed above is delivered.:

- 22.3% of total Hackney / Taxi Fleet to be ULEV by 2020
- 10% of total Private Hire Fleet to be ULEV by 2020.
- 11.3% of all taxi & private hire fleet to be ULEV by 2020
- This equates to approximately 1,400 vehicles across West Yorkshire

2.3.8 The transformation of taxi and private hire fleets can also be supported through consideration of measures that would utilise licensing levers to encourage uptake of ULEV vehicles. Rapid chargers provide a higher power, and quicker delivery of charge to a vehicle allowing for shorter charge events. Typically a rapid charger will provide an 80% charge to a battery in around 20-30 minutes. A 'Fast ' charge would require a longer charge event time to deliver a similar 'top-up' to a vehicle, but are cheaper to install and operate. A blend of the two charge points is deemed appropriate to cater for different charge requirements and maximisation of the availability of points that can be installed within a set budget.

2.3.9 Collectively the five authorities have considered that ULEV uptake in the taxi and private hire sector can be encouraged through licensing and policy incentives. The following bullet points will be discussed with other licensing authorities in West Yorkshire in an attempt to seek a common approach to support introduction of greener licensing policies;

- Building on existing strong licensing arrangements e.g. an average of 10 year age limit for hackney carriages,
- Implementation of the Leeds Clean Air Zone by 2020 with the potential for wider CAZ measures to be announced by DEFRA
- Proactive engagement with the taxi and private hire trade to understand barriers and opportunities, plus creation of ULEV taxi 'champions'
- Demonstration of the benefits of ULEVs to the taxi and PH trade – with a Green Fleet ULEV event scheduled to take place in Leeds, July 2017
- Consider which proposed district licensing incentives to promote ULEV taxi uptake could be identified and consulted upon.
- Deliverability of sites with quick wins i.e. a Charge Point Site Technical Feasibility Study (2016) has detailed delivery and installation costs for the initial delivery of 16 key local authority taxi charge point sites recommended by EST study – with flexibility for further sites on local authority land where required.
- Value for money – evidenced support from the taxi/private hires trade to provide match funding for taxi charge point infrastructure.
- Value for money – with economies of scale through the potential procurement of a single West Yorkshire charge point operator with significant private/match funding investment potential
- Adoption of a West Yorkshire Low Emission Strategy by all five of the West Yorkshire Local Authorities in 2016 with commitments to support taxi uptake including service provision procurement changes to favour taxi/private hire operators with ultra-low and zero emission fleets.
- A supportive Combined Authority that intends to play a full part in delivering air quality improvements

2.3.8 OLEV will announce whether the West Yorkshire application for funding has been successful in February 2017.

### **2.3.9 DEFRA T&PHL Scrappage**

2.3.10 Leeds City Council made a submission to DEFRA through their Air Quality Grant 2016/17 scheme for funding to support ULEV uptake in the Taxi and Private Hire trade.

2.3.11 An application for £320,000 in funding was made in December 2016 in order for Leeds City Council to be able to provide grants to owners and operators to take older, more polluting licensed diesel vehicles off the roads to be replaced with licensed ULEVs.

2.3.12 If this funding is awarded Leeds City Council would initiate a transparent process through which licensed owners or operators can apply for a grant to assist with purchase of ULEVs to be licensed and used in Leeds where an older diesel vehicle is taken out of use.

2.3.13 This scheme would aim to support those who wished to transition to ULEV's and would also assist with demonstrating the viability of ULEV's in this trade sector. Allowing for operators to make a meaningful comparison between the fuel costs of diesel and electric vehicle will enable savings to be realised on the basis that

typical cost per mile to ‘fuel’ an electric vehicle is approximately a third of the cost of a diesel vehicle. Therefore over the life of a vehicle an electric vehicle can deliver savings.

- 2.3.14 Encouraging uptake of ULEVs at this time is opportune as the majority of vehicle manufacturers will be entering, or will be increasing the range of electric vehicles available on the market.
- 2.3.15 DEFRA will announce the outcome of this application in late January 2017.

## **2.4 Licensing conditions**

- 2.4.1 It is recommended that the committee gives consideration to the review of licensing conditions in response to DEFRA’s recommendations for implementation of policy incentives within a Clean Air Zone designed to reduce emissions in order to maximize the potential for ULEV vehicles entering the fleet as detailed above.
- 2.4.2 All local authorities in West Yorkshire are reviewing their licensing conditions in order to consider what amendments could be made that would both deliver an encouragement to operators considering ULEV’s whilst remaining conducive to delivering viable business models.

## **3 Corporate Considerations**

### **3.1 Consultation and Engagement**

- 3.1.1 Consultation with the trade on licensing proposals would be carried out in line with any recommendations made by the committee and in line with existing arrangements.
- 3.1.2 Wider engagement with all key stakeholders on Air Quality awareness, implementation of the Clean Air Zone and direct consultation with businesses, including taxi and private hire operators will be conducted in line with the programme communications plan.
- 3.1.3 Engagement with the trade via existing forums will also be maintained to ensure that CAZ developments, implementation plans and consultation are ongoing.

### **3.2 Equality and Diversity / Cohesion and Integration**

- 3.2.1 Equality and Cohesion Screening Assessments are carried out on the policies agreed at Licensing Committee which are used to inform decision making.
- 3.2.2 Long term exposure to elevated levels of air pollution can contribute to a wide range of adverse health effects. Among them are respiratory diseases (including asthma and changes in lung function), cardiovascular diseases (including heart disease and strokes), adverse pregnancy outcomes (such as preterm birth), and early death. Those affected by poor air quality are concentrated in our more deprived inner city areas. Deprived areas in cities typically experience heavier than average traffic and consequently potentially higher levels of pollution. Air pollution, deprivation and poor-health status combinations can create increased and disproportionate disease burdens. There is, however, a need to reduce air pollution related risks for all. Health gains can result from considering local air pollution problems. The identification of localised Air Quality Management Areas

(AQMA's) and development of an Air Quality Action Plan are an intrinsic part of improving air quality in affected areas and reducing health inequalities.

#### **4 Council policies and City Priorities**

- 4.1 The identification of areas of poor air quality and the introduction of AQMA's contributes to the Council's cutting carbon and improving air quality breakthrough project. Key drivers for the breakthrough project include a reduction in energy consumption and emissions and the promotion and encouragement of energy efficiency. The introduction of AQMA's and Air Quality Action Plans will support a reduction in vehicle emissions and the adoption of more fuel efficient, less polluting vehicles.
- 4.2 The ability to identify and target those areas of most concern is in line with the Council's ambition to reduce health inequalities across Leeds. There is a need to reduce air pollution-related risks for all. However, it is also the case that greater health gains can result from targeting those areas and people most at risk.
- 4.3 Air quality is one of the indicators that contribute to the Index of Multiple Deprivation Indices. The Index of Multiple Deprivation, commonly known as the IMD, is the official measure of relative deprivation for small areas (Lower-layer Super Output Areas) in England. All current and proposed AQMA's with the exception of Main Street in Pool are ranked amongst the 30% most deprived areas of Leeds. Main Street in Pool is ranked within the 10% least deprived areas of Leeds.
- 4.4 The review of AQMAs supports the ongoing work of the Council's Low Emission Zone project and the West Yorkshire Low Emissions Strategy.

#### **5. Resources and value for money**

- 5.1 Delivery of support for the uptake of electric vehicles through provision of vehicle purchase assistant grants and installation of infrastructure will be funded by central government. Procurements will be open and transparent and will conform to Leeds Financial Processing Regulations to ensure value is delivered.
- 5.2 However it should be noted that the Taxi and Private Hire Licensing service is cost neutral to the council and by virtue of the Local Government (Miscellaneous Provisions) Act, 1976, raises its own revenue by setting fees to meet the cost of issuing and administering licences. This means that if the proposals were associated with additional costs, they would be funded via licence fees and will not place additional pressure on the council's budget.

#### **6. Legal Implications, Access to Information and Call In**

- 6.1 A legal view was obtained as to whether any proposed change to vehicle condition to restrict new hackney carriages to EV/ULEV WAV vehicles would be in breach of competition legislation. The initial legal view is that whilst there are currently only a limited number of manufacturers for EV/ULEV WAV vehicles, this is due to current market demand. Should there be an increase in demand for EV/ULEV WAV vehicles, there may also be an increase in manufacturers who can produce such vehicles. Any proposed policy change in terms of vehicle licensing would not be deemed to seek to manipulate or shackle the market.



6.2 This report is not subject to call in or publication.

## **7. Risk Management**

7.1 Consideration will be given to each proposal prior to introduction.

## **8. Conclusions**

8.1 The Committee will be apprised of recommendations made to Executive Board in June 2017 on the recommendations for a Clean Air Zone in Leeds.

8.2 Committee will be advised on the outcome of funding applications.

8.3 The Committees opinions are welcomed in terms of the formation of proposals to encourage ULEV uptake utilising licensing and policy levers.

## **9. Recommendations**

9.1 That Members note the information in this report.

It is recommended that the committee note;

1. The information regarding the programme plans for delivery of a CAZ in Leeds, in particular the key milestone of the June Executive Board.

2. The update on the submission of an application for funding from OLEV to support delivery of electric vehicle charge point infrastructure for the trade.

3. That the authority has sought to secure funding to assist the taxi and private hire trade with the purchase of electric vehicles.

4. That a further report will be provided with details of any proposed vehicle licensing condition changes that may be considered following discussion with the other West Yorkshire and York authorities. The aim of these discussions is to look at a common approach across the region. Any proposals for change would be subject to the usual full public consultation.

## **10. Background documents**

Appendix A – Schools accredited with Modeshift Star awards.

Appendix B – Leeds University / Leeds City Council summary findings on fuel savings from Hybrid vehicles.

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Tel: 37 81563 / 37 81566

**Report of**     **Executive Officer, Taxi & Private Hire Licensing**

**Report to**     **Licensing Committee**

**Date:**         **7 February 2017**

**Subject:**     **Training Review, Taxi & Private Hire Licensing**

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

## Summary of main issues

- 1 This report is intended to give an introduction to committee members of the reasons for a training review.

## Recommendations

1. That members note the information and timescales in this report.
2. That members support the proposal for the council to consult with taxi and private hire trade on the review of the council's driver training provision.

## **1 Purpose of this report**

- 1.1 This report is intended to give an introduction to committee members of the reasons for the Training Review.

## **2 Background information**

- 2.1 The role of the Taxi and Private Hire Licensing service has long been recognised as an important council function in ensuring that the travelling public are safe with professional drivers who have attained good standards, safe vehicles, and a dedicated enforcement team.
- 2.2 In recent years, the spotlight on licensing functions nationally has attracted much media attention, and the deficiencies identified in procedures across the country which led to the shocking effects on a large number of children's lives. Leeds City Council Executive Board initiated a wide-ranging review of its taxi and private hire licensing functions, reporting to the cross-council Safeguarding Group, Licensing Committee, Central and Corporate Scrutiny Boards and to the Executive Board.
- 2.3 The review has resulted in significant changes throughout the service. We have implemented new and strengthened licensing policies, including a strengthened Convictions Criteria policy, and the introduction of a safeguarding training requirement for all drivers. We have implemented an annual online Disclosure & Barring (DBS) procedure, which has required processing around 6000 individuals into the new system over a 12 month cycle ending March 2017. We have changed the shifts of enforcement officers to match their hours of work with the busiest hours of the trade and meet new demands in line with the Deregulation Act 2015.
- 2.4 As part of the service improvements, we seek support from the committee for the council to conduct a review of driver training provision, beginning with consultation with the local trade. The report suggests the reasons for the review, the possible options and associated risks, and the timescales for the review.

## **3 Main issues**

- 3.5 The council has provided some driver training directly to the licensed trade for several years, primarily to new applicants, although some drivers are asked to resit training and tests if their driving or behaviour falls below required standards. The council also has bought in some externally provided driving standards and literacy/numeracy training for several years. The council is also significantly through a process of putting all 6000 taxi and private hire drivers through safeguarding awareness training, which is planned to complete in December 2017.
- 3.6 The time is now appropriate to review the current mix of training provision, which is summarised in **Appendix 1**.
- 3.7 There are three main issues motivating the training review.

- **Benefits to the trade** of a modular driver accreditation (training and testing) approach, through training with recognised and transferable qualifications, such as BTec, City & Guilds, Institute of Advanced Motoring, NVQ, Public Service or Light Goods driving;
- **Benefits to customers and staff** at Taxi & Private Hire Licensing offices of removing training delegates from the queue and car park at 225 York Road, which has experienced significant increases in queue time and congestion; and
- **Benefits of using a developed local market** in external training provision, able to draw on Training Levy and other training incentives.

3.8 At this stage, it is difficult to be exact about the findings of the review. It is possible to highlight the following indicative milestones.

- **Feb 2017:** Initial report to Licensing Committee. Initial staff and public consultation.
- **March 2017:** Report to Licensing Committee – results of consultation, options appraisal and recommendations/proposals to change policy.
- **April 2017:** Further consultations on proposals to change agreed at Licensing Committee. Commence procurement/market testing.
- **June 2017:** Final report to Licensing committee with outcome and final recommendations.
- **July 2017:** Executive approval and implementation of new contract.

3.9 Ahead of detailed consultation, it not possible to be confident about the specific risks or costs which might adversely affect the review, or its' implementation.

## **4 Corporate Considerations**

### **4.1 Consultation and Engagement**

4.1.1 Initial consultation with the staff affected by the review in the Taxi and Private Hire Licensing service has been undertaken and will continue as options are explored and proposals are developed.

4.1.2 Initial consultation has been undertaken with the licensed trade in January, and further consultation will be undertaken with the licensed trade, with training providers, other licensing authorities as options are investigated and proposals are developed.

### **4.2 Equality and Diversity / Cohesion and Integration**

4.2.1 Equality and Cohesion Screening Assessments will be carried out on the policies agreed at Licensing Committee which are used to inform decision making.

### **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
- Safeguarding children and vulnerable adults:

4.3.3 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 an information report, there are no resource or value for money issues to consider.

4.4.2 However it should be noted that the Taxi and Private Hire Licensing service is cost neutral to the council and by virtue of the Local Government (Miscellaneous Provisions) Act, 1976, raises its own revenue by setting fees to meet the cost of issuing and administering licences. This means that if the proposals were associated with additional costs, they would be funded via licence fees and will not place additional pressure on the council's budget.

## **4.5 Legal Implications, Access to Information and Call In**

4.5.1 There are no legal implications arising from this proposed review, and it is not subject to call in or publication.

#### **4.6 Risk Management**

4.6.1 Consideration will be given to each proposal prior to introduction.

### **5 Conclusions**

5.1 The review will investigate the opportunity to review the current mix of training provision, and review options.

5.2 The review will engage with staff, the local trade, training providers, neighbouring authorities and other stakeholders.

5.3 The review findings will have regard to council policy, conditions and criteria approved by Licensing Committee.

### **6 Recommendations**

6.1 That members note the information and timescales in this report.

6.2 That members support the proposal for the council to consult with taxi and private hire trade on the review of the council's driver training provision.

### **Background documents**

**Appendix 1** List of current training courses

## Appendix 1 List of current training courses

Course title	Provider
Customer Care	Provided by LCC Fleet Services
Driving Standards Assessment	Provided by a choice of 3 local providers
Hackney Carriage (Taxi) Knowledge	Provided by LCC Taxi & Private Hire Licensing
Literacy & Numeracy	Provided by LearnDirect
Private Hire Driver Seminar: <ul style="list-style-type: none"> <li>• Basic legislation</li> <li>• Leeds knowledge and Leeds city centre knowledge</li> <li>• Private Hire conditions</li> <li>• Using a reference tool (AZ)</li> </ul>	Provided by LCC Taxi & Private Hire Licensing
Safeguarding	Provided by Carolyn Eyre, Safeguarding Consultant





Report author: Andrew White

Tel: 37 81563

**Report of**     **Executive Officer, Taxi & Private Hire Licensing**

**Report to**     **Licensing Committee**

**Date:**         **7 February 2017**

**Subject:**     **Letter from Competition & Markets Authority**

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 brings to committee members' attention a recent letter to the council from the Competition & Markets Authority (CMA).
- 2 The letter from the CMA draws attention to three issues: recent CMA investigation of the taxi & private hire market in Sheffield; correspondence with Transport for London; and a review of local authority Taxi & Private Hire conditions, the latter focusing on whether the council's door livery conditions reduce the potential for new entrants to the trade.
- 3 This report seeks members' views to inform the council's response to the CMA.

## Recommendations

1. That Members note the information in the letter from the CMA.
2. That Members' views are expressed in a response to the CMA.

## 1 Purpose of this report

- 1.1 This report is intended to give committee members an opportunity to respond to the letter received by the council from the Competition & Markets Authority (CMA).

## 2 Background information

- 2.1 The CMA is an independent non-ministerial government department. It has a statutory duty to seek to promote competition for the benefit of consumers. HM Treasury has asked the CMA to consider how local authorities can support competition and challenge them when they do not.
- 2.2 The CMA has recently undertaken a review of licensing conditions in several of the largest licensing authorities in England and Wales. The CMA spoke to Executive Officer by telephone and then wrote to the council in December 2016 about Taxi & Private Hire Licensing markets and conditions. The letter is attached at **Appendix 1**.

## 3 Main issues

### CMA letter

- 3.1 The CMA raise a number of issues in their letter to the council, all relating to the impact of local authority regulations on taxi and private hire competition. The CMA states that passengers benefit in terms of both price and service quality from innovation and competition among taxis and private hire vehicle operators.
- 3.2 They draw the council's attention to recent CMA analysis of a merger between two Sheffield private hire operators. They also draw attention to the CMA response to Transport for London (TfL) consultation on proposed changes to private hire regulations in London.
- 3.3 The focus of CMA letter is on one aspect of the council's taxi and private hire licensing conditions, which the CMA suggests may reduce the potential for competition between firms and make it more difficult for a new entrant into the trade.
- 3.4 The council's current private hire conditions are attached at **Appendix 2**. The CMA letter drew attention to section 6 (2) (b) Door Livery.

#### (b) Door Livery

(i) Two other information plates (door livery), in a format prescribed by the Council, will be fitted to the licensed vehicle, one to the driver door and another to the front passenger door. These plates will be produced to a specification set by the Council. They will be fitted by the Council and secured to the vehicle by an appropriate adhesive chosen by the Council. The mounting of the licence or information plates onto a magnetic back plate is not permitted. The removal of the licence or door livery plate other, than when effecting bodywork repair, removal by an Authorised Officer or when the vehicle is de-licensed is not permitted.

(ii) The name of the licensed Operator from which the vehicle receives bookings must be shown on the door livery plates in the manner approved by the Council. The Operator name must be in contrasting colours to the background with a colour scheme that is easy for all to distinguish the

name. The Operator name must feature predominately across the space provided. An appropriate company logo may be incorporated into the detail of the plate but not at the expense of reducing the letter sizing significantly or making the name more difficult to read.

(iii) The Operator name must be professionally prepared (not individual letters) and have night light reflective qualities, equivalent to that of the Council produced licence plate and door livery plate. Alternatively, the letters may be stencilled and utilise the reflective materials of the Council's plate.

(iv) Prior to affixing any such details to the vehicle, its design and quality must be approved in writing by an Authorised Officer. A copy of the Operators approved artwork may be retained by the Council for reference purposes to future conformity. Changes to any feature of the approved design or material must be notified in writing to the Council and approved by an Authorised Officer before being taken into use.

3.5 The CMA letter suggests that the conditions the council places on door livery may have the result of discouraging drivers to change between operators. In particular, the CMA letter suggests that the conditions may act to make it more difficult for new entrants to the private hire market, for example, by utilising existing private hire drivers and vehicles to switch to work some extra hours for the 'new' operator, and then reverting back to the 'main' operator. The CMA letter suggests that this may reduce competition, and keep prices higher and quality standards lower than they would otherwise have been, had these conditions not been in place.

#### **Council response to CMA letter**

3.6 The CMA letter seeks the council's response.

3.7 The views of Licensing Committee Members are sought, in particular on the following issues:

- **Whether there is healthy competition in the local private hire market.** The past 12 months have witnessed hundreds of drivers switch between operators, indicating on the surface a competitive market. However, many of the drivers have switched to a particular private hire operator, rather than to new entrants.
- **Whether the council's conditions relating to door livery do in fact act to discourage drivers to switch between existing and new operators.** At present the door livery is permanent for the red square Leeds City Council logo and the black rectangle 'Advanced bookings only'. The rectangular area for the operator is left blank, although the council does operate a condition requiring drivers to notify us within 72 if they have switched to a different operator.
- **Whether the council's other conditions may have the effect of discouraging drivers to switch between operators.** The CMA may not have referred to our other conditions, but our current conditions, such as on front and rear windscreen, may also serve to discourage drivers switching between operators.
- **Whether a restriction on market competition is a worthwhile trade off for higher standards, especially those relating to the safety of the travelling public.** In recent years the council has placed an explicit priority on the safety of the travelling public. In particular we have introduced additional conditions which make it easier to identify licensed private hire vehicles, and make it more difficult for non-licensed vehicles to

use livery. In particular, we have moved away from permitting magnetic strips, and specified our livery to crumple when removed, so that it is not transferable.

## **4 Corporate Considerations**

### **4.1 Consultation and Engagement**

4.1.1 The council will undertake a review of all of its existing taxi and private hire licensing policies and conditions in 2017-18. Detailed consultation will be undertaken with the licensed trade, the travelling public, key community groups and stakeholders as proposed changes to policies and conditions are developed. It may be worth the council consulting with regulators such as CMA as part of the reviews, and inviting a CMA representative to attend a Licensing Committee meeting.

### **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.

### **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;
- Safeguarding children and vulnerable adults:

4.3.3 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 an information report, there are no resource or value for money issues to consider.

4.4.2 However it should be noted that the Taxi and Private Hire Licensing service is cost neutral to the council and by virtue of the Local Government (Miscellaneous Provisions) Act, 1976, raises its own revenue by setting fees to meet the cost of issuing and administering licences. This means that if the proposals were associated with additional costs, they would be funded via licence fees and will not place additional pressure on the council's budget.

#### **4.5 Legal Implications, Access to Information and Call In**

4.5.1 There are no legal implications arising from this proposed review, and it is not subject to call in or publication.

#### **4.6 Risk Management**

4.6.1 Consideration will be given to any proposal prior to introduction.

### **5 Conclusions**

5.7 The opportunity to respond to the Competition and Markets Authority those proposals taken forward by Officers will have regard to council policy, conditions and criteria approved by Licensing Committee.

### **6 Recommendations**

6.1 That Members note the information in the letter from the CMA.

6.2 That Members' views are expressed in a response to the CMA.

### **7 Background documents**

**Appendix 1** Letter from Competition and Markets Authority, Dec 2016.

**Appendix 2** Leeds City Council Private Hire Conditions

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John Mulcahy  
Head of Elections, Licensing and Registration  
c/o Alison Calvert  
Leeds City Council  
Taxi and Private Hire licensing  
225 York Road  
Leeds  
LS9 7RY

From: John Kirkpatrick  
*Senior Director, Advocacy*

Direct line: 020 3738 6256

14 December 2016

Dear Mr Mulcahy

### **Changes to Taxi and Private Hire Conditions effective from 1<sup>st</sup> January 2016**

The Competition and Markets Authority (CMA) is an independent non-ministerial government department. The CMA has a statutory duty to seek to promote competition for the benefit of consumers.

As part of its work, the CMA recommends ways in which government can promote competition. The *Enterprise Act 2002* gives the CMA the power to make proposals or give advice to any public authority. In its 2015 policy document on how competition can benefit firms and families<sup>1</sup>, HM Treasury has asked the CMA to consider how local authorities “can support competition and challenge them when they do not”.

#### **Taxi and PHV markets**

The CMA’s understanding of taxi and PHV markets is informed in part by the findings of our examination of a merger between operators in Sheffield<sup>2</sup> and in part by our analysis of licensing conditions imposed by licensing authorities. You may like to consider our response<sup>3</sup> to Transport for London for more detail on our approach.

Passengers benefit from innovation and effective competition among taxis and PHV operators on both price and service quality. We acknowledge that passengers need the protection of appropriate regulation. But the general principle that we follow is

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<sup>1</sup> Page 9, [A\\_better\\_deal\\_for\\_families\\_and\\_firms](#)

<sup>2</sup> See: <https://www.gov.uk/cma-cases/sheffield-city-taxis-mercury-taxis-sheffield-merger-inquiry>

<sup>3</sup> [CMA\\_Response\\_to\\_TfL](#)



that, in the interest of consumers, competition should only be restricted by regulation to the extent that doing so is absolutely necessary for achieving the aims of that regulation. Regulation should not favour certain groups over others and measures that restrict the choices available to passengers should be minimised. This is the approach that we have taken in our work on taxi and PHV licensing to date.

### **Review of Local Authority Taxi and PHV licensing conditions**

We have recently undertaken a review of licensing conditions in several of the largest licensing authorities in England and Wales. This has resulted in a public letter<sup>4</sup> to Sheffield City Council on proposed changes to PHV licensing conditions, as well as private communication with other licensing authorities.

As part of this review, we have become aware of the PHV conditions<sup>5</sup> of Leeds City Council and in particular, the Door Livery policy. The policy states that name of the operator must be attached to PHV doors using a council approved adhesive (i.e. magnetic signs are not allowed). This is likely to mean that in practice drivers are unable to work for more than one operator. Such regulation (sometimes known as mandatory single-homing) can create a strong “network effect”, as drivers are likely to choose the (one) firm with the most customers. This is of particular concern with the development of app-based PHV firms as it becomes impossible for a rival app-based firm to enter the market by getting existing drivers to work for some of their hours with the new firm. In fact, the CMA considered the ability of new operators to employ part-time drivers already working for another operator to be a critical factor in providing sufficient competition to the business being created by the merger in Sheffield. Over time and with increasing passenger usage of app-based providers, the restriction could result in fewer operators or even a single dominant firm. This reduces the potential for competition between firms, and may cause significant harm to passengers in terms of fares or service quality.

The CMA would urge you to consider the effect that this condition may have on the development of the market and hence the interests of passengers. I would be happy to discuss any aspect of this further if that would be helpful.

Yours sincerely,



**John Kirkpatrick**  
*Senior Director, CMA Advocacy*  
[John.Kirkpatrick@cma.gsi.gov.uk](mailto:John.Kirkpatrick@cma.gsi.gov.uk)

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<sup>4</sup> [CMA\\_letter\\_to\\_Sheffield](#)

<sup>5</sup> <http://www.leeds.gov.uk/docs/Private%20Hire%20Vehicle%20Conditions.pdf>





# Standard Conditions attached to a Private Hire Saloon and 'People Carrier' Vehicle Licence

## Taxi and Private Hire Licensing

## POLICY IN RESPECT OF STANDARD CONDITIONS ATTACHED TO THE GRANT OF A PRIVATE HIRE VEHICLE

### Policy Statement

Private Hire vehicles are licensed for the purpose of carrying the fare paying public on journeys pre-booked through a licensed Operator.

The licensed vehicle must be safe and comfortable in every aspect of its design. Modern manufactured vehicles meet these requirements, but not all of them are suitable for the commercial carriage of a wide variety of passengers and luggage. Additionally, some vehicle designs are not appropriate for people who may suffer from a wide range of spinal, visual, ambulant or mobility disabilities.

In simple terms getting into and out of the vehicle must be as easy as possible and take into account the widest range of disabilities, as well as able bodied people. Inside the vehicle the seat space must be adequate to accommodate at least four passengers. Comfortable travelling is required by all passengers, but for people with some disabilities it is an absolute necessity. Accordingly, Leeds City Council will not ordinarily licence sports editions of vehicles or those vehicles designed for 'off roading' or having the characteristics of such a vehicle.

It is not acceptable that public transport vehicles are adapted in any way to replicate sports vehicles with adjustments to the suspension, wheels, body fittings or exhaust or engine performance enhancements or the seating.

Set out below are the pre-conditions to the consideration of the grant of a Private Hire vehicle licence.

Additionally, once licensed, a Private Hire vehicle must continue to meet these standard pre-conditions.

### Standard Conditions Attached to the Grant of a Private Hire Vehicle

1. At the point of licensing a vehicle must hold full 'Whole Vehicle Type European Approval'.
2. Will be a manufacturers standard right hand drive vehicle (excluding vehicles of London cab type) with a minimum nominal engine capacity of 1400cc. The colour shall be a manufacturers standard colour for the particular model.
3. Fitted with a least four doors, two to the nearside and two to the offside.
4. Of at least the four-wheel type and carrying a suitable spare wheel which meets the legal requirements.
5. Maintained in the original form of the manufacturers specification, design or appearance of the vehicle.

6. A vehicle licence will not normally be granted if it has sustained accident damage resulting in structural distortion beyond the accepted limits of the vehicle manufacturer, or, has been disposed of under an insurance salvage agreement (categories A, B, C and D,)
7. Must be capable of being inspected to a MOT standard or an appropriate equivalent test to the satisfaction of the Council.

# **STANDARD CONDITIONS ATTACHED TO A PRIVATE HIRE SALOON'S B8 'D9 CD' CARRIER' VEHICLE LICENCE**

## **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT, 1976 PART 2**

All licences issued by the Council in connection with the driving and operation of Private Hire vehicles are in accordance with the provisions of the 1976 Act. Drivers, Operators and Proprietors should be familiar with this Act, the provisions of the Town Police Clauses Act and the Disability Discrimination Act effecting Private Hire licences.

The following Conditions apply to all vehicles, licensed or seeking to be licensed, and in whole to the vehicle Proprietor and in whole or part to licensed Operators and drivers. In certain circumstances additional appropriate Conditions may be attached to an individual licence which could be set out as an addendum to Section 1 or by way of a formal notice served upon the licensed Operator and drivers or Proprietor

The Council informs of changes to its Conditions by publicising the changes in a variety of ways. It is the responsibility of the licence holder to be familiar with those changes and seek appropriate advice and guidance if in doubt. Additional copies of these Conditions can be obtained, free of charge, by visiting the Taxi and Private Hire Licensing Section, downloading from the Council's website or requesting a copy be sent by post. It is also a Condition of the Operators licence that a copy is available for viewing.

Councillors have considered carefully the following Conditions and emphasise that they are essential requirements. Failure to observe may lead to immediate suspension of the vehicle licence and consideration of licence revocation and prosecution (there are explanatory notes at the end of these Conditions.)

### **1. TYPE OF VEHICLE**

(a) At the point of licensing, a vehicle must hold full 'Whole Vehicle Type 'European Approval'. In the event of any changes or modification to the vehicle during the lifetime of the licence, the vehicle must attain 'Whole Vehicle Type European Approval' in its adapted form before being taken into licensed use again.

(b) Once licensed a vehicle must continue to comply with all of those preconditions to the grant of the licence contained within the policy statement.

(c) Of such capacity as to carry a minimum of four passengers, with provision for one passenger seated beside the driver, and three passengers occupying the rear seats, which shall provide a minimum width of 16 inches for each passenger.

(d) All glazing shall comply with Construction and Use Regulation 32 with regard to the level of tint. A minimum light transmission value of 70% shall be maintained in all windows except a windscreen, which shall have a minimum light transmission value of 75%. Tinted films applied to the vehicle windows are not permitted.

(e) A vehicle licence will not normally be granted if it has sustained accident damage resulting in structural distortion beyond the accepted limits of the vehicle manufacturer, or, has been disposed of under an insurance salvage agreement (categories A, B, C, and D)

(f) Once a vehicle has been inspected and a licence granted, it shall be maintained in that form and condition including continued compliance with Condition 1(d) relative to accident damage. No change in the specification, design or appearance of the vehicle or addition of any body work accessories shall be made within the duration of the licence without the prior written approval of the Council.

(g) (i) Fire Extinguisher – Saloon Vehicles / People Carriers

A fire extinguisher shall be carried at all times in the vehicle. This fire extinguisher shall be a 1kg dry powder giving a minimum 5A/21B rating as defined in BSEN 3-4 British Standard for portable fire extinguishers. It must be mounted in its correct transport bracket within the boot area of the vehicle in a position that is easily accessible to potential users. All fire extinguishers should conform to British Standard EN3.

(ii) Fire Extinguisher – Wheelchair Accessible Vehicles

In the case of wheelchair accessible minibus two fire extinguishers shall be carried at all times in the vehicle. This fire extinguisher(s) shall be 2 litre foam (AFFF) giving a minimum 5A/70B rating as defined in BSEN 3-4 British Standard for portable fire extinguishers. It must be mounted in its correct transport bracket within the vehicle in a position that is easily accessible to potential users and location signs must be fitted. All fire extinguishers should conform to British Standards EN3.

(h) The vehicle shall carry at all times a fully equipped first aid kit which will contain:

- Guidance on First Aid Leaflet
- 10 x Non Alcoholic Wipes (Single)
- Conforming Bandage 7.5cm x 4.5m stretched
- 2 x Non Woven Triangular Bandage 96 x 96
- Safety Pins x 12
- Medium Blunt/Blunt Stainless Steel Scissors 5
- 2 x No. 16 Eye Pad Dressing
- 3 x Large Dressing 180 x 180 mm
- 30 Assorted Transparent Plasters

All stored in a suitably labelled container complete with transport bracket and fitted in a suitable prominent position within the boot area of the vehicle for ease of use by the driver or passengers.

## **2. AGE CRITERIA**

### **(a) VEHICLES BEING LICENSED FOR THE FIRST TIME**

The age of a vehicle, for licensing purposes, shall be determined by the date of first registration on the V5 document (log book). A vehicle will only be accepted for licensing if the date of first registration is less than 5 years from the date of application. The vehicle must be licensed for use within one month from the date of application.

### **(b) EXISTING LICENSED VEHICLES SEEKING TO BE RE-LICENSED (UNDER 7 YEARS OLD)**

A currently licensed vehicle will continue to be re-licensed for up to 7 years from the date of first registration providing that all other licensing requirements relating to that vehicle have been complied with, and that the licence is renewed before the Taxi and Private Hire Licensing Section's last working day of the month of expiry of the licence. Any break in the licence will result in part (a) of this condition coming into effect.

### **(c) INSPECTION POLICY FOR LICENSED VEHICLES SEEKING TO BE RE-LICENSED BEYOND 7 YEARS**

A currently licensed vehicle may continue to be re-licensed beyond 7 years from the date of first registration, with an end date of 10 years from the date of first registration, providing that it is:-

- In suitable mechanical condition
- Safe
- Comfortable

and meets all licensing conditions. This will be determined by a formal inspection by an Authorised Officer of the Taxi and Private Hire Licensing Section.

It is the responsibility of the vehicle proprietor to ensure that vehicle inspection arrangements are in place prior to the expiry of the vehicle licence, allowing sufficient time for both the inspection and any remedial work to be completed prior to the expiry date.

### 3. SIGNS AND MARKINGS

(1) All vehicles will be required to have a licence plate affixed to the rear external bodywork, near and offside front doors, together with two non-illuminated windscreen 'visor style' signs affixed to the front and rear windscreens. Each licensed Private Hire vehicle shall have no signs or markings on it except those identified below.

(2) An identification disc will be issued by Leeds City Council, which must be fixed to the inside, lower, nearside corner of the windscreen in such a manner as to be capable of being easily read from the roadside. The vehicle Proprietor may also display further approved livery on the bonnet if they so choose, giving details of the vehicle operator. All those relevant preceding Conditions concerning approval and fixing in the 'signs and markings' sub section also apply to bonnet livery. In respect of Wheelchair Accessible Vehicles please refer to Section 9.

(a) Licence Plate

(i) Leeds City Council will issue to each licensed vehicle a 'licence plate' to be fitted by the Council and wherever possible to the rear lower offside of the vehicle. It will display the licence number, vehicle registration number and the number of passengers it is licensed to carry. It will be displayed at all times and maintained in good condition.

(b) Door Livery

- (i) Two other information plates (door livery), in a format prescribed by the Council, will be fitted to the licensed vehicle, one to the driver door and another to the front passenger door. These plates will be produced to a specification set by the Council. They will be fitted by the Council and secured to the vehicle by an appropriate adhesive chosen by the Council. The mounting of the licence or information plates onto a magnetic back plate is not permitted. The removal of the licence or door livery plate other, than when effecting bodywork repair, removal by an Authorised Officer or when the vehicle is de-licensed is not permitted.
- (ii) The name of the licensed Operator from which the vehicle receives bookings must be shown on the door livery plates in the manner approved by the Council. The Operator name must be in contrasting colours to the background with a colour scheme that is easy for all to distinguish the name. The Operator name must feature predominately across the space provided. An appropriate company logo may be incorporated into the detail of the plate but not at the expense of reducing the letter sizing significantly or making the name more difficult to read.
- (iii) The Operator name must be professionally prepared (not individual letters) and have night light reflective qualities, equivalent to that of the Council produced licence plate and door livery plate. Alternatively, the letters may be stencilled and utilise the reflective materials of the Council's plate.
- (iv) Prior to affixing any such details to the vehicle, its design and quality must be approved in writing by an Authorised Officer. A copy of the Operators approved artwork may be retained by the Council for reference purposes to future conformity. Changes to any feature of the approved design or material must be notified in writing to the Council and approved by an Authorised Officer before being taken into use.

### (3) Visor Strip

- (a) Two non illuminated windscreen visor signs, as approved by the Council, which should be seventy five millimetres (three inches) in depth, must be fitted to the top of the front and rear windows and across the entire length of the window (nominally.) They should be visible from the outside and in contrasting colours. The name of the company should be to the centre of the sign with the base station telephone number at either side of it.
- (b) Prior to affixing any such details to the vehicle, its design must be approved in writing by an Authorised Officer. The visor strip must be a professionally produced strip (not individual letters.) The visor strip should be fitted to the inside of the vehicle. Where there is a manufacturers tinted glass strip to the top of the windscreen, the Proprietors visor strip may be fitted to the exterior, but in accordance with MOT testing regulations, it should not interfere with the sweep area of the windscreen wipers. An Authorised Officer may approve a variation to the specified size, where appropriate, in writing.
- (c) The exception to the rear signs being placed at the top would be where there is a high-level brake light or a permanently fixed car aerial. In that case they may be taken to the lowest visible point of the rear window.
- (d) Where there are split rear doors, the base telephone number will appear in one rear window and the Operator in the next window. They must be placed to minimise obstruction to the rear view mirror. The conformity to the split-window signs is otherwise the same in every other respect.
- (e) Where the information displayed by requirements of these Conditions ceases to be correct the signs must be immediately removed and replaced with the correct information.

## **4. COMMUNICATION EQUIPMENT**

- (a) Radio or other data communication equipment must be fitted for use in the communication of bookings from the Private Hire Operators base station and may only operate on the frequency allocated by Ofcom, to the licensed Operator to which the vehicle carries out bookings.
- (b) The radio or other data communication equipment must be fitted in a manner approved by the Council and maintained in a safe condition and in working order at all times.
- (c) Where the radio or other data communication equipment is the property of an Operator, or agent acting for the Operator, the radio or other data communication equipment, must be returned to the Operator or agent within 72 hours of ceasing to work for that Operator.
- (d) The carrying or use of scanning equipment is not permitted within a licensed vehicle.

## **5. LIQUEFIED PETROLEUM GAS**

Vehicles with Dual Fuel or 'after market' Liquid Petroleum Gas (LPG) systems must be tested and certified by a recognised Liquid Petroleum Gas Association (LPGA) accredited installer. For Private Hire vehicle licence applications, this certification must be produced at the time of application. For vehicles that have a LPG system fitted during the currency of a Private Hire vehicle licence, they must inform the Taxi and Private Hire Licensing Section in writing and produce the above certification within 7 days.

## **6. FARE METER**

- (a) A licensed Private Hire vehicle may be equipped with an approved fare meter. If so, the calibration must be tested, and the meter sealed by the Council or an accredited technician authorised, in writing, by the Council.
- (b) Where fitted, a tariff meter must be maintained in working order and must be used for all journeys within the district.
- (c) The type of seal used must be approved prior to fitting, by the Council.
- (d) Where an Operator uses 'fare cards' to assist customers and drivers in determining the cost of a journey, then such a 'fare card' will be carried in the licensed vehicle and made available to a customer at any time.

## **7. GENERAL CONDITION, CLEANLINESS AND APPEARANCE OF VEHICLE**

- (a) Every vehicle shall be maintained in a safe and clean condition at all times and is subject to such examinations as are required by the Council.
- (b) Seats should still be fully 'sprung', free of stains, tears, cigarette burns or repair, and not threadbare. Floor coverings should not be unduly worn and present no trip hazards. Household carpeting or similar is unacceptable. Upholstery (headlining and side panel coverings) should be free of ingrained grime, fractures and maintained in the manufacturers original style.
- (c) Luggage and storage areas must be kept as free space for passenger's luggage.
- (d) The driver of a licensed Private Hire Vehicle shall, at the request of an Authorised Officer of the Council or a Police Constable, stop the vehicle, whether or not passengers are being carried, to enable it to be checked for compliance with all the Conditions of the vehicle, driver and Operator licences granted by the Council and relevant legislation, and shall not proceed until the Authorised Officer or Constable has given approval.
- (e) Accident damage must be reported to the Council, in writing, within 72 hours, by the Proprietor and must be repaired without undue delay. Bodywork should be maintained to a good condition, paintwork should be sound and well maintained and free of corrosion, inferior re-spray paintwork and 'cover up' temporary repairs.

## **8. VEHICLES WITH THIRD ROW OF SEATS**

- (a) All passengers must have access to at least two side doors, one of which must be on the nearside of the vehicle.
- (b) In cases where there is no door adjacent to a row of seats, no passenger must have to pass through a gap of less than 300mm at the narrowest point in order to exist the vehicle via the rear side doors.
- (c) The middle row of seats must have more than one seat capable of fully tilting and which meet the necessary exit dimension of 300mm at both of the exit points.
- (d) All vehicles with a row of passenger seats without adjacent side doors must provide 'means of operation signs' and low level lighting that illuminates when the side lights are switched on. The signs must provide clear operating instructions, with letters of no less than 25mm in height, for passengers seated in the affected seats. The lighting must illuminate any signs, catches and levers to operate the tilting mechanism for seats positioned in front of passengers. The lighting must be positioned and shrouded so as not to emit light outside the vehicle. All signs, catches and levers must be coloured in bright contrasting colours.



## **9. WHEELCHAIR ACCESSIBLE PRIVATE HIRE VEHICLES**

- (a) Wheelchair accessible vehicles must not in any way appear to be similar to Hackney Carriages in appearance but additional signage is permitted, as set out below, to enable potential service users to recognise the availability of such vehicles with Private Hire Operators. The paintwork should be neither all black, all white nor a combination of black and white. The facility of full 'corporate wrap' advertising is not available to the Private Hire sector.
- (b) The Operator may include on the rear doors of the vehicle the internationally recognised wheelchair logo, the Operator name in their business style, their contact detail along with a brief explanation of the service they provide. The recognised wheelchair sign may also be displayed on a window to each side of the vehicle. Additional information of the service provided may be permitted along the side roof line of the vehicle.
- (c) All such additional signage must be approved in writing by the Council prior to fitting. The applicant is required to submit a colour visual representation of the proposal for consideration and retention. It is important that the signage does not cause conflict with the appearance of any other form of vehicle licensed by the Council, and is easily read by a range of people, some of whom may have a visual impairment.

## **10. DRIVER SAFETY SHIELDS**

The main issues in respect of a safety shield fitted to a vehicle are set out below:-

- (a) Will be of a make, type and design previously approved by Authorised Officers of the Council and on the 'Approved List' maintained by the Taxi and Private Hire Licensing Section.
- (b) Will not be changed in any way from its original design and be free of damage.
- (c) Will remain clear and translucent; be free of scratches, clouding or stickers which would impede the drivers or passengers visibility.
- (d) Will not impede entry and egress or present a trip hazard to passengers using the vehicle.
- (e) Installation and maintenance must be in accordance with manufacturer's specifications and recommendations.

## **11. SECURITY CAMERAS INSIDE VEHICLES**

The main issues in respect of a safety camera fitted to a vehicle are set out below:-

- (a) Will be of a make, type and design previously approved by Authorised Officers of the Council and on the 'Approved List' maintained by the Taxi and Private Hire Licensing Section.
- (b) Will not be changed in any way from its original design, be free of damage and maintained in working condition.
- (c) The vehicle will carry appropriate signs, approved by Authorised Officers, informing the public that camera surveillance is active in the vehicle.
- (d) The recording system and memory card (or other image memory recording system) will be securely stored within the vehicle and away from public access.
- (e) Installation and maintenance must be in accordance with manufacturer's specifications and recommendations.
- (f) The images contained in the recording device may only be downloaded by an Authorised Officer of the Council or Police Officer.

## **12. INSURANCE DOCUMENTATION**

- (a) At all times during the duration of this licence there shall be in force in relation to the use of the vehicle as a Private Hire Vehicle, a Policy of Insurance or such security as complies with the requirements of Part VI of the Road Traffic Act 1988.
- (b) The Proprietor or the driver of the licensed vehicle shall produce a current Certificate of Insurance or Cover Note showing:
- i) That there is in force in relation to the use of the Hackney Carriage or Private Hire Vehicle to which the application relates a policy of insurance or such security as complies with the requirements of Part VI of the Road Traffic Act 1988, and have a current vehicle excise licence. The Certificate of Insurance or Cover Note must clearly state the driver(s) and the vehicle;
  - ii) In the case of a vehicle covered by a block insurance policy, the Certificate or Cover Note must be produced showing that there is in force in relation to the use of the Hackney Carriage or Private Hire Vehicle to which the application for the grant of licence relates, a policy of insurance of such security as complies with the requirements of Part VI of the Road Traffic Act 1988. The Certificate of Insurance or Cover Note must clearly state the driver(s) and vehicle or;
  - iii) When the driver and vehicle is not so stated then a V5 Registration Document will be required which relates to the vehicle owner/keeper being the same as the proposer of the insurance and the proprietor of the licence.
- (c) The proposer of the insurance produced must be the proprietor of the licensed vehicle.
- (d) The original insurance documentation will be produced to the Council. The Council will not accept production of insurance documentation by facsimile or which are a photocopy. When requested the Proprietor must also produce separate correspondence from the insurer to enable the Council to reduce the risk of fraudulent documents being produced.
- (e) At all times during the currency of the vehicle licence, the proprietor of the vehicle must hold in the vehicle the original Certificate of Insurance or Cover Note relating to that vehicle and which shows those persons entitled to drive the vehicle or a Certificate which complies with 2(c) as above. The documentation must be available for inspection by any Authorised Officer of the Council or Police Officer at all reasonable times. Failure to hold or produce this documentation will, except in exceptional circumstances, lead to the consideration of the suspension or revocation of the licence.

## **13. CHANGE OF ADDRESS**

The proprietor shall notify the Council in writing on the prescribed form of any change of his address during the period of the licence within 72 hours of such change taking place.

## **14. TRANSFER OF PRIVATE HIRE VEHICLE LICENCES**

If the proprietor of a licensed Private Hire Vehicle transfers his interest or part interest in the vehicle to any other person, he shall be required to notify the Council in writing, on the prescribed form, and within fourteen days of such transfer, specifying the name and address of the person to whom such interest has been transferred along with the other necessary detail to enable the Council to monitor the licence. Failure to notify the Council may result in prosecution and immediate suspension of the vehicle licence.

## **15. REQUIREMENTS TO PRODUCE A NEW MOT CERTIFICATE**

A licensed vehicle which attracts a vehicle suspension notice (VOR) for serious defects may be required at the discretion of an Authorised Officer of Leeds City Council, to obtain a new MOT certificate to demonstrate that the vehicle is roadworthy before the suspension will be lifted. The cost of obtaining such a certificate is to be borne by the licence holder.

## **16. PRIVATE HIRE VEHICLE LICENCE SURRENDER**

If the proprietor surrenders a private hire vehicle licence then that licence shall be treated as if it had expired on the date of surrender and cannot thereafter be re-instated.

## **17. RETURN OF LICENCE PLATES AND DISCS AFTER EXPIRY OF LICENCE**

- (a) The plates and disc issued to a licensed Private Hire Vehicle remain the property of Leeds City Council, and must be returned to the Council on expiry of the Private Hire Vehicle Licence.
- (b) Failure to return plates and disc within seven days of being instructed to do so in writing will render the proprietor liable to prosecution.

## **EXPLANATORY NOTES**

### **1. HEALTH AND SAFETY OF PASSENGERS (DUTY OF CARE) – EXPLANATORY NOTE**

Most people will be aware that employers have a duty of care to their employees, but the Health and Safety at Work Act, 1974, goes further. Part 1, Section 3 (2) states “it shall be the duty of every self-employed person to conduct his undertaking in such a way as to ensure, so far as is reasonably practicable, that he and other persons (not being his employees) who may be affected thereby are not exposed to risks to their health and safety”. Operators, drivers and Proprietors are advised that a failure to safeguard passengers could have serious implications for the licence holder, and the licence.

### **2. Cautionary advice**

You are strongly advised not to purchase a vehicle or any equipment or fittings, without first reading the Council’s policy and preconditions to the grant of a licence and also these Conditions. If in doubt about any aspect you should make an appointment with a Vehicle Examiner at the Licensing office. Licensing administration staff are not qualified to make technical assessments and are under instruction not to offer such advice. If a vehicle does not meet the Conditions it is unlikely that a licence will be granted.

Drivers considering buying a vehicle, whether previously licensed or not, are strongly advised to conduct a HPI check prior to purchase. The Council offers a ‘Hire Purchase information’ service to enable licensed drivers who are considering purchasing a vehicle to ascertain a vehicle’s HPI status. It is recommended you seek advice from the Council’s Vehicle Examiner’s prior to purchase.

The Taxi and Private Hire Licensing Section can conduct such ‘HPI’ checks for the fee set at that time. There are also other businesses offering this service.

3. The relevant fire safety code of practice recommends that fire extinguishers should be examined annually by a suitably qualified person in accordance with that standard.

# Taxi and Private Hire Licensing

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[www.leeds.gov.uk/taxis](http://www.leeds.gov.uk/taxis)

## Section Opening Hours

Monday - Thursday	08.00 - 15.30
Friday	08.00 - 15.00



**Leeds**  
CITY COUNCIL

This guidance published February 2016



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**Report of**     **Executive Officer, Taxi & Private Hire Licensing**

**Report to**     **Licensing Committee**

**Date:**         **7 February 2017**

**Subject:**     **Taxi & Private Hire Licensing – 2017 Fees Review**

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 seeks committee members' support for a review of the council's Taxi & Private Hire Licensing fees.
- 2 The council last revised the fees in December 2010, so a review is timely. A review will require significant consultation and engagement.

## Recommendations

1. That members note the information and indicative timescales in this report.
2. That members support the proposal for the council to consult with taxi and private hire trade and other stakeholders on the review of licensing fees.

## **1 Purpose of this report**

- 1.1 This report is intended to give an introduction to committee members of the reasons for the Fees Review.

## **2 Background information**

- 2.1 The role of the Taxi and Private Hire Licensing service has long been recognised as an important council function in ensuring that the travelling public are safe with professional drivers who have attained good standards, safe vehicles, and a dedicated enforcement team.
- 2.2 In recent years, the spotlight on licensing functions nationally has attracted much media attention, and the deficiencies identified in procedures across the country which led to the shocking effects on a large number of children's lives. Leeds City Council Executive Board initiated a wide-ranging review of its taxi and private hire licensing functions, reporting to the cross-council Safeguarding Group, Licensing Committee, Central and Corporate Scrutiny Boards and to the Executive Board.
- 2.3 The review has resulted in significant changes throughout the service. We have implemented new and strengthened licensing policies, including a strengthened Convictions Criteria policy, and the introduction of a safeguarding training requirement for all drivers. We have implemented an annual online Disclosure & Barring (DBS) procedure, which has required processing around 6000 individuals into the new system over a 12 month cycle ending March 2017. We have changed the shifts of enforcement officers to match their hours of work with the busiest hours of the trade and meet new demands in line with the Deregulation Act 2015. We have created additional roles on a temporary basis to deal with additional DBS work, working within the existing budget using a current surplus, so that a fee review has not been required earlier.
- 2.4 As part of the service improvements, we seek support from the committee for the council to conduct a review of the fees the council charges to the trade, beginning with consultation with the local trade. The report suggests the reasons for the fees review, the possible options and the timescales for the review.

## **3 Main issues**

### **Taxi & Private Hire Licensing funding**

- 3.1 The council's Taxi & Private Hire Licensing service is cost neutral to the council, under the provisions of the Local Government (Miscellaneous Provision) Act 1976, which governs licensing fees for authorities in England and Wales. The service is funded through the levying of charges to the local taxi and private hire trade, and revenue from taxi and private hire licensing cannot be devoted to unrelated purposes.

3.2 The council last reviewed the fees charged to the local taxi and private hire trade in December 2010, and last changed the fees in January 2011, see the current fees in **Appendix 1**. Since that date, the expectations on a licensing authority and challenges of licensing, customer service and enforcement have changed considerably.

### **Fees Review 2017**

3.3 The review will review the costs of running the council's Taxi and Private Hire Licensing Service, currently around £1.8m per year. This review will examine the one off and the permanent costs of sustaining and completing the service improvements reported to committee previously and summarised in section 2.

3.4 The review will also review the income to the service from the fees it charges drivers and operators, also around £1.8m per year. In particular, it will examine the trends towards drivers changing from one operator to another.

3.5 The review will also seek to learn from best practice elsewhere in the UK, in particular on the following issues:

- Whether there is a case for our fees to be frozen.
- Whether there is a case for additional resources or activities, such as increasing the size of the enforcement team (around 10 FTEs).
- Whether there are any new areas for us to charge fees – such as vehicle inspections after accident damage has been repaired – where only those drivers and operators would have to pay.
- Whether there is a case to reduce fees to encourage behaviours we would encourage – such as wheelchair accessible vehicles, low emission vehicles, 5-7 seat vehicles.
- Whether the closer working of West Yorkshire licensing authorities has an impact on Leeds' ability to set fees.
- The impact of our fees on the local trade, particularly the hackney carriage (taxi) tariffs, which similarly have not been reviewed since 2010.

3.6 At this stage, it is difficult to be exact about the findings of the review. It is possible to highlight the following indicative milestones.

- **Feb 2017:** Initial report to Licensing Committee. Initial public consultation.
- **April 2017:** Report to Licensing Committee – results of consultation, options appraisal and recommendations/proposals to change policy. Report on taxi tariff formula.
- **May 2017:** Further consultations on fees proposals to change agreed at Licensing Committee. Consultation on hackney carriage tariffs.
- **June 2017:** Delegated decision report from Executive Officer with outcome and final recommendations. Statutory 28 day consultation and notice period for appeals.
- **August 2017:** Executive approval and implementation of new fees and tariffs.

## **4 Corporate Considerations**

### **4.1 Consultation and Engagement**

4.1.1 The council will undertake a review of all of its existing taxi and private hire licensing policies and conditions in 2017-18. Detailed consultation will be undertaken with the licensed trade, the travelling public, key community groups and stakeholders as proposed changes to policies and conditions are developed. It may be worth the council consulting with neighbouring authorities and core cities as part of the reviews.

### **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.

### **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;



- Safeguarding children and vulnerable adults:

4.3.3 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 an information report, there are no resource or value for money issues to consider.

4.4.2 The Taxi and Private Hire Licensing service is cost neutral to the council and by virtue of the Local Government (Miscellaneous Provisions) Act, 1976, raises its own revenue by setting fees to meet the cost of issuing and administering licences. This means that if proposals are associated with additional costs, they will be funded via licence fees and will not place additional pressure on the council's budget. Conversely, it also means that the council will not run a significant budget surplus.

#### **4.5 Legal Implications, Access to Information and Call In**

4.5.1 There are no legal implications arising from this proposed review, and it is not subject to call in or publication.

#### **4.6 Risk Management**

4.6.1 Consideration will be given to any proposal prior to introduction.

### **5 Conclusions**

5.1 The review will investigate the opportunity to review the current and future costs of the service and the fees charged by the council to cover those costs.

5.2 The review will engage with staff, the local trade, neighbouring authorities and other stakeholders.

5.3 The review findings will have regard to council policy, conditions and criteria approved by Licensing Committee.

### **6 Recommendations**

6.1 That Members note the information in this report

### **7 Background documents**

**Appendix 1** Leeds City Council Taxi & Private Hire Licensing fees

## Appendix 1 Leeds City Council Taxi & Private Hire Licensing fees

<b>Private Hire Application ( total fees)</b>	£290 which is made up of the following;
Driver application	£120 (includes all modules of the seminar – e.g. module 1, legislation)
DBS check	£ 70
Customer care course	£ 55
English Comprehension Test	£ 25
Knowledge Training pack	£ 15
DVLA check	£ 5 valid for 3 years
Missed driver application appointment	£ 30 *
Seminar re-sit - legislation (1),	£ 20 *
A-Z (4) / Conditions test	£ 20 *
Seminar re-sit - Maps: Districts of Leeds , City centre (2 & 3)	£ 30 * (all modules £90)
Re sit Conditions test	£ 20
Re sit customer care	£ 55
Re sit English comprehension test	£ 25
<b>Driver renewal (total fees)</b>	
Renewal	£ 115
DVLA check	£ 5 (valid for 3 years)
DBS	£ 13 payable to DBS not Leeds City Council. If you have not renewed your DBS subscription or there is any change shown on your certificate, a further £70 will be payable to undertake a new DBS.
<b>Vehicle Application</b>	£120 excluding stickers
Set of vehicle stickers (no Bonnet)	£ 55
Set of vehicle stickers (with bonnet)	£ 70
Door sticker only	£ 25
Rear sticker only	£ 20
Bonnet sticker (additional ie lost / damaged)	£ 20
<b>Vehicle renewal (total fees)</b>	
Vehicle renewal	£ 115
Age criteria inspection	£ 80 ( if over 7 years old)
<b>Hackney carriage (total fees)</b>	
Driver application	£ 100
Local knowledge test	£ 50
Customer care course	£ 55 - not applicable if you passed this as a Private Hire driver
DBS	£ 70
Re-sit local knowledge test	£50

### **HC driver renewal (total fees)**

Driver renewal	£115
DVLA check	£ 5
DBS	£ 13

### **HC Vehicle application**

Vehicle Livery	£ 40
Rear Metal plate	£ 15

### **HC Vehicle renewal**

Age inspection criteria	£ 80 (over 7 years old)
Age inspections missed appointment	£ 60
Inspections missed appointment	£ 30
HC missed driver application appointment	£ 30
Meter check and seal	£ 10

### **Operator Application (total fees)**

Application	£ 400
DBS check	£ 70 (if you are using your DVLA license as one of the documents for DBS you will need to pay a £5 DVLA mandate fee)
English Comprehension Test	£ 25

### **Operator renewal (total fees)**

Operator renewal	£300
DBS	£ 13 (if the check shows that there has been a change, then the client will need to pay the full fee of £70)

### **OTHER fees**

Vehicle inspection (incl. failure to attend)	£ 30
Vehicle transfer (incl. inspection)	£ 60
Vehicle transfer	£ 30
Copy of Driver Badge	£ 10
Copy of Vehicle Disc	£ 10
Copy of licence	£ 5
DBS (failure to attend)	£ 30
Escort application	£ 25 application, £70 for DBS check & £5 DVLA mandate if using this doc as part of their DBS
Escort renewal	£ 25
Accident management / hire company (not their vehicles)	£ 30 application £70 DBS, £5 DVLA & £25 English and literature test
Contact Driver application	£ £60, plus £70 DB, £5 DVLA mandate
Contact Driver renewal	£ 50
Contact vehicle application	£ 65 / renewal is £55

### **Sundries**

No smoking stickers	£ 2.00
Lanyards, badge holders, windscreen disc holder	£ 1.00 eac

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

**Report to Licensing Committee**

**Date: 7<sup>th</sup> February 2017**

**Subject: Licensing Annual Report**

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

**Summary of main issues**

1. This report provides the Licensing Annual Report for consideration by Licensing Committee
2. The annual report provides information and statistics on the type and number of licensing applications processed by Entertainment Licensing and Taxi and Private Hire Licensing. It also provides information about the enforcement activity and liaison work undertaken by both Sections.

**Recommendations**

3. That Licensing Committee considers the Annual Report for information only.

## **1 Purpose of this report**

- 1.1 To present to Licensing Committee the annual report of Entertainment Licensing and Taxi and Private Hire Licensing, attached at Appendix 1.

## **2 Background information**

- 2.1 Each year Entertainment Licensing and Taxi and Private Hire Licensing provides licensing statistics and a summary of enforcement and liaison activity to Licensing Committee.

## **3 Main issues**

- 3.1 This is a covering report for the Licensing Annual Report.

## **4 Corporate Considerations**

### **4.1 Consultation and Engagement**

- 4.1.1 There are no implications for consultation and engagement. The Annual Report is for information only.

### **4.2 Equality and Diversity / Cohesion and Integration**

- 4.2.1 There are no implications for equality and diversity, cohesion and integration.

### **4.3 Council Priorities and Best Council Plan**

- 4.3.1 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;
- Be safe and feel safe
- Make it easier for people to do business with us.

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

- Supporting communities and tackling poverty, and
- Becoming a more efficient and enterprising council
- Promoting sustainable and inclusive economic growth
- Building a child friendly city

### **4.4 Resources and value for money**

- 4.4.1 There are no implications for resources and value for money.

### **4.5 Legal Implications, Access to Information and Call In**

- 4.5.1 There are no legal implications, and this report is not subject to access to information and call in requirements.

## **4.6 Risk Management**

4.6.1 There are no risks associated with this report.

## **5 Conclusions**

5.1 This is the covering report to the Licensing Annual Report for 2016.

## **6 Recommendations**

6.1 That Licensing Committee considers the Annual Report for information only.

## **7 Background documents<sup>1</sup>**

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

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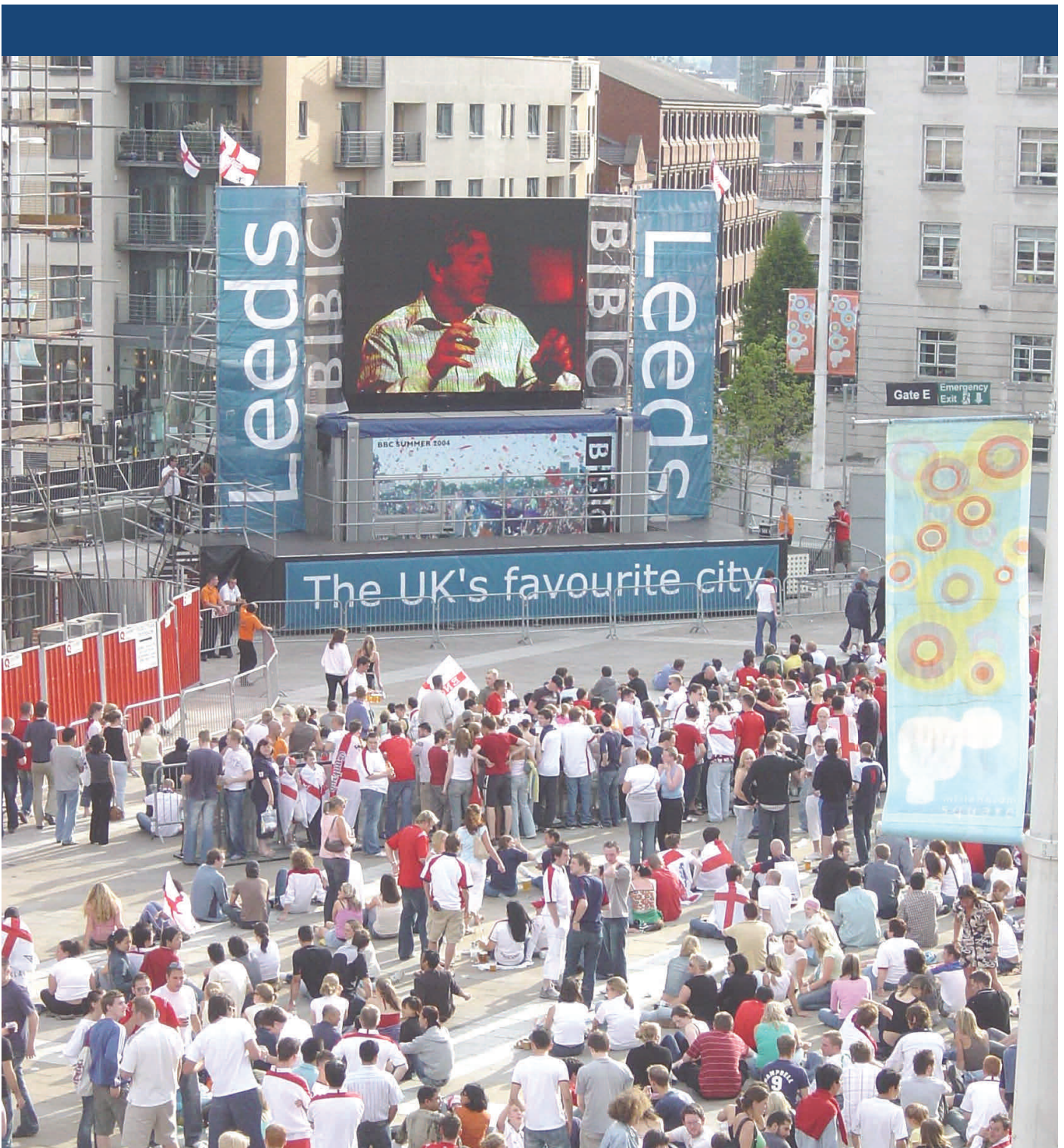
<sup>1</sup> The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.

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## Licensing

## Annual Report 2016



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### Foreward

Businesses who wish to operate in the UK are regulated under a number of pieces of legislation. To run a pub you must hold a personal licence, a premises licence, be registered as a food premises and be signed up to Performing Rights Society so royalties are paid to musicians. To be a taxi or private hire driver you will need a driver licence, a vehicle licence and if you are a sole trader, an operators licence as well as insurance, road tax, a valid MOT. Don't forget if you have a business that is profitable above a certain threshold you will have to be registered with HMRC and if you employ people there is a whole raft of health and safety and employment legislation to have regard to. You may have to speak to a number of different departments working within the council and this fragmented approach to regulation proves to be challenging for most new businesses.

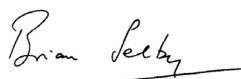
Elections, Licensing and Regulation seek to make this process as easy as possible, with comprehensive guidance and application forms to download on the web, web based application routes for most application processes and face to face assistance available. Although the council seeks to promote self-service, some of our customers need one on one help and this is provided by Taxi and Private Hire Licensing at their bespoke offices on York Road, and by Entertainment Licensing in the city centre.

Moving forward into challenging times, there are a number of changes afoot to the Departments basic legislation. There are reviews ongoing into the Licensing Act and Scrap Metal Dealers Act. The Policing and Crime Bill will bring changes to both Sections on top of amendments made by the new Immigration Act last year. The Law Society Review into taxi licensing is still to be actioned. However this is not new to the world of licensing and officers and Members will embrace change and make the transition as smooth as possible for licensees across the district.

This report provides a summary of the work undertaken in 2016 by Entertainment Licensing and Taxi and Private Hire Licensing. Between them these two small teams administrate and enforce in excess of 10,000 licences.



CLlr James Lewis  
Executive Member for Licensing



CLlr Brian Selby  
Chair of Licensing Committee



## Introduction

The Leeds metropolitan district extends over 217 square miles and has a population of just over 750,000. It includes the City Centre and the urban areas that surround it, the more rural outer suburbs and several towns, all with their very different identities. Two-thirds of the district is greenbelt (open land with restrictive building), and there is beautiful countryside within easy reach of the city.

Entertainment Licensing is a section based within Citizens and Communities under the Elections, Licensing and Registration Service. The section comprises of a section head, 5 principal officers, 4 enforcement officers and 9 licensing officers under the following structure:

- Section Head
- Principal Liaison and Enforcement Officer with responsibility for 4 Enforcement Officers
- Three Principal Licensing Officers with responsibility for 9 Licensing Officers.
- One Principal Licensing Officer with responsibility for systems and processes.

Entertainment Licensing deals with a variety of licences and registrations under a number of different laws.

The main functions of the section are:

**Licensing Act 2003** - Sale or supply of alcohol, regulated entertainment and late night refreshment.

In the wider Leeds district the section licences 2702 individual premises under the Licensing Act. These include public houses, registered members clubs, late night bars, nightclubs, late night takeaways and restaurants. Also caught under this legislation are village halls, community centres and school halls.

The section also administrates 1,500 temporary events, around 500 personal licences and processes a large number of permissions to site gaming machines in alcohol licensed premises each year.

**Gambling Act 2005** - Gambling facilities including bookmakers, amusement arcades, casinos but also permits and permissions such as lotteries.

There are around 250 premises licensed under the Gambling Act including 120 betting shops and 4 casinos.

**Local Government (Miscellaneous Provisions Act) 1982** - Adult entertainment including 4 retail shops and 3 sexual entertainment venues (lap dancing clubs).

**Scrap Metal Dealers Act 2013** - Registration of mobile collectors and scrap yards. The section currently has around 250 licensed scrap metal dealers.



## **Police, Factories etc (Miscellaneous Provisions) Act 1916 and House to House Collections Act 1939**

- Charitable street and house to house collections.

**Hypnotism Act 1952** - Regulation of performances of hypnotism in public venues.

**Marriage Act 1949** - Venues licensed as places where civil marriage ceremonies are conducted.

The council is required to develop, publish and regularly review a statement of licensing policy under the Licensing Act 2003 and Gambling Act 2005.

The council has developed a statement of licensing policy for the licensing of sex establishments which describes the suitable number and locality where it is suitable to locate sexual entertainment venues.

The application, inspection and enforcement procedures are prescribed in the relevant legislation.

As a general rule any application that attracts adverse representation will be heard before a licensing subcommittee, with the exception of licences for lap dancing clubs where all applications are brought before a licensing subcommittee.

Applications made under the Licensing and Gambling Acts must be granted in the absence of representations.

Applications under the Scrap Metal Dealers Act are determined by officers due to legislative restrictions. If an applicant is considered to be unsuitable they will have the opportunity to attend a meeting before a panel of officers. The applicant then has a further avenue of appeal to the magistrates court.

## **Evening and Night Time Economy**

The Evening and Night Time Economy Strategy for Leeds 2010 defines the night time economy as the provision of entertainment, food, and drink usually in a social setting, predominantly but not exclusively between 6pm and 6am. That report considered entertainment, food and drink to be identified as:

- Theatres, cinemas and cultural events
- Restaurants, cafe-eateries and takeaways
- Bars, pubs, cafes and off licences
- Dance clubs and music venues
- Fairs, circuses and other public events
- Evening retail

Most of these premises are licensed under the Licensing Act 2003 which is legislation administered and enforced by Entertainment Licensing and seeks to control the sale of alcohol, provision of entertainment and late night hot food and drink.

## **Licensing Act 2003**

The Licensing Act has four licensing objectives which underpin all decision making under that Act:

- The prevention of crime & disorder
- The prevention of public nuisance
- Public Safety
- The protection of children from harm

The Act places a responsibility on licensing authorities to establish a Statement of Licensing Policy which must set out how the authority intends to promote these objectives. The Statement of Licensing Policy must be reviewed every three years,

The Statement of Licensing Policy may provide for cumulative impact policies (CIPs) where it is identified that any of the licensing objectives are being undermined due to the concentration of licensed premises.

Leeds has six such cumulative impact policies:

- City Centre
- Woodhouse/Hyde Park corridor
- Headingley
- Horsforth
- Chapel Allerton
- Armley

The CIP for the city centre goes further to identify red, amber and green zones. The red zone focuses on the area of Call Lane/Lower Briggate and Albion Street, where it is considered that these areas cannot support any more licensed premises. The annual review of the City Centre CIP took place late 2016 and in December and licensing committee discussed the increase in crime in these areas and how partners will be working with premises in the area to reduce the crime rate. The evidence was published in January 2017.

With 2700 licences to administer and enforce, and a team of 19 staff, the section takes three approaches – strategic, proactive and reactive.

## Strategy and Policy

The strategic view includes involvement in national and regional policy making, liaison with the trade, including external trade organisations such as PubWatch, Business Against Crime in Leeds (BACIL), Public Health England, Local Government Association.

In the last 12 months officers from Entertainment Licensing have contributed to the following strategic and proactive projects and groups:

**PubWatch forums** - Entertainment Licensing and West Yorkshire Police support 16 business-led forums across Leeds, including administering of the PubWatch website which provides a useful tool for licensees to access and share information in promoting safe and enjoyable environments in the daytime, evening and night-time economies.

**Business Against Crime in Leeds (BACIL) Board of Management** - BACIL supports daytime and night-time retailers in fighting retail crime across the city centre through closer partnership working with retailers, agencies and other stakeholders. Entertainment Licensing is an active partner on the board in supporting its aims and objectives.

**Leeds Licensing Enforcement Group (LEG)** – Chaired by Entertainment Licensing, this is a six weekly meeting between all bodies designated as responsible authorities under the Licensing and Gambling Acts as well as other groups such as Leeds Antisocial Behaviour Team, West Yorkshire Police, British Transport Police, Trading Standards and the council’s Safer Leeds, Planning, Environmental Health, Public Health, and Children’s Services where a common and consistent approach is agreed in respect of specific ‘problem premises’ in all areas of the city.

**City Centre Tasking Group** – The operational group sits under the Divisional Community Safety Partnership and looks at addressing issues of concern affecting the city centre e.g. environmental issues, street begging and anti-social behaviour. The group is made up of partners from a wide variety of agencies.

**City Centre Community Safety Partnership** – The group is made up of a wide range of agencies and stakeholders. The aim of the group is to reduce crime and disorder in the city centre and to help people feel safe in their communities, concentrating on anti-social behaviour, safeguarding, localities working, partnership arrangements and Intelligence sharing.

**Leeds Purple Flag Task Force** - Purple Flag is an accreditation process similar to the Green Flag award for parks and the Blue Flag for beaches. It leads to Purple Flag status for town & city centres that meet or surpass the standards of excellence in managing the evening and night-time economy. The city centre was awarded Purple Flag status in January 2017.



**Strategic Safety Advisory Group (SSAG)** - It is the policy of the Leeds City Council to uphold reasonable standards of public safety at outdoor events and to encourage the wellbeing of the public, officials, event organisers and performers. The local authority maintains a Strategic Safety Advisory Group (SSAG) to provide oversight of existing Safety Advisory Groups (SAGs) to seek assurance as to their efficacy. It is not within the remit of this group to advise organisers on licensing and other technical issues relating to their public event. This function will continue to be implemented at an event planning level, through Safety Advisory Groups. The SSAG exists to ensure that the relevant SAGs are meeting and considering the relevant guidance, legislation and advice provided.

**LGA Policy Forum** - Entertainment Licensing sits as a representative for Yorkshire and Humber at the Local Government Association Licensing Policy Forum which looks at national issues and upcoming changes to legislation. This group provides a valuable link between Government departments and local authorities under the LGA umbrella and has been able to provide a local authority view in a number of key legislative changes.

### Proactive Work

The Act prescribes responsible authorities that must be consulted and may submit representation against a licence application, such authorities include the police, environmental health, planning, and the licensing authority. For the purpose of Leeds, Entertainment Licensing is the licensing authority.

In the capacity as a responsible authority, Entertainment Licensing assesses all applications and may make representations, particularly where the premises are in a CIP area. In the last 12 months Entertainment Licensing has made representations to applications for:

- The Hedonist, Lower Briggate - refused, appealed and subsequently withdrawn
- Dixy Chicken (late night refreshment), Horsforth - refused
- Rolands Bar, Call Lane - granted with conditions
- Halo/Church, Woodhouse Lane - application withdrawn
- Black Orchid, Call Lane- withdrawn application
- Space to Eat, Hirsts Yard (late night refreshment)- to be determined

The Enforcement Team undertake regular joint licensing operations with partner agencies, an example of which is Operation Capital with West Yorkshire Police. This operation is typically held on Friday, Saturday or Sunday evenings in to the early hours of the morning and involves compliance visits to identified premises within the City Centre policing district. Similar operations are held with divisional Neighbourhood Policing Teams around the Leeds district.

Joint operations also take place to identify and address under-age and counterfeit goods, illegal drinking dens, and unlicensed late night takeaways.

Members of the Licensing Committee join licensing and police officers on visits of the City Centre. The Members are able to witness for themselves the vibrancy of the City into the early hours of the morning, and the excellent work carried out by partner agencies, licence holders and volunteers in supporting the night-time economy.

## Reactive Work

The Licensing Act contains measures to ensure that the council, and responsible authorities, are able to deal with premises that wilfully and persistently undermine the licensing objectives.

The council and responsible authorities are committed to encouraging a thriving day time and evening licensed economy but will not tolerate those premises whose activities infringe upon the quality of life for local residents and businesses.

The Enforcement Team operate under an Enforcement Protocol which was developed and agreed with the bodies that are designated as responsible authorities under the legislation. As such complaints about licensed premises are dealt with under this protocol which ensures a reasonable and proportionate response.

This year Enforcement have received 147 complaints. Typical complaints include public nuisance arising from music, patrons using external areas, nuisance caused by lighting or vehicles, premises exceeding hours or operating without licence, and aggrieved persons having been refused entry to pubs and clubs.

Complaints are generally resolved through liaison with the relevant licence holder, and where required engagement with the relevant services, but where complaints are substantiated and satisfactory solution is not obtained formal enforcement action may be necessary.

The low level of prosecutions and reviews demonstrate that liaison and support to licence holders and by the same token with residents is a successful tool, and over the past 12 months

## Prosecutions

In accordance with the enforcement protocol, the council adopts a multi-agency approach to the prosecution of offences under the Licensing Act.

Consideration will be given to the appropriate powers that should be used to address a problem where other agencies such as the police, fire authority, environmental protection and trading standards also have their own powers.

The council has adopted the principles of the Hampton Report in its enforcement concordat. Formal enforcement will be a last resort and proportionate to the degree of risk. To this end the key principles of consistency, transparency and proportionality will be maintained.

The council has a zero tolerance to anti-social behaviour and environmental crime.

Entertainment Licensing has brought one prosecution in 2016 against a charity collector (5 counts). The case is to be heard by trial in Leeds Magistrates Court in February 2017.

## Reviews of Licences

The Act provides for an application to review a licence which can be brought by a responsible authority or any other person where a premises is undermining one or more of the licensing objectives. Once again, liaison is often the key to resolving problems before they reach the need for a review.

Over the past 12 months there have been 5 reviews brought before the Licensing Committee:

**2 x off licences in LS8** (both same licence holder). Review brought by Licensing Authority under crime & disorder licensing objective (non maintenance of CCTV). Licence holder eventually rectified issues and was provided with warning by Licensing Committee.



**Public House, LS19.** Review brought by West Yorkshire Police under all 4 licensing objectives. Licence suspended for 8 weeks, removal of the designated premises supervisor, additional conditions and reduction of hours. Decision appealed to the Magistrates but agreements reached and consent order signed prior to hearing.

**Off licence, LS12.** Review following a closure order sought by West Yorkshire Police and Leeds Anti-Social Behaviour Team. Licence revoked and no subsequent appeal.

**Public House, LS28.** Review brought by West Yorkshire Police under all four licensing objectives. Licence revoked with appeal pending.

### Future Changes

The Policing and Crime Bill, which is due to receive Royal Assent in January 2017, will bring a number of changes to the Licensing Act 2003. The most significant of these will be an amendment to the Late Night Levy which will allow the council to specify the area to which it applies. This will enable the council to set a levy only in those areas that require additional night time economy funding rather than apply it to the entire metropolitan district.

Another change will be that cumulative impact policies will be inserted into the Licensing Act 2003 and so place them on a statutory footing.



There was an early amendment made by the Lords which would have included the promotion of health and wellbeing as a fifth licensing objective. Sadly the Government felt that there was not enough premises-specific data available for licensing authorities to use which would make this objective workable. The Government has committed to continue working with Public Health England to provide more detailed data.

The House of Lords has convened a Select Committee to review the Licensing Act in its entirety. Leeds City Council provided a formal response to the Call for Evidence. Cllr Lewis made a presentation to the Committee on behalf of licensing authorities.

The Government are reviewing gaming machines this year, including the stakes and prizes for fixed odds betting terminals. This review will also look at how gaming machines impact on the community.

The Government are reviewing the Scrap Metal Dealers Act to see if it has addressed the outcomes it was designed for. Essentially this was to see a reduction in metal theft. There is the option for this Act to be repealed. As every scrap metal dealer requires a waste carriers permit, it does appear as if this legislation is duplicating an existing licensing regime.

Leeds City Council have been a pilot authority for a new online form facility linked with IDOX, the council's database supplier for Licensing, Planning and Environmental Health. This has generated interest from Better Regulation Delivery Office, the Home Office and the Local Government Association. This work heralds interest in a new national online form system to replace [www.gov.uk](http://www.gov.uk).

### Application Statistics

This table shows the number of new and variation premises licence applications received under the Licensing Act 2003. For comparison purposes the figure for the previous year has been included.

Premises Licence applications and variations (excluding CIP areas)	2015	2016
Total number of application	107	135
Of which:		
Had no representations	49	63
Had control measures agreed and/or the representation withdrawn prior to a hearing	33	39
The application was withdrawn	9	5
Was granted at hearing	16	16
Was refused at hearing	0	2
Still pending determination	0	10
Appeals	0	2 *

This table sets out the applications and variations received for cumulative impact areas 1 to 3.

	Area 1 City		Area 2 Headingley		Area 3 Woodhouse	
	2015	2016	2015	2016	2015	2016
Total number of applications	43	69	6	11	2	1
Applications with no reps	10	32	2	5	0	0
Applications with control measures agreed/rep withdrawn prior to a hearing	22	16	3	1	1	0
Applications withdrawn	4	4	0	1	1	1
Granted at hearing	5	4	1	1	0	0
Refused at hearing	2	1	0	1	0	0
Pending determination	0	12	0	2	0	0
Appeals	0	1 *	0	1 *	0	0

\* Appeals—The Hedonist (withdrawn) and Wetherspoons (in process)

## Entertainment Licensing

### Cumulative Impact Policy Areas

This table sets out the applications and variations determined for cumulative impact areas 4 to 6:

	Area 4 Chapel Allerton		Area 5 Horsforth		Area 6 Armley	
	2015	2016	2015	2016	2015	2016
Total number of applications	6	0	3	0	N/A	3
Applications with no reps	3	0	1	0	N/A	0
Applications with control measures agreed/rep withdrawn prior to a hearing	2	0	0	0	N/A	0
Applications withdrawn	0	0	0	0	N/A	0
Granted at hearing	1	0	0	0	N/A	0
Refused at hearing	0	0	2	0	N/A	2
Appeals	0	0	0	0	N/A	1

This table shows a breakdown of the data for the City Centre CIP to identify the decisions made for premises in each of the areas.

	City Red Zone		City Amber Zone		City Green Zone	
	2015	2016	2015	2016	2015	2016
Total number of determinations	16	5	24	44	3	20
Of which:						
no representations	1	0	5	20	2	12
control measures agreed/rep withdrawn prior to a hearing	6	0	15	12	1	4
withdrawn	1	1	3	1	0	2
granted at hearing	5	1	0	2	0	1
refused at hearing	2	1	0	0	0	0
Appeals	0	1	0	0	0	0

Appeal—The Hedonist—withdrawn and costs paid by appellant.

### Temporary Event Notices

Temporary event notices are a facility under the Licensing Act 2003 where people can serve a notice on the council that states that they will be serving alcohol, providing regulated entertainment or both at a specific time. As it is not an application or permit, no permission is sought. It is merely a notice served upon the council.

However there are strict limits to the number of temporary event notices someone can serve, for how long the event can run and the number of people that can attend. There is the ability for either the Police or Environmental Health to serve an objection notice which would then lead to a hearing of the Licensing Committee to determine if licensable activities at the event can take place.

Temporary Event Notices were served on the Authority as follows:

Normal Temporary Event Notices:	Jan - Dec 2015	Jan - Dec 2016
Total Number Received:	1334	1286
Accepted:	1311	1264
Objections/ Withdrawn:	0	0
Hearings	0	1 *
Counter Notice issued by the authority preventing the event	23	21

\*Halo/Church—TEN allowed

The notice period required under the law is ten working days, not including the day we receive the notice or the day of the event. However there is the ability to serve a limited number of 'late temporary event notices'. If these are objected to a counter notice is automatically served without recourse to Licensing Committee.

Late Temporary Event Notices:	Jan - Dec 2015	Jan - Dec 2016
Total Number Received:	473	529
Accepted:	473	529

## Gambling Statistics

In 2016 the Section dealt with 7 gambling applications as follows:

### Betting shops

1 transfer of a betting shop in Pudsey from Ladbrokes to Betfred.

1 application to vary a premises licence to allow an extension to Betfred on Harehills Lane and another to allow internal alterations to Coral on Austhorpe Road.

### Casinos

A variation to Victoria Gate Casino to reduce the licensed area to remove the escalators. This moves the principal entrance to the 1st floor.

Two variations which allow Grosvenor to move their existing premises licence from Merrion Way to the Gala/Grosvenor Casino on Westgate and to make alterations to that premises.

### Adult Gaming Centres

1 new adult gaming centre for 'Cashino' in Morley.

This is consistent with the usual level of gambling applications the council receives. In 2015 there was 1 transfer of a betting shop, 1 transfer of an adult gaming centre, the new large casino licence was issued, transferred and varied and there was one other variation for minor amendments to Napoleons Casino.

## Large Casino

In May 2013, following a competitive process the council granted a large casino provisional statement to Global Gaming Ventures Ltd (GGV Ltd) for the site at Eastgate, now known as Victoria Gate. In granting the provisional statement, 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.

A legal 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 seek to mitigate potential harmful social effects of the large casino and more general social inclusion priorities across the city through funding a social inclusion fund.

In 2016 the premises licence was issued, varied and transferred to GGV (Leeds) Ltd. Construction work began and the fit out started in earnest. Licensing Committee were able to visit the casino in January 2017, a couple of weeks before the casino opened on 26th January 2017.

The Leeds Responsible Gambling Forum was established and the Leeds Beckett University finalised the baseline assessment of problem gambling in Leeds which shows a gap in support services. The Social Inclusion Fund, funded by GGV (Leeds) Ltd, will help meet this need.



## Sex Establishments

The council has a statement of licensing policy for the licensing of sex establishments which includes adult shops and lap dancing venues.

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 2016 were not subject to any objections.

In addition to the shops, there are three lap dancing venues in the City Centre. The premises at Sovereign Place had its licence renewed from March 2016. The other two premises are located on York Place, Leeds LS1 and had their licences renewed from September 2016.

## Outdoor Events

Premises Licences are required for the majority of outdoor events held throughout the Leeds district, ranging from large scale events such as Leeds Festival to smaller community events, some of which are held under Temporary Event Notices.

The council's Resilience and Emergencies Team formed a Strategic Safety Advisory Group in 2015 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 ensures 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.

This group has enabled officers to be more targeted in their approach to events, visiting 18 medium to high risk events during the year.

In August the Leeds Festival took place at Bramham Park to great success. A debrief report was brought before Members of the Licensing committee by Mr Melvin Benn in November.

The multi-agency meetings for the 2017 event are about to commence.





## Introduction

In England, outside London, Hackney carriage (taxi) and private hire licences are issued by district councils to control the safe operation of Hackney carriage and private hire vehicles being used for hire and reward on public roads.

It is our responsibility to make sure that the taxi and private hire trade in Leeds is operated in a professional manner and that the correct standards of safety and comfort are satisfied by all licensed drivers, vehicles and operators.

Our overriding principle is the safety of the travelling public and we are committed to contributing to a high quality transport service and continuous development and improvement within the taxi and private hire trade which encompasses quality of service issues.

It is recognised that those who are licensed by the section are the biggest providers of transport in the evening and night time economy and the safe licensing and monitoring of licensed drivers and vehicles contributes significantly to the safety of the travelling public.

The taxi and private hire licensing service in Leeds is one of the most active licensing authorities in the country and works closely with the West Yorkshire local authorities and other neighbouring authorities.

A self-financing Section (setting fees to administer the function as defined within the controlling legislation), we have responsibility for issuing licences to:

- Hackney carriage drivers
- Hackney carriage vehicles,
- Private hire drivers
- Private hire operators
- Private hire vehicles
- Council permits for vehicles issued under contract to Social Services
- Vetting of Escorts for children with special needs within those contracts.

### Fit and Proper

Particular attention is paid to ensuring that all licence holders are 'fit and proper' to hold a licence within the Leeds Licensing District.

All applicants undertake a criminal records disclosure (DBS) to check for the existence and content of any criminal record.

Applicants must pass an English comprehension test, a Hackney carriage and/ or private hire knowledge test and a customer care course to ensure that they are able to communicate effectively with their customers, have a working knowledge of the law surrounding their trade and are familiar with the Leeds district.

Before granting vehicle licences, on-site examinations are conducted to ensure that the vehicle meets MOT standards and that certain criteria are met, as set out in our current licensing conditions

Further proactive enforcement activity is undertaken by the means of on street inspections, investigations and operator base visits to ensure compliance with legal requirements and licence conditions whilst ensuring the comfort, safety and appearance of vehicles.



### Enforcement

Our Enforcement Officers regularly conduct roadside vehicle inspections to check the road worthiness and fitness of our licensed vehicles.

Enforcement Officers will issue Rectification Notices and Suspension Notices for minor and major faults respectively.

The areas our officers check include but are not restricted to:

- Tyres
- Brakes
- Steering
- Lights
- Engine Transmission
- Interior condition
- Bodywork condition
- Insurance certificate
- Driver and vehicle badges
- Meters (Hackney carriages)
- First extinguisher and first aid kit
- Rear and door plates
- Windscreen and rear window stickers
- Radios correctly fitted

Enforcement Officers will take action against drivers of private hire vehicles who:

- Unlawfully ply for hire
- Drive without valid insurance
- Fail to wear or prominently display their badge
- Stand or wait on Hackney carriage ranks
- Obstruct or fail to comply with a request made by Authorised Officers or Police
- Fail to carry guide dogs
- Fail to report accidents to the licensing service
- Fail to report convictions an other associated matters

Enforcement Officers will take action against drivers of Hackney carriage vehicles who:

- Drive without valid insurance
- Fail to wear or prominently display their badge
- Do not initiate the meter at the start of every journey
- Obstruct or fail to comply with a request made by Authorised Officers or Police
- Fail to carry guide dogs
- Fail to report accidents to the licensing service
- Fail to report convictions an other associated matters

### **Operation Spirit has been ongoing since December 2015.**

During that time, ten drivers have been reported on suspicion of unlawfully plying for hire.

As of December 2016, eight of these drivers have been successfully prosecuted.

The service also conducts a number of Operations with West Yorkshire Police and other partner agencies.

Furthermore, regular Operations are conducted on an ad-hoc basis using recording equipment and Leeds Watch Cameras in key locations to identify those private hire drivers whom are believed to be unlawfully plying for hire.





## Safeguarding

There has been significant executive and Licensing Committee overview of the services' licensing functions in recent years which has contributed to minimising the safeguarding risks to children and vulnerable adults.

### New Policies approved by the Licensing Committee

**Annual online DBS update service** - the introduction of the online service enables officers to undertake DBS checks not only at the point of renewal of a licence or where a concern is raised but also to randomly check a percentage of the driver profile each month. This is done to check if there are any areas of concern revealed that have not been reported in another way.

The latest position on progress in introducing annual DBS:

Enrolled in Update Ser-	DBS App Pending	DBS Process yet to be
5717	330	0

**Private hire operator conditions**—the introduction of controls on telephone booking facilities and information recording of all journeys undertaken by 'out of town' Hackney carriages has had significant success in Leeds.

**Convictions criteria**—the policy takes into account all types of sexual offending; criminal activity involving drugs, violence or dishonesty.

**Compulsory safeguarding training**—was designed for all existing licence holders by Leeds Children's Safeguarding Board and is delivered by Carolyn Eyre, Safeguarding Consultant.

The latest position on progress of licence holders attending the session is:

Attended	Still to Attend
3120	2841

**Immediate suspension policy** - where an allegation or information is received about a licensed driver which raises a safeguarding or public safety concern, consideration is given to the immediate suspension or revocation of that licence.

**Applications by non UK citizens** - all applications for overseas information can now only be made through a consulate or embassy.

**Police disclosures** - the service funds a West Yorkshire Police Research Officer to work across their databases, maximising public safety information, in particular safeguarding intelligence.

### Taxi and private hire resources

- Licensing and Compliance officers have undertaken additional fraud detection training
- A further Licensing Supervisor post has been created to enable further scrutiny prior to the point of decision making
- A full Enforcement rota is in place with the majority of officers fully trained to undertake independent investigations

### Service Improvement

As already outlined, the role of the taxi and private hire licensing service is recognised as an important council function in ensuring that the travelling public are safe with professional drivers who have attained good standards, safe vehicles and a dedicated enforcement team.

In recent years, the spotlight on licensing functions nationally has attracted much media attention and the deficiencies in procedures across the country which led to the shocking effects on a large number of children's lives have been identified.

Now that additional safeguarding measures have been introduced, the service is in a much stronger position to concentrate on overall service improvements and efficiencies.;

**Digitisation** - we have engaged with ICT with a view to moving away from the heavily paper based service and administration, moving towards online forms, online payment options and ultimately online applications and renewals.

**Webpage review** - a comprehensive review of the information held on the taxi and private hire licensing webpages has been undertaken. The over arching aim is to provide as much information online so that clients do not need to telephone, email or visit the licensing office in person.

**Emails** - the auto response to the service email account has been updated to signpost client contact back to the webpage. In addition, our response to email enquiries has been made as high a priority as answering telephone calls and responding to face to face contact.

**Resources** - recruitment has recently taken place for two temporary Licensing and Compliance Officer posts. This is intended to facilitate the introduction of floor walking/ meet and greet service where an officer can signpost face to face contact to the most appropriate function of the service, hand out documentation and provide quick information or book an appointment. A further post has been created within the Enforcement team to reduce the administrative burden on Enforcement Officers when collating court files, working with witnesses and prioritising complaints or resolving minor issues at source.

**Technology** - the use of text messaging and emailing clients is now in use and seeing a much higher response rate. In particular, licence renewal reminders are being issue by text and are paving the way to the introduction of an appointment system for all renewals.

**Workplace** - plans to make changes to the workplace are in place to best utilise space and create a more efficient working environment.



# Taxi and Private Hire Licensing

## Licensing Statistics

Leeds currently has the following number of licences in place;

- 951 Hackney carriage drivers
- 537 Hackney carriage vehicles
- 5150 Private hire drivers
- 4284 private hire vehicles
- 78 Private hire operators

## Decisions Taken

The application, renewal, refusal, suspension and revocation of licence figures for 1<sup>st</sup> January to 31<sup>st</sup> December 2015 and 2016 are set out in the table below

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.

	Applications	Refusals	Suspensions	Revocations
2015	731	3	88	22
2016	919	10	110	24



## Taxi and Private Hire Licensing

### Refusal and Revocation Decisions

The application, renewal, refusal, suspension and revocation of licence figures for 1<sup>st</sup> January to 31<sup>st</sup> December 2015 and 2016 are set out in the table below

- Between 1<sup>st</sup> January – 31<sup>st</sup> December 2016, 10 licences were refused and 24 licences were revoked.
- Between 1<sup>st</sup> January – 31<sup>st</sup> December 2015, 3 licences were refused and 21 licences were revoked.

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

	2015		2016	
	Refusal	Revocation	Refusal	Revocation
Dishonesty	2	0	5	1
Drugs	0	2	1	0
Violence	0	1	3	3
Sexual	1	2	1	8
Driving disqualification	0	0	0	3
Plying for hire	0	5	0	3
Inappropriate conduct	0	7	0	2
Medical	0	1	0	0
No right to work in UK	0	1	0	1
Safeguarding	0	2	0	3
<b>TOTAL</b>	<b>3</b>	<b>21</b>	<b>10</b>	<b>24</b>

## Taxi and Private Hire Licensing

### Suspension Decisions

In relation to suspensions, 110 drivers were suspended between 1<sup>st</sup> January – 31<sup>st</sup> December 2016.

79 drivers were suspended between 1<sup>st</sup> January – 31<sup>st</sup> December 2015.

The largest category of suspensions in both 2016 and 2015 relate to a medical reason and plying for hire in 2015.

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.

Reason for suspension (allegations)	2015	2016
Dishonesty	1	1
Drug offence	5	1
Violent offence	1	9
Sexual offence	12	13
Safeguarding concerns	8	3
Motoring offence	1	12
Driving disqualification	10	1
Plying for Hire	2	20
Fail to comply with conditions	0	0
Fail to disclose convictions	0	0
Inappropriate behaviour	5	3
No right to work in UK	5	4
Medical reason	23	33
DVLA licence expired	0	1
Non completion of DBS/ Not attended safeguarding training	6	8
Unable to pass seminar	0	1
<b>Total</b>	<b>79</b>	<b>110</b>



## Taxi and Private Hire Licensing

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### Complaints Received

In total, 576 complaints made against the licensed trade were received in 2016. In total 483 were received in 2015.

The Independent Inquiry into Child Sexual Exploitation in Rotherham (1997 – 2013) led by Alexis Jay OBE, highlighted significant concerns regarding safeguarding controls for taxi and private hire licensing in Rotherham. As a direct result of that report, the taxi and private hire licensing service here in Leeds have worked proactively to raise awareness and encouraged the reporting of such inappropriate behaviours—whether they have seen this occurring or have themselves been a victim. This has been effective in encouraging more people to report these issues to the council.

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.

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.



## Taxi and Private Hire Licensing

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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.

Complaint Category		2015	2016
Driver behaviour	Rudeness/ Verbal Abuse	34	16
	Driver Conduct	57	92
	Property	11	7
	Disability	16	14
	Over Charging	37	36
	Standard of driving	158	149
	Inappropriate Sexual Behaviour	11	29
	Lateness	3	1
	Smoking	3	14
	Race Discrimination	3	0
	Refuse to carry	9	2
	Sex Discrimination	1	
Environmental	Parking nuisance	41	49
	Noise nuisance	4	8
	Littering	0	11
No Insurance	1	0	
Plying for hire	17	41	
Breach of licensing conditions	38	30	
Criminal complaint	8	34	
Defective vehicle	5	19	
Operator	24	17	
Unlicensed vehicle	1	5	
Unlicensed driver	1	2	
<b>Total</b>		<b>483</b>	<b>576</b>

## Taxi and Private Hire Licensing

### Appeals Received

In total, 14 appeals were received in 2016 in comparison to the 12 appeals received in 2015. The reason for the appeal and outcome are set out below:

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

2016 Type of Appeal	Volume	Court	Result
Against refusal to grant	2	LMC	Dismissed x 2
Against revocation	4	LMC	Dismissed x 2
			Withdrawn x 2
Against suspension	8	LMC	Dismissed x 4
			Withdrawn x 2
			Upheld x 2
<b>Total</b>	<b>14</b>		<b>Dismissed x 7</b>
			<b>Withdrawn x 4</b>
			<b>Upheld x 2</b>

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



### Consultation and Engagement

Consultation is embedded into the newer licensing acts with , as an example, new and variation applications for alcohol licences subject to a 28 day consultation period.

Both sections undertake considerable consultation with the trade when developing and reviewing policy and consults on the licensing policies in accordance with local and government guidelines.

In addition ,as part of ongoing partnership working, both section engage the trade at trade meetings such as taxi association and PubWatch meetings.

Similarly both sections are active in working with partners from both council departments and external bodies through a range of meetings relating to night time enforcement.

### Equality and Diversity / Cohesion and Integration

The council's 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

### Council Policies and City Priorities

When determining applications the licensing authority must have regard for governing legislation and will be assisted by any guidance issued by the Department for Transport, 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.

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.

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

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

### Resources and Value for Money

The Section encourages partnership working with internal and external services making best use of resources and information sharing.





**LICENSING COMMITTEE WORK PROGRAMME 2016/17 - LAST UPDATED 27/01/17 (JG)**

ITEM	DESCRIPTION	Officer	TYPE OF ITEM
<b>Meeting date: 7<sup>th</sup> February 2017</b>			
<b>Annual Licensing Report</b>	To receive the Annual Licensing Report prepared by the Head of Elections, Licensing and Registration	J Mulcahy	PM
<b>DEFRA UK Air Quality Improvement Plan</b>	To receive a report back on the areas of concern raised by 02/08/16 Committee in order to inform a letter to be sent to the Secretary of State	Andrew Hickford	B
<b>TPHL Training Review Report</b>	To receive a report which seeks to review training in respect of Taxi Private Hire Licensing	Andrew White	PM
<b>TPHL Response to Competition &amp; Markets Authority</b>	To receive a report which provides a response to the Competition & Markets Authority	Andrew White	B
<b>TPHL Fees Review Report</b>	To receive a report which seeks to review charges for the Taxi and Private Hire Licensing Service	Andrew White	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 27/01/17 (JG)**

ITEM	DESCRIPTION	Officer	TYPE OF ITEM
<b>Meeting date: 7<sup>th</sup> March 2017</b>			
<b>Policing and the Night time Economy</b>	To receive a Presentation from Sergeant Dave Shaw, West Yorkshire Police on the issues of "Policing and the Night time Economy"	D Shaw	B
<b>Evening and Nigh-time Economy</b>	To receive a report by the Head of Elections, Licensing and Registration which provides an update on the Evening and Night-time Economy	N Raper	B
<b>Meeting date: (Monday ) 3rd April 2017</b>			
<b>Taxi &amp; Private Hire Licensing Service – Improvements Overview (Progress Report)</b>	To receive a report by the Head of Elections, Licensing and Registration which provides progress on developments within the Taxi and Private Hire Service	Andrew White	B
<b>Leeds Festival 2017 – Summary of Changes since the 2016 event</b>	To receive a report by the Head of Elections, Licensing and Registration which provides a summary of the changes to the event management plan since the 2016 event.	S Holder	B

**LICENSING COMMITTEE WORK PROGRAMME 2016/17 - LAST UPDATED 27/01/17 (JG)**

ITEM	DESCRIPTION	Officer	TYPE OF ITEM
<b>Meeting date: 26<sup>th</sup> May 2017</b>			
Licensing Committee – Annual Governance Arrangements	To receive a report of the City Solicitor seeking to establish the governance arrangements for the Licensing Committee for the 2017/18 Municipal Year.	M O'Shea	B
Licensing Procedure Rules, the Code of Practice for Determining Licensing Matters and Prescribed Licensing Training	To receive a report of the City Solicitor which sets out draft procedure rules relating to hearings and other meetings of the Licensing Committee and sub-committees and to seek Members approval to the adoption of these procedure rules.	M O'Shea	B
<b>Meeting date: June 2017</b>			
Update/ monitoring report on the Victoria Gate Casino	To receive a report by the Head of Elections, Licensing and Registration which provides an update / monitoring report on the Victoria Gate Casino	N Raper	B

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