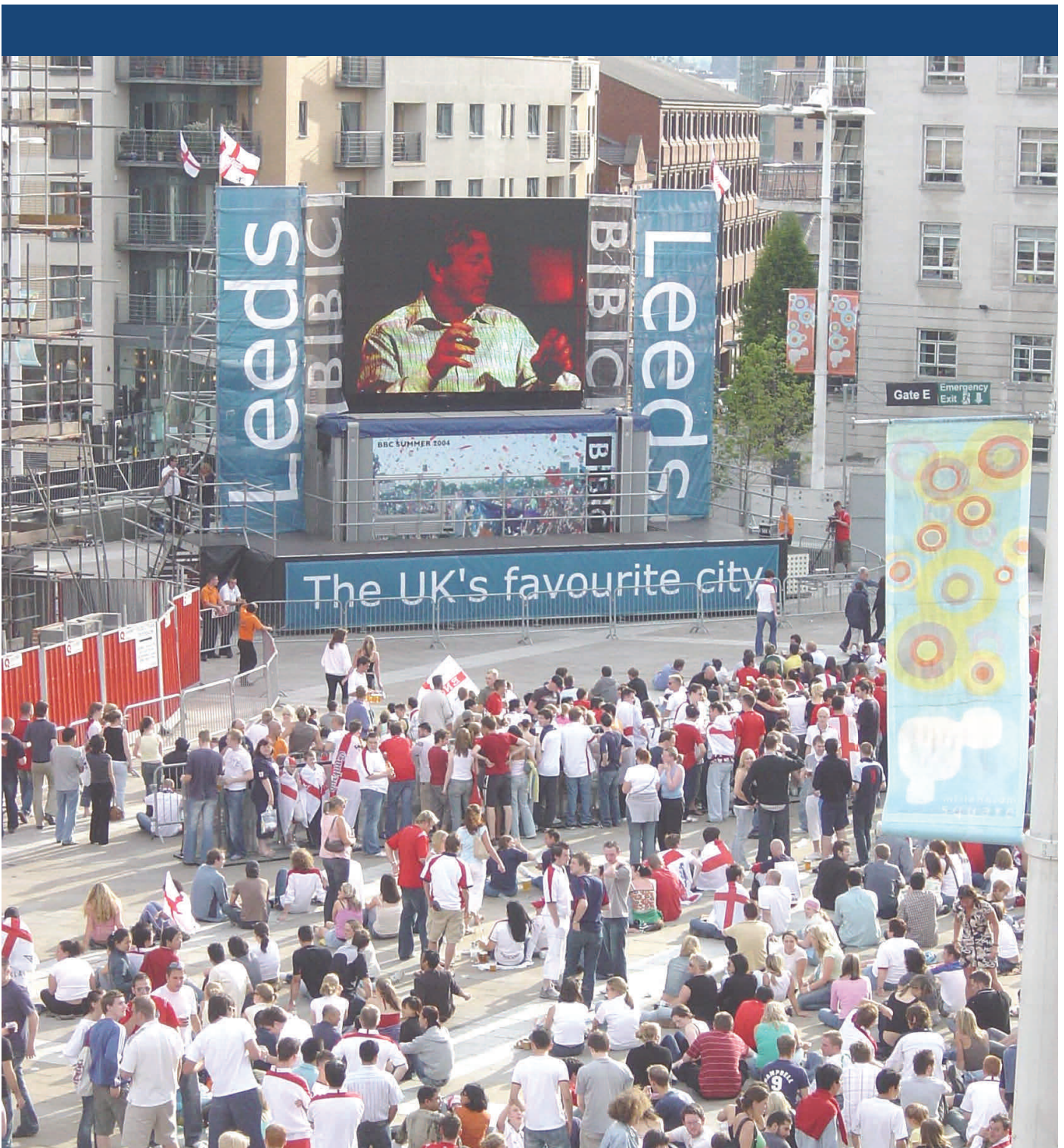


Licensing

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.

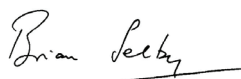
Elections, Licensing and Regulation seek to make this process as easy as possible, with comprehensive guidance and application forms to download on the web, web based application routes for most application processes and face to face assistance available. Although the council seeks to promote self-service, 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)- granted time limited licence for 6 months

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. The subject was found guilty of all 5 charges at Leeds Magistrates Court on 8/2/17 with a total fine of £575 (£25 for each offence, £30 surcharge and £420 contribution to costs). A media release has been issued.

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 but a new application has been submitted by a new operator and the appeal is likely to be withdrawn.

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.

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	3*	
Still pending determination	0	10	
Appeals	0	1	

*Fresh Metro and Potravini, Armley and Papa Johns, Meanwood. Appeals—Fresh Metro (withdrawn).

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

Year	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 , LS1 (withdrawn) and Wetherspoons, LS6 (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 Effective from 09/16	
	2015	2016	2015	2016	2015	2016
Year	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	1*	N/A	0
Appeals	0	0	0	0	N/A	0

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.

* Dixy Chicken

	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 safety advisory group meetings for the 2017 event are in progress.



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 and 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 and 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 Service	DBS App Pending	DBS Process yet to be Started
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 (52.5%)	2841 (47.5%)

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

Taxi and Private Hire Licensing

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 1st January to 31st 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 1st January to 31st December 2015 and 2016 are set out in the table below

- Between 1st January – 31st December 2016, 10 licences were refused and 24 licences were revoked.
- Between 1st January – 31st 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
TOTAL	3	21	10	24

Taxi and Private Hire Licensing

Suspension Decisions

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

79 drivers were suspended between 1st January – 31st 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
Total	79	110

Taxi and Private Hire Licensing

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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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	
Total		483	576

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
Total	13		Dismissed x 5
			Withdrawn x 5
			Upheld x 3

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
Total	14		Dismissed x 7
			Withdrawn x 4
			Upheld x 2

* 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.





Leeds
CITY COUNCIL

