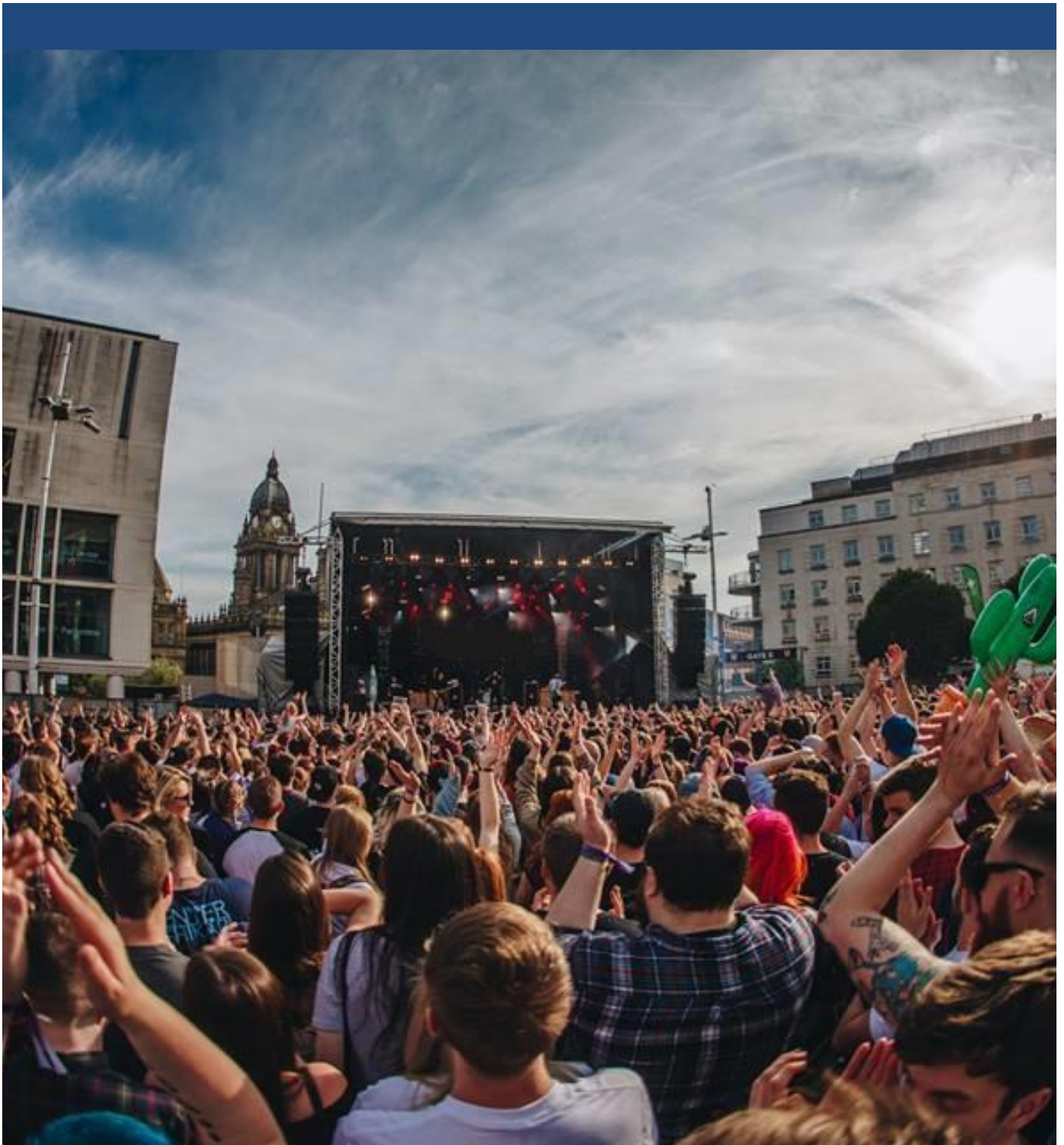


# Licensing

## Annual Report 2017



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### Foreword

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 and 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.

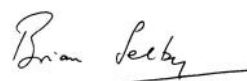
Elections, Licensing and Registration seek to make this process as easy as possible, with comprehensive guidance and application forms to download on the web, web based application routes for most application processes and face to face assistance available. Although the council seeks to promote self-service,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

In the past year both licensing teams have seen a flurry of changes to the way they work. The new Policing and Crime Act 2017 brought changes to alcohol and entertainment licensing, but more significantly the House of Lords Select Committee on the Licensing Act 2003, the Government Review on Scrap Metal Licensing and the All Party Working Group on Taxi and Private Hire Licensing have brought with them an element of uncertainty over the future of licensing which makes it difficult to forward plan. However, thankfully, both reviews have only led to minor changes so far, with the future changes being welcomed as they will increase public protection. More fundamentally the way the services work is changing with more digital opportunities making the work of applying for and renewing licences easier for everyone.

This report provides a summary of the work undertaken in 2017 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 Communities and Environment 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 2,702 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.

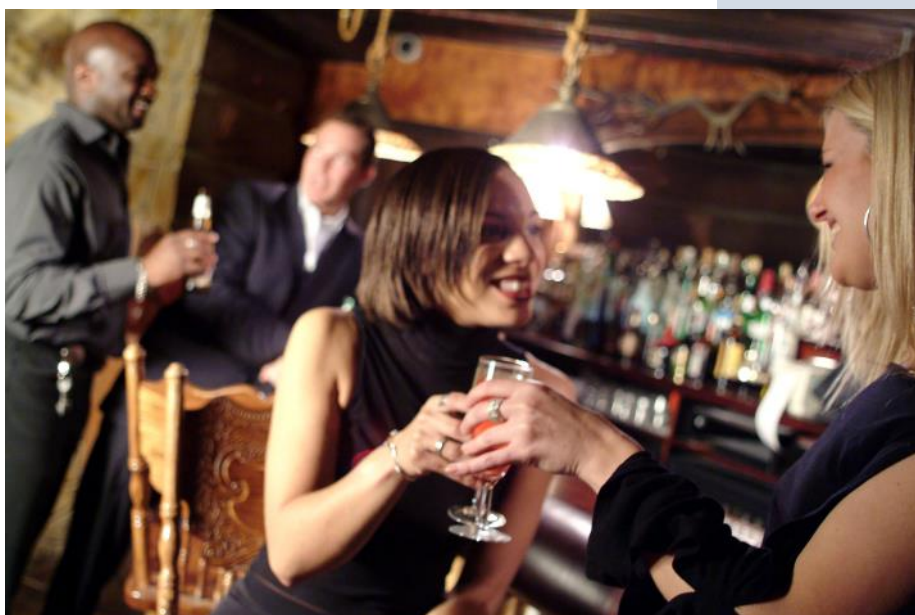
The section also administrates 1,500 temporary events, around 500 personal licences and processes a large number of permissions to site gaming machines in alcohol licensed premises each year.

**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 3 retail shops and 4 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.

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. 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. Scrap metal applications are not considered before a licensing subcommittee.

### **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 areas to which the cumulative impact policy applies:

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

The city centre area goes further to identify red, amber and green zones. The red zones focus on the areas 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 2017 and in December and the 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 2018. The Statement of Licensing Policy 2019—2023 is due for review in 2018.

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), LeedsBID, 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.

**LeedsBID Steering Group**—LeedsBID is the organisation that collects and manages the Business Improvement District in Leeds. It is providing safeguarding training for licensees and their staff, have taken the lead in obtaining Purple Flag for the city and have worked in partnership with BACIL and Leeds City Council to procure teams of Evening Ambassadors who work alongside other organisations to help identify anti-social behaviour, and work on early intervention and crime prevention in liaison with city centre venue owners, door staff, Street Angels Leeds and emergency services to ensure Leeds is an attractive, welcoming and safe place to be.

**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 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.

**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.

**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 LA03 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 in liaison with responsible authorities. In the last 12 months Entertainment Licensing has made representations to applications for:

- 5 Briggate (red zone) — Late night refreshment application which was withdrawn
- Hirsts Yard (red zone) - Variation application which was partially withdrawn. Remaining changes had no impact on licensing objectives
- Space to Eat (red zone) - Late night refreshment application granted for 6 months to prove reduction in crime
- 5 Briggate (red zone) - Late night refreshment application refused at hearing
- Lister Fisheries (Headingley) - Conditions agreed
- Viaduct (red zone) - application amended to remove it from scope of CIP
- Guitar Café (red zone) - Granted at Hearing

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 180 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.

### 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 not brought any prosecutions to court in 2017 which demonstrates that liaison and support to licence holders and by the same token with residents is a successful tool.

### 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 3 reviews brought before the Licensing Committee:



**Public House, LS10.** Summary review brought by West Yorkshire Police on the grounds of crime and disorder. The licence was initially suspended, then suspended for three months to allow a change in personnel and conditions were added to the licence.

**Event Space, LS12.** Review brought by West Yorkshire Police on the grounds of crime and disorder. Conditions were added to the licence.

**Restaurant, LS8.** Summary Review brought by West Yorkshire Police on the grounds of serious crime or disorder. The licence was modified with additional conditions after an initial suspension.

### Legislation Changes in 2017

The Policing and Crime Act 2017 brought a number of changes to the Licensing Act 2003. The most significant of these was 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. This has not been commenced yet, but is expected in April 2018.

Another change will be that cumulative impact policies will be inserted into the Licensing Act 2003 and so place them on a statutory footing. This change is expected to be commenced in April 2018.

The House of Lords 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 Select Committee published their report which recommended number of changes. These were broadly rejected by Parliament, however Section 182 guidance will be strengthened to encourage greater coordination between licensing and planning.

The Government review on gaming machines concluded with a public consultation 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 reviewed the Scrap Metal Dealers Act to see if it addressed the outcomes it was designed for. Essentially this was to see a reduction in metal theft. The Government has elected not to change the regime.

### Future Changes

The Government Digital Service is trialling an improved form for temporary event notices based on the information Leeds and other authorities gave them. Leeds is still involved in the process and is providing as much assistance as possible to encourage this system to be put live.

The Statement of Licensing Policy is due to be reviewed in 2018 which will bring changes to cumulative impact policies and local licensing guidance. The specifics will be consulted upon mid 2018.



## 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. Due to the length of time the licensing process takes (60—90 days) the numbers of applications received and the determinations may not match.

Premises Licence applications and variations (excluding CIP areas)		2016	2017
Total number of applications received		135	129
Of which:			
Had no representations		63	63
Had control measures agreed and/or the representation withdrawn prior to a hearing		39	38
The application was withdrawn		5	6
Was granted at hearing		16	13
Was refused at hearing		2	3
Still pending determination		10	4
Appeals		2	0

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	
	2016	2017	2016	2017	2016	2017
Total number of applications received	69	55	11	9	1	1
Applications with no reps	32	22	5	4	0	0
Applications with control measures agreed/rep withdrawn prior to a hearing	16	27	1	1	0	1
Applications withdrawn	4	4	1	2	0	0
Granted at hearing	4	4	1	0	0	0
Refused at hearing	1	2	1	0	0	0
Pending determination	17	1	0	0	0	0
Appeals	0	1	0	1	0	0

\* Appeals—LS1 (red zone)—The Hedonist (withdrawn) and LS6—Wetherspoons (dismissed)

### 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	
Year	2016	2017	2016	2017	2016	2017
Total number of applications received	0	5	0	1	3	0
Applications with no reps	0	2	0	2	0	0
Applications with control measures agreed/rep withdrawn prior to a hearing	0	2	0	0	0	1
Applications withdrawn	0	0	0	0	0	0
Granted at hearing	0	0	0	0	0	0
Refused at hearing	0	0	0	0	2	0
Appeals	0	0	0	0	1	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.

	City Red Zone		City Amber Zone		City Green Zone	
Year	2016	2017	2016	2017	2016	2017
Total number of applications received	5	13	44	35	20	7
Of which:						
no representations	0	1	20	18	12	3
control measures agreed/rep withdrawn prior to a hearing	0	6	12	18	4	3
withdrawn	1	2	1	1	2	1
granted at hearing	1	2	2	2	1	0
refused at hearing	1	2	0	0	0	0
Appeals	1	0	0	0	0	0

### 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 2016	Jan - Dec 2017
Total Number Received:	1286	1530
Accepted:	1264	1529
Objections/ Withdrawn:	0	0
Hearings	0	0
Counter Notice issued by the authority preventing the event	21	41

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 2016	Jan - Dec 2017
Total Number Received:	529	647
Accepted:	529	646



### Gambling Statistics

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

#### Betting shops

1 application to vary a betting shop licence after a refurbishment

#### Casinos

3 variations to existing casino premises licences for layout changes

#### Adult Gaming Centres

No new adult gaming centre applications

#### Bingo

1 application for a new licence for Luda Bingo in the city centre.

1 application to vary an existing bingo premises.

### 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 gambling 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 one further shop at LS12. All licences are applied for on an annual basis before which they are subject to a compliance visit. The applications for 2017 were not subject to any objections.

In addition to the shops, there are four sexual entertainment venues in the City Centre. A new sexual entertainment venue successfully applied for a licence on Assembly Street, in the city centre, near to the Corn Exchange. This premises, known as Whiskey Down, will operate as a whisky based venue with lap dancing provided on the upper floors.

The other three sexual entertainment venues located on York Place (x2) and Sovereign Street had their licences renewed for a further 12 months.

### 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 11 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 the organiser in November.

The multi-agency meetings for the 2018 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 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

### Plying for Hire Operations 2017

Plying for hire detection operations have continued during 2017, assisted by Enforcement Officers from other licensing authorities posing as passengers. This has resulted in 28 drivers being reported on suspicion of unlawfully plying for hire. As of December 2017, 12 of these drivers had been successfully prosecuted, one dealt with by other means and the remainder are in the court process.

The service also conducts a number of operations with West Yorkshire Police (WYP) and funding has been secured by them to provide two Road Policing Traffic Officers to work alongside our enforcement team. The officers have been conducting compliance checks on out of town drivers and vehicles who are observed in the Leeds district. This funding is due to continue for the next 12 months.

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.



**Annual online DBS update service** - the online update 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 drivers each month. This is done to check if there are any areas of concern revealed that have not been reported in another way.

**Compulsory safeguarding training**—was designed for all existing licence holders by Leeds Children's Safeguarding Board and is delivered by a safeguarding consultant. The latest position on progress of licence holders attending the session is:

Attended	Still to Attend
6049 (98.2%)	109 (1.8%)

The 109 outstanding are predominantly new applicants to the trade who have been issued with a licence in the latter half of 2017.

There is also a small proportion of drivers who have previously been granted a three year licence and are living outside of the country. These drivers will be required to attend a session upon their return to the UK and certainly prior to the renewal of their existing licence.

A final reminder has been sent to licence holders who have held their licence for over 12 months and their licence will be suspended should they not book onto and subsequently attend a safeguarding awareness session.

All new applicants from January 2017 must have attended a safeguarding awareness session prior to their licence being granted.

**Clean Air Zone**—The council's Executive Board met in December 2017 to discuss the Clean Air Zone for the city, initiating six months or so of debate and discussions about a Clean Air Zone in 2020, and the implications for which sort of taxi

and private hire vehicles the council licences, as well as where the zone might start and end, and how much a charge would be. The current fleet is around 83% diesel and diesels of all types are the most polluting vehicles.

It is possible that some Euro 6 diesels will be permitted in the Clean Air Zone, but also that Leeds will be asked to review its vehicle conditions to encourage drivers and operators to switch from diesel to cleaner fuel types, including hybrid, plug in electric, LPG (liquefied petroleum gas) and others.

**Cross-border working**—Leeds city centre has increasingly been seen as an attractive and lucrative location for private hire vehicles licensed in other districts and the subject has generated a great deal of local interest and concern, where it is perceived that drivers licensed elsewhere have not been required to meet the high standards of training and compliance required in Leeds.

Enforcement officers are being trained in 2018 to be able to take effective enforcement action on drivers and vehicles licensed by five neighbouring authorities. Enforcement officers have also developed a CCTV number plate database of out of district vehicles observed working regularly in Leeds city centre.

**Intelligence and Police liaison**—the team has a Police Intelligence Officer located in Safer Leeds to provide further background information for decisions, for example on DBS convictions or Police investigation.

**Partnership working**—enforcement officers have been working alongside two police officers, in an initiative funded by West Yorkshire Police and Crime Commissioner. The team also works closely with neighbouring authorities, including several operations a year where enforcement officers from one authority work alongside officers from another authority.

### 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.

A quick overview of the additional work the service has been undertaking includes:

**Customer contact** – while the number of new licence applications has fallen slightly (by around 5%), the team has experienced an increase in customer contact – of around 20% increase in phone calls and 16% in emails.

**Customer Focus** – queue busting has been working well, with many Licensing and Compliance Officers intercepting people before they join the queue, making appointments. A new vehicle inspection booking system that has been designed and tested ready for implementation will really help to make best use of staff time.

**Information governance and modernisation** – the team are partway through a large document scanning programme to move from paper based to digital based casework, aimed to complete by December 2018.

**ICT systems and development** – the core licensing ICT system contract expires in 2020. There are a number of improvements which are either required to the core system, or to be developed in accompanying systems, such as customer self service.

**Training contract** – the service has consulted on proposals to bring together each of the driver training courses and contract them out to a number of suppliers, to increase training capacity and reduce the time taken to train. There is some evidence that differences in time to train and get a licence are a motivating factor in drivers applying to be trained and licenced in one area and working predominantly in another. This work will also explore the possibility of developing a common training standard across the West Yorkshire and City of York authorities.



## Taxi and Private Hire Licensing

### Licensing Statistics

Leeds currently has the following number of licences in place;

- 943 Hackney carriage drivers
- 537 Hackney carriage vehicles
- 5360 Private hire drivers
- 4448 private hire vehicles
- 60 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 2016 and 2017 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 (final decision to end a licence) in the last six months will include a proportion which were suspended in the previous six months.

	Applications	Refusals	Suspensions	Revocations
2016	919	10	110	24
2017	751	12	143	16



## 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 2016 to 31<sup>st</sup> December 2017 are set out in the table below

- Between 1<sup>st</sup> January – 31<sup>st</sup> December 2017, 12 licences were refused and 16 licences were revoked.
- Between 1<sup>st</sup> January – 31<sup>st</sup> December 2016, 10 licences were refused and 24 licences were revoked.

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

	2016		2017	
	Refusal	Revocation	Refusal	Revocation
Dishonesty	5	1	4	2
Drugs	1	0	6	1
Violence	3	3	2	3
Sexual	1	8	0	3
Driving disqualification	0	3	0	0
Plying for hire	0	3	0	5
Inappropriate conduct	0	1 *	0	0
Medical	0	0	0	0
No right to work in UK	0	1	0	0
Safeguarding	0	3	0	2
<b>TOTAL</b>	<b>10</b>	<b>24</b>	<b>12</b>	<b>16</b>

\* Failed to attend repeated DBS appointments, previous warnings on file regarding conduct



## Taxi and Private Hire Licensing

### Suspension Decisions

In relation to suspensions, 143 drivers were suspended between 1<sup>st</sup> January – 31<sup>st</sup> December 2017 compared to 110 drivers who were suspended between 1<sup>st</sup> January – 31<sup>st</sup> December 2016.

The largest category of suspensions in both 2016 and 2017 relate to a medical reason and plying for hire.

The number of suspensions relating to allegations of a sexual nature 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)	2016	2017
Dishonesty	1	2
Drug offence	1	2
Violent offence	9	8
Sexual offence	13	19
Safeguarding concerns	3	2
Motoring offence	12	8
Driving disqualification	1	4
Plying for Hire	20	28
Fail to comply with conditions	0	2
Disability Offence	0	1
Inappropriate behaviour	3	10
No right to work in UK	4	4
Medical reason	33	31
DVLA licence expired	1	0
Non completion of DBS/ Not attended safeguarding training	8	22
Unable to pass seminar	1	0
<b>Total</b>	<b>110</b>	<b>143</b>

## Taxi and Private Hire Licensing

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### Complaints Received

In total, 658 complaints made against the licensed trade were received in 2017. In total 576 were received in 2016.

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

### Complaints Received

Complaint Category		2016	2017
Driver behaviour	Rudeness/ Verbal Abuse	16	33
	Driver Conduct	92	136
	Property	7	8
	Disability	14	11
	Over Charging	36	24
	Standard of driving	149	174
	Inappropriate Sexual Behaviour	29	22
	Lateness	1	0
	Smoking	14	6
	Race Discrimination	0	5
	Refuse to carry	2	8
	Sex Discrimination	0	3
Environmental	Parking nuisance	49	50
	Noise nuisance	8	1
	Littering	11	0
No Insurance		0	0
Plying for hire		41	46
Breach of licensing conditions		30	44
Criminal complaint		34	18
Defective vehicle		19	13
Failure to comply with operator conditions		17	38
Unlicensed vehicle		5	0
Unlicensed driver		2	8
Uncategorised		0	10
<b>Total</b>		<b>576</b>	<b>658</b>

## Taxi and Private Hire Licensing

### Appeals Received

In total, 8 appeals were received in 2017 in comparison to the 14 appeals received in 2016. The reason for the appeal and outcome are set out below:

2016—Type of Appeal	Volume	Court	Result
Against refusal to grant	2	Leeds Magistrates Court	Dismissed x 2
Against revocation	4	Leeds Magistrates Court	Dismissed x 2 Withdrawn x 2
Against suspension	8	Leeds Magistrates Court	Dismissed x 4 Withdrawn x 2 Upheld x 2
Total	14		Dismissed x 7 Withdrawn x 4 Upheld x 2

2017—Type of Appeal	Volume	Court	Result
Against refusal to grant	0	n/a	n/a
Against revocation	1	Leeds Magistrates Court	Dismissed x 1
Against suspension	6	Leeds Magistrates Court	Dismissed x 1 Withdrawn x 5
LCC Appeal against a Magistrates decision	1	Crown Court	Dismissed x 1
Total	8		Dismissed x 3 Withdrawn x 5

### 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;
- Be safe and feel safe
- 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
- Promoting sustainable and inclusive economic growth

### Resources and Value for Money

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





