



Elections and Regulatory Services

Entertainment Licensing and Taxi and Private Hire Licensing

# Annual Report 2022

---

# Contents

- Contents ..... 2
  
- Entertainment Licensing ..... 4
  - Introduction ..... 4
  - Coronavirus Pandemic ..... 5
  - Licensing Act 2003 ..... 5
  - Statement of Licensing Policy ..... 5
  - Cumulative Impact Assessments ..... 5
  - Licence Processing ..... 6
  - Gambling Act 2005 ..... 10
  - Statistics ..... 10
  - Sex Establishments ..... 11
  - Outdoor and Large Events ..... 11
  - Enforcement and Liaison ..... 11
  - Future Projects ..... 14
  
- Taxi and Private Hire Licensing ..... 16
  - Introduction ..... 16
  - 2022 – Recovery from Covid and Lockdown ..... 16
  - Vehicle Emissions and Free Licensing Grant ..... 17
  - Vehicle Inspections ..... 17
  - Enforcement and Compliance ..... 18
  - Policy Development and Communications ..... 19
  - Licensing Statistics ..... 19
  
- Corporate Considerations ..... 24
  - Consultation and Engagement ..... 24
  - Equality, Diversity and Integration ..... 24
  - Council Policies and Best Council Plan ..... 24
  - Resources, Procurement, and Value for Money ..... 24

## Foreword

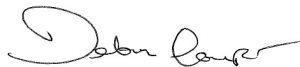
Businesses who wish to operate in the UK are regulated under several pieces of legislation. To run a pub, a business owner must hold a personal licence, a premises licence, be registered as a food premises and be signed up to Performing Rights Society so royalties are paid to musicians. A taxi or private hire driver will need a driver licence, a vehicle licence and as a sole trader, an operator's licence as well as insurance, road tax and a valid MOT. A business that is profitable above a certain threshold will have to be registered with HMRC and to employ people there is a whole raft of health and safety and employment legislation to have regard to. Businesses may have to speak to several different departments within the council and this fragmented approach to regulation proves to be challenging for most new businesses.

In respect of business licensing, Elections and Regulatory Services seek to make this process as easy as possible, with comprehensive guidance 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 offices on York Road, and by Entertainment Licensing in the city centre.

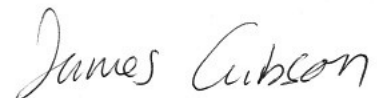
In the past year licensing and licensed businesses have been impacted by the cost of living crisis. The hospitality industry, which includes alcohol licensed premises, were already suffering from the fallout from the COVID pandemic and subsequent staff shortages. They now face rising fuel and produce costs. Transport services, including taxi and private hire, have also seen an ongoing impact from the pandemic, with more people working from home and a reduction in drivers have been on the frontline and have provided vital services.

Both licensing services have altered their practices to adapt to new ways of working and continue to support the trade in every way possible.

This report provides a summary of the work undertaken in 2022 by Entertainment Licensing and Taxi and Private Hire Licensing. Between them these two small teams administrate and enforce more than 10,000 licences.



Cllr Debra Coupar  
Executive Member for Licensing



Cllr James Gibson  
Chair of Licensing Committee

# Entertainment Licensing

## Introduction

Entertainment Licensing is a section based within Communities, Housing and Environment under the Elections and Regulatory Service. The section comprises of a section head, 5 principal officers, 4 enforcement officers, 6 licensing officers and 2 administration officers.

The Leeds metropolitan district extends over 217 square miles and has a population of just over 798,000. 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.

Entertainment Licensing deals with a variety of licences, registrations and has compliance and enforcement responsibilities throughout the whole metropolitan district, under several different laws. The main functions of the section are:

**Licensing Act 2003** – Activities which includes sale or supply of alcohol, regulated entertainment, and late night refreshment, in premises and in outdoor events.

In the wider Leeds district, the section licenses around 3,000 individual premises under the Licensing Act. These include public houses, registered members clubs, late night bars, and night clubs, off licences, late night takeaways and restaurants. Also caught under this legislation are village halls, community centres, school halls and major outdoor events.

The section also administrates approximately 1,900 temporary events, 414 personal licences and processes many permissions to site gaming machines in alcohol licensed premises each year.

**Gambling Act 2005** - Gambling facilities including bookmakers, bingo halls, amusement arcades, casinos but also permits and permissions such as lotteries. There are around 130 premises licensed under the Gambling Act including 99 betting shops and 3 casino premises.

**Local Government (Miscellaneous Provisions Act) 1982** - Adult entertainment including 2 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 76 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.

## Coronavirus Pandemic

The impact of the coronavirus pandemic continues. Although there were no forced closures in this year, the events industry and hospitality sector continue to be affected. During the pandemic, many staff members found alternative employment during the various lockdowns, including bar staff and security staff. Already suffering from financial losses during 2020 and 2021, businesses are now coping with staff who are new to the industry. In addition to this the customers who have come back to enjoy the night-time economy have different priorities and it is taking some time for businesses to adjust.

Anecdotally, the premises are reporting a much higher incidence of poor behaviour. This could be explained by the dramatic change in lifestyle these customers underwent during 2020 and 2021. In addition, there is a cohort of new customers, those who turned 18 during the pandemic, who are experiencing the night-time economy in Leeds for the first time. This is evident as alcohol related crime rates in the city centre are back to their pre-pandemic levels, despite the changes to the infrastructure, targeted anti-crime measures and additional resources in those high crime areas.

The outdoor event industry was also severely impacted during 2020 and 2021 and many major events in Leeds were cancelled, despite having started their preparations before the pandemic took hold. However this is one area that has returned to pre-pandemic levels with the numbers of temporary event notices increasing on previous years.

## Licensing Act 2003

### Statement of Licensing Policy

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 the licensing objectives. The Statement of Licensing Policy must be reviewed every five years and was last reviewed in 2022, adopted by Council and coming into effect in January 2023.

## Cumulative Impact Assessments

The Statement of Licensing Policy may provide for cumulative impact areas (CIAs) 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
- Hyde Park
- Headingley
- Armley
- Harehills and Burmantofts
- Holbeck

The city centre area goes further to identify red zones which focus on the areas of Call Lane/Lower Briggate and Albion Street/Woodhouse Lane where it is considered that these areas cannot support any more licensed premises. The City Centre is reviewed on an annual basis.

The cumulative impact assessment was given a brief review in 2021 with the outcome that all areas would remain the same until the full impact of the COVID pandemic was known.

A full review was undertaken in the Autumn of 2022. The outcome was as follows:

City centre – area and scope remains the same

Hyde Park – area and scope of the CIA to remain the same

Headingley – the area was increased to include Far Headingley, which is the start of the pub crawl route known as the Otley Run. The Otley Run activity is largely privately organised by individual groups of people following a route established by students over the last few decades. The route has become popularised on social media leading to a large increase in people in Headingley. This in turn has increased antisocial behaviour in Headingley as large groups of people pass through the area. The scope to remain the same.

Armley – the area and scope remains the same. However following consultation the area will be reviewed during 2023 to establish if the boundary should be extended to address the problems associated with antisocial behaviour and street drinking.

Harehills – the area boundary increased to prevent the accumulation of new premises licensed to sell alcohol for consumption off the premises. The area now extends to include Roundhay Road in the west and down Harehills Lane to York Road in the south. The scope remains the same.

Holbeck – This is a new area introduced during the review of the Cumulative Impact Assessment. Holbeck is an area which suffers from multiple antisocial and criminal behaviours. One of these is street drinking and an increase in applications for off licences. The scope of this area is application seeking the sale of alcohol for consumption off the premises.

## Licence Processing

Regardless of the regime, all licences are processed in a similar manner. The application is received, checked and a consultation held. As a rule, any new application that attracts relevant adverse representation will be heard before a licensing sub-committee, except for lap-dancing clubs and events exceeding 30,000 capacity which are brought before a full committee.

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 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 magistrate’s court. Scrap metal applications are not considered before a licensing sub-committee.

## Responsible Authority and Public Consultation

The Licensing Act 2003 and Gambling Act 2005 prescribe 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. Applicants must also place notices on site and advertise the application in the local paper.

For Leeds, Entertainment Licensing acts as the licensing authority for making representations to licence applications, especially in cumulative impact areas. In the capacity as a responsible authority, Entertainment Licensing assesses all applications and may make representations as necessary in liaison with responsible authorities and ward members. In 2022 Entertainment Licensing has made six representations:

### Armley CIA:

- Armley Food Centre – agreement reached to restrict sale of alcohol
- Lietuvaite, Armley – Licence refused at hearing

### Harehills CIA:

- Mleczo – Licence refused at hearing and subsequently appealed, to be heard in 2023
- IGWE African Caribbean Stores – application withdrawn
- East European Foods – application invalidated

### Hyde Park CIA:

- Chef Shabba – Agreements reached to remove off sales

## Licensing Act 2003 Applications

The Licensing Act 2003 applications represent around 93% of the section’s workload. 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.

	2020	2021	2022
Applications with no reps	67	94	62
Applications with conditions agreed	79	69	57
Applications withdrawn	11	6	7
Granted at hearing	19	14	23
Refused at hearing	3	1	6
Pending determination	-	10	15
Appeals	-	1	5
<b>Total number of applications received (including CIAs)</b>	<b>179</b>	<b>194</b>	<b>171</b>

## Appeals

In 2022, the Council were subject to five appeals against decisions:

- 2 appeals by premises user for refusal of TENS for boxing events - appeals withdrawn
- 1 appeal by licence holder against the revocation of the licence on review – appeal dismissed
- 1 appeal by applicant against the refusal of a licence – appeal to be heard in 2023
- 1 appeal by objector against the grant of a licence – appeal dismissed

## Cumulative Impact Policy Areas

This table sets out the applications and variations received in the city centre cumulative impact area.

City Centre	Red Zone	Green Zone	Total
Applications with no reps	4	10	14
Applications with conditions agreed	2	10	12
Applications withdrawn	-	2	2
Granted at hearing	-	2	2
Refused at hearing	-	-	-
Pending determination	-	1	1
Appeals	-	-	-
<b>Total number of applications received</b>	<b>6</b>	<b>25</b>	<b>31</b>

This table sets out the applications and variations determined for the four other cumulative impact areas.

	Headingley	Hyde Park	Harehills	Armley
Applications with no reps	2	-	-	-
Applications with conditions agreed	3	1	0	2
Applications withdrawn	-	-	-	-
Granted at hearing	1	-	1	-
Refused at hearing	-	-	1	1
Pending determination	-	-	1	1
Appeals	-	-	2	-
<b>Total number of applications received</b>	<b>6</b>	<b>1</b>	<b>4</b>	<b>4</b>

## 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 specified time. As it is not an application or permit, no permission is sought. It is merely a notice served upon the licensing authority, the police and environmental health.

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 (and delegated a Licensing Subcommittee) to determine if licensable activities at the event can take place.



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, and the objection window for the police and environmental health is just three working days.

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 subcommittee.

Temporary Event Notices were served on the Authority as follows:

<b>Normal Temporary Event Notices:</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>
Total Number Received:	367	661	1229
Accepted:	352 (96%)	624 (94%)	1168 (95%)
Objections/ Withdrawn:	-	-	-
Hearings	-	2	1
Counter Notice issued by the authority preventing the event due to exceeded allowances	15	33	60

<b>Late Temporary Event Notices:</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>
Total Number Received:	193	336	551
Accepted:	193 (100%)	336 (100%)	551 (100%)

## **Transfers, Designated Premises Supervisor Changes and Personal Licences**

A premises licence, once granted, lasts in perpetuity, but the licence holder or designated premises supervisor may change from time to time. A transfer process allows the licence to be transferred to another person, for a fee of £23, rather than requiring a new licence to be applied for. Only the Police may object to a transfer.

A designated premises supervisor is generally the person in day to day responsibility for the premises and may be different to the premises licence holder. This person can change often, and again a simple application and a fee of £23 allows this change to be made to the licence without the need for a full variation.

A designated premises supervisor must hold a personal licence, but a premises may choose to train several their staff as personal licence holders.

	<b>2020</b>	<b>2021</b>	<b>2022</b>
Transfers	161	127	159
Variation of Designated Premises Supervisor	386	516	555
Personal Licences	275	364	425

# Gambling Act 2005

## Statistics

In 2022 the Section dealt with 2 applications. One application was for the transfer of an adult gaming centre, one for the grant of a new betting shop in Crossgates which did not attract any representations and was granted.

### Large Casino

Following a bid to HM Government, Leeds City Council was awarded the right to issue a large casino licence, being one of the 8 licensing authorities in the country able to do so. The large casino licence is held by GGV (Leeds) Ltd, for their site at Victoria Gate. A legal agreement between the council and GGV Ltd sets out 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. A wide range of projects have been supported through the Social Inclusion Fund including Healthy Holiday Initiatives, projects to support Food Aid providers and initiatives run through Leeds Credit Union. In addition, the fund has helped support the work to address gambling related harm in the city.

Research commissioned in 2017 by Leeds City Council and undertaken by Leeds Beckett University into the prevalence of problem gambling in the city has highlighted that there are approximately 10,000 problem gamblers in Leeds (1.8% of the adult population) and a further 30,000 people (5/6% adult population) who may be at risk. In addition, one of the main conclusions was that there was a gap in support services. In response the Leeds Problem Gambling Project Group was established with the aim to increase awareness of gambling related harm and lobby for additional support services in the city.

In November 2018 Gamble Aware announced funding for the establishment of a Leeds based Northern NHS clinic led by Leeds and York Partnership Foundation Trust, and a Leeds Community Gambling Service led by GamCare. Both clinics were impacted by the pandemic but have now returned to face to face counselling and community engagement.

In addition to the Casino Premises Licence granted by the authority, an operating licence is required from the Gambling Commission. Operators must comply with Licence Conditions and Codes of Practice including social responsibility codes, and the Gambling Commission is the enforcement body of such. In 2019, the Gambling Commission undertook regulatory inspections of all three casinos in Leeds. Two of the three were found to be non-compliant with anti-money laundering and social responsibility requirements. Victoria Gate Casino agreed to a regulatory settlement of £450,000 and Commission costs of £21,578. They agreed to the publication of a statement of facts in relation to this case. A & S Leisure who operate Napoleon's Casino on Westgate received a regulatory sanction and received a warning and financial penalty of £377,340. The Council were made aware of this outcome on publication of the Victoria Gate Casino public statement. Following these actions, thorough inspections under the Licensing Act and Gambling Act were undertaken and were found to be satisfactory.

## 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 is one licensed adult shop in the city centre, with one further shop at LS12. In addition to the shops, there are three sexual entertainment venues (lap dancing clubs) in the City Centre.

## Outdoor and Large Events

Premises Licences are required for most outdoor events held throughout the Leeds district, ranging from large capacity commercial events to small charity and community events, some of which are held under Temporary Event Notices.

The council's Resilience and Emergency Team coordinate the Safety Advisory Groups and populate a calendar of events with a risk scoring matrix. This ensures that all agencies have a full picture of events, both licensed and unlicensed taking place and have an opportunity to feed into the planning and debrief processes. This also informs event attendance by the Entertainment Licensing Liaison & Compliance Team. Large events made a confident return in 2022, including Leeds Festival.

Following Leeds Festival 2022, the Licensing Committee have received a debrief report involving all partners of the Safety Advisor Group. Taking away the improvements identified for 2023, the licence holder is now in liaison with the respective agencies and multi-agency meetings are already underway.

Looking ahead to 2023, event organisers are now making their plans and we are already seeing a busy summer event season ahead.

## Enforcement and Liaison

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

The Enforcement Team operate under an Enforcement Protocol which was developed 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.

The council has adopted the principles of the Hampton Report (on effective inspection and enforcement, published in 2005) 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 enforcement Team has regard to the Regulators' Code when setting standards or giving guidance, which includes basing regulatory activities on risk.

## Multi-agency Liaison

Some officer partnership group meetings have moved to virtual settings, and in certain cases these have increased in frequency.

**Pub Watch forums** - Entertainment Licensing and West Yorkshire Police support 16 business-led forums across Leeds, including administering of the Leeds Pub Watch website which provides a useful tool for licensees

**Licensing Bulletin** - Entertainment Licensing produce a short licensing bulletin sharing key information, web links and support for businesses. This bulletin was developed during the COVID pandemic to keep licensed premises apprised of the latest developments and has around 1,000 subscribers.

**Leeds BID Steering Group**—Leeds BID is the organisation that collects and manages the Business Improvement District in Leeds.

**Business Against Crime in Leeds (BACIL)** - 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. A radio communication link is maintained between BACIL, businesses and West Yorkshire Police. Entertainment Licensing is an active partner on the steering group in supporting its aims and objectives.

**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.

**Nightsafe** – This is a regular operation held in the City Centre, bringing together a host of agencies and voluntary organisations to engage with visitors and businesses.

**City Centre Community Safety Partnership** – 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.

**Violence Against Women and Girls** – this multi-agency working group was established to reduce the violence experienced by women and girls in Leeds. Chaired by Safer Leeds, the group has representatives from the Police, groups that represent the interests of women, the Universities as well as Entertainment Licensing.

**Leeds Safety Advisory Group (for events) (SAG)** - 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 SAG acts as a conduit for organisers to share their event plans and to receive agency feedback. The SAG sits under the Strategic Safety Advisory Group (SSAG).

**LGA Policy Forum** - Leeds City Council represents 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 and has been able to provide a local authority view in several key legislative changes.

**Institute of Licensing** – The professional body for licensing matters has been instrumental in providing access to case law and legislation updates, training, and information sharing. This has been through their website, mailing lists and quarterly regional meetings.

## Complaint handling

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

In 2022, 291 complaints have been reported to the Section requiring investigation by the Enforcement Team. Complaints have included illegal drinking dens, excessive noise, unauthorised provision of late night refreshment, ‘lock-ins’ (alcohol served beyond permitted hours of licence), and other matters.

The pandemic has had a lasting impact on the enforcement service due to the relaxation to off sales and outdoor drinking. Following a period of closures, noise from licensed premises is less tolerable, several premises sprung up without having the relevant licence permission and experienced operators have left the industry.

The following table sets out the number of complaints received and resolved negating the need for formal prosecution.

Category	2020	2021	2022
Charity Collection - Unlicensed Activity	3	3	1
Equality Issues	5	5	6
GA05 - Conditions Breach	-	-	2
GA05 - Unlicensed Activity	1	-	5
LA03 - Conditions Breach	7	23	15
LA03 - Unlicensed Activity	32	38	62
LA03 Breach of Condition and Noise	60	54	118
LA03 Unlicensed Activity and Noise	5	10	3
Noise/ASB	14	40	73
SEVs - Conditions Breach	3	-	0
SEVs - Unlicensed Activity	-	1	1
Scrap Metal - Conditions Breach	-	3	0
Scrap Metal - Unlicensed Activity	-	5	2
Uncategorised	3	1	3
<b>Total</b>	<b>133</b>	<b>183</b>	<b>291</b>

Early engagement and positive liaison taken by the Entertainment Licensing Enforcement team (and partners) with businesses found not complying with licensing regulations obviated the need for formal prosecution action and/or premises licence reviews to be taken.

The Enforcement Team has however brought a premises licence review resulting in the licence being revoked (see below 'Reviews of Licences').

## Reviews of Licences

The Licensing Act 2003 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:

- Pudsey. Review brought by West Yorkshire Police in August 2022 due to sale of alcohol and tobacco products to children. The licence was revoked, and this decision has been appealed – due to be heard in April 2023.
- Harehills Lane, Harehills. Review brought by the Licensing Authority in March 2022 due to breaches of licence conditions and the lack of control of the premises by the licence holder. The licence was revoked.
- Harehills Lane, Harehills. Review brought by West Yorkshire Trading Standards in September 2021 but heard by Licensing Committee in January 2022. The review was regarding the sale of illegal tobacco. The licence was revoked and subsequently appealed. The Magistrate Court dismissed the appeal in June 2022.

## Future Projects

### Online Applications & Mobile Working Solution

The Government Digital Service have announced a removal of online applications from GOV.UK, which has prompted Leeds City Council to develop an alternative in-house solution that will work with the backend databases to find efficiencies and aid the continuation of remote working. This work is now at an advanced stage with the phase 1 processes (temporary event notice, transfer and change of DPS) going live within the first few months of 2023.

Entertainment Licensing are also engaging with the council's Digital Improvement Services to identify a mobile working solution for the Enforcement Team. Officers will be provided with handheld devices so they may access licence records and complete relevant documents whilst conducting visits and inspections.

## **Prepare and Protect Duty**

Following the Manchester Arena atrocity and the development of Martyn's Law, all business settings will have a duty to protect the public. It is anticipated that the 'Protect Duty' will be implemented in the next twelve months. Entertainment Licensing will be working with partner agencies and engaging with licensed businesses throughout this process.

## **Film Classification Policy**

Work is underway to formalise and update the current process for classifying films. This includes some proposals for making charges, but also a simplification and modernisation of the way Members are able to classify the films.

## **Cumulative Impact**

During the 2022 review of the Cumulative Impact Assessment, and particularly as part of the consultation process, requests have been received to investigate the extension of the Armley Cumulative Impact Area, and to establish if there is a need for one in the south Leeds area around Dewsbury Road. This work will include gathering evidence, including licensing, complaint and crime statistics, and gathering qualitative evidence from the Ward Members, residents and businesses in those areas. This will commence in the summer.

# Taxi and Private Hire Licensing

## Introduction

The Taxi and Private Hire Licensing service (TPHL) is responsible for the licensing and regulation of Leeds' taxi and private hire vehicle trade to ensure a safe and reliable service for the city and surrounding areas. We do this by implementing statute law and local policies ensuring that licence holders are 'fit and proper', and vehicles are safe, accessible, and meet environmental standards.

We licence all the Leeds taxi (hackney carriage) drivers and vehicles, private hire operators, drivers, and vehicles. We work closely with the taxi and private hire trades, the West Yorkshire Police, neighbouring licensing authorities, and the British Transport Police to ensure the safety of passengers.

The council's Licensing Committee sets the local requirements, byelaws, and conditions for licensing the trade, which the service applies.

## 2022 – Recovery from Covid and Lockdown

Our 2022 Annual Report covers our team's efforts and achievements over the last year and shows the work we have done to keep the taxi and private hire trade in Leeds moving during the recovery from the effects of the global pandemic. We recognise the efforts and determination of those drivers, vehicle owners and operators working with us, as the city recovers from the impact of Covid and lockdown.

Covid and lockdown has had a profound impact on passenger habits as well as on the taxi and private hire trade. Many passengers have been required or been able to travel less, particularly as people work or study from home, and the city's leisure, tourism and night-time economy has been affected. There has been a fall in the number of drivers, vehicles and operators licensed by the council, as the local and regional taxi and private trade adapts to the new circumstances.

In 2021-22, the council issued 5467 Additional Restrictions grants, drawn from funds allocated from the Covid Economic Development budget, worth £2.1m to licence holders. This money was used to offer a free 3 year licence, worth £390 each, to existing drivers who held a licence with Leeds city council on or before 1 March 2021.

As the city and the trade return from reduced demand, the TPHL team has processed the applications and trained and assessed 326 applicants in the second half of 2022, much more in line with pre-Covid levels. The team has also processed and licensed more than 400 new vehicles in the same period. However, driver and vehicle levels remain significantly below their 2020 levels, and driver applications have reduced in number. This is a trend observed country wide as drivers have moved into other areas of employment that became popular during the pandemic, such as delivery services.



## Vehicle Emissions and Free Licensing Grant

The removal of the need for the Leeds Clean Air Zone has not replaced the council's aspiration to respond to the climate emergency.

The council retained some funds from the Clean Air Fund to sustain the long term trend from diesel towards low emission vehicles. Of the vehicle owners offered a Free Licensing grant, around 80%, some 1843 accepted the offer, worth £600 each, and over £1.1m in total.

The long term trend has continued away from diesel and towards low emission (petrol hybrid, LPG and electric) vehicles. A large majority, almost 3000 of the 4334 vehicles, are now petrol hybrid, with a further 129 electric or LPG.

Fuel Type	Jan 2021	Jan 2022	Jan 2023
Petrol Hybrid	2447	2622	2940
Diesel	2176	1576	1212
LPG	99	105	103
Petrol	130	85	46
Full Electric	6	45	26
Diesel Hybrid	2	5	7
<b>Total</b>	<b>4860</b>	<b>4438</b>	<b>4334</b>

## Vehicle Inspections

In our garage, vehicle examiners conducted over 3600 inspections during 2022, and in addition to this there have been 1300 re-tests carried out.

Inspection Type	2022	2023
Age extension	1093	1737
New Vehicle Applications	456	447
Retests (chargeable)	464	755
Retests (free of charge)	561	545
Accidents	145	114
Other (complaints, transfers)	26	48
<b>Total</b>	<b>2745</b>	<b>3646</b>

Of the 3646 inspections there were only 6 vehicles which failed to meet the minimum standard set out in the current vehicle conditions, this amounts to 0.16% of the total number of inspections. The TPHL team received notification of 633 accidents to licensed vehicles, of which 114 required an inspection.

## Enforcement and Compliance

The council's licensing policies require enforcement and compliance checks to make sure that the rules are being properly followed. Vehicles which carry fare paying customers are legally required to be safe, comfortable, and fit for purpose, and driven by licensed drivers. The TPHL team recognise that many licensed vehicles are driven on the road for approaching 24 hours a day, and often by different licensed drivers who are not necessarily the owners. These vehicles require first class maintenance and regular attention.

Our enforcement and compliance work has involved checks of drivers, vehicles, and operators. Taxi and private hire drivers are subject to interim checks – medical, DBS and DVLA checks – between the issue of the 3 year licence. New regulations came into force, requiring the council to record the HMRC tax code. Vehicles are subject to both compliance checks on street and pre-booked inspections in the team's garage. Operators are subject to site visits and checks (especially of complaints) between the issue of the 5 year licence.

Enforcement officers and vehicle examiners have also worked alongside West Yorkshire Police officers and other authorities and agencies by undertaking 29 joint operations and inspecting 1468 roadside inspections in 2022. The operations investigated compliance for a range of licensing and associated risks: plying for hire, child sexual exploitation, equality act and school transport. Whilst most licensed taxi and private hire vehicles during these checks were found to be in good order, several were seen to fall short of requirements and 159 were immediately suspended from service for being in a dangerous condition.

In 2022, officers inspected 1187 Leeds licensed vehicles which resulted in:

- 135 Suspensions at the roadside
- 68 Rectification (deferred suspension) notices
- 50 Pass and advise notices
- 934 Satisfactory vehicle checks

Our officers also checked 281 vehicles licensed by neighbouring authorities, often in a joint operation with West Yorkshire Police. The results of those checks are shown below: -

- 24 Suspensions at the roadside
- 5 Rectification (deferred suspension) notices
- 24 Pass and advise notices
- 223 Satisfactory vehicle checks

## Policy Development and Communications

The council resumed Licencing Committee meetings in person in 2021. The principal area of policy development and consultation during 2022 was on the minor motoring convictions element of the Convictions and Suitability policy. The council had consulted late in 2021 on this issue, and the revised proposals were considered at Licensing Committee, Executive Board and Scrutiny Board. Addressing concerns from licence holders, the council implemented a new approach to minor motoring convictions in November 2022, which may result in taxi and private hire drivers, in some cases, required to attend additional training and receive a warning before a revocation would be considered. All revocations for minor motoring convictions would be referred to a Licensing Sub Committee.

Some face to face trade and stakeholder meetings have resumed, and the TPHL team continues to circulate the *Bulletin* to over 6000 licensees and stakeholders on a regular basis. This proves extremely useful by providing a quick and economic means of communication directly to drivers and other members of the trade. We continue to improve the content to make this relevant and are reliant on other council services and organisations to feed in timely news and information.

The principal area of policy development and consultation in 2023 is a review of the various taxi and private hire vehicle policies and conditions. The council awaits information from the Department for Transport on Best Practice Guidance for vehicles, following their consultation on draft guidance in 2022.

## Licensing Statistics

Leeds currently has the following number of licences in place

	<b>January 2020</b>	<b>February 2021</b>	<b>January 2022</b>	<b>January 2023</b>
Hackney Carriage Drivers	899	835	800	797
Hackney Carriage Vehicles	533	534	517	524
Private Hire Drivers	5601	5356	5246	5239
Private Hire Vehicles	4523	4129	3808	3811
Private Hire Operators	64	57	56	50

The COVID pandemic has affected both the number of licenses – reduced the number of new licences and affected the number of licences temporarily and voluntarily suspended. In addition to the drop in numbers, a further 625 hackney carriage and private hire drivers and 58 vehicles have reported to the council that they were not presently working as licensed drivers/vehicles.

## Decisions Taken

The application, refusal, suspension, and revocation of driver licence figures for 1 January to 31 December 2022 are set out in the table below.

When considering the information below 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, which may span different years.

Year	Applications	Refusals	Revocations	Suspensions
2019	570	18	30	202
2020	160	2	16	116
2021	48	2	13	63
2022	329	1	26	76

## Refusal and Revocation Decisions

The refusal and revocation of licence figures for 1 January to 31 December 2022 are set out in the table below.

Reason	2019		2020		2021		2022	
	Refusal	Revocation	Refusal	Revocation	Refusal	Revocation	Refusal	Revocation
Dishonesty	2	0	1	1	0	0	0	2
Drugs	7	0	0	1	0	1	0	1
Violence	3	3	1	1	1	0	0	4
Sexual offences	0	0	0	1	0	0	0	0
Safeguarding concerns	2	0	0	0	0	0	0	0
Motoring offence	0	0	0	3	0	7	1	10
Driving disqualification	0	0	0	0	1	0	0	0
Plying for hire	1	20	0	2	0	5	0	2
Fail to comply with conditions	0	0	0	0	0	0	0	0
Disability offences	0	0	0	0	0	0	0	0
Inappropriate behaviour	2	7	0	6	0	1	0	8
No right to work in UK	0	0	0	0	0	0	0	0
Medical reason	0	0	0	0	0	0	0	0
DVLA licence expired	0	0	0	0	0	0	0	0
Non-completion of DBS	0	0	0	0	0	0	0	0
Unable to pass seminar	0	0	0	0	0	0	0	0
Firearms	1	0	0	0	0	0	0	0
<b>TOTAL</b>	<b>18</b>	<b>30</b>	<b>2</b>	<b>15</b>	<b>2</b>	<b>13</b>	<b>1</b>	<b>26</b>

2022 saw an increase in the number of revocations for motoring offences, a breakdown of which is below:

- 2 x standard of driving 27 points
- 2 x use phone whilst driving
- 3 x Drink driving
- 1 x No insurance
- 1 x Drive without due care and attention
- 1 x Fail to provide drug specimen for analysis

## Suspensions

In relation to suspensions, 76 licence holders were suspended between 1 January and 31 December 2022. This is a rise from 63 licence holders suspended in 2021, 106 in 2020, and 202 in 2019. The largest category of suspensions in 2022 relate to a medical reason (accounting for almost one third of licences suspended), often for a temporary medical reason, and often at the licence holder's request.

Reason/Allegation	2019	2020	2021	2022
Dishonesty	1	0	2	3
Drugs	9	6	5	2
Violence	12	8	7	4
Sexual offences	11	16	3	11
Safeguarding concerns	1	0	2	1
Motoring offences	12	13	8	3
Driving disqualification	10	0	1	5
Plying for hire	26	3	1	6
Fail to comply with conditions	1	2	1	4
Disability offences	0	0	0	0
Inappropriate behaviour	16	5	6	5
No right to work in the UK	0	0	1	0
Medical reason	96	45	22	31
DVLA licence expired	0	0	0	0
Non completion of DBS	6	4	4	1
Unable to pass seminar	1	0	0	0
Firearms	0	0	0	0
Other	12	4	0	0
<b>Total</b>	<b>202</b>	<b>106</b>	<b>63</b>	<b>76</b>

## Complaints Received

In total, 579 complaints were made to the council about the taxi and private hire trade in 2022.

The number of complaints is higher this year, which is not surprising, given the re-opening of the day and night-time economy following our recovery from the pandemic.

The largest number of complaints reported to the council in 2022 relate to driver conduct, licence breaches and private hire drivers parking on hackney carriage ranks. In the majority of such cases, licensed drivers are given verbal or written warnings, a record of which is placed on their licensing file. If a driver continues to receive complaints, they may be referred for additional training.

Each complaint is dealt with on its own merits. Many complaints relate to the key aspect of the licensing scheme, namely the safety and comfort of the travelling public. Many relate to whether the driver is honest, reliable, and trustworthy i.e. 'fit and proper' to hold a licence. Complaints regarding racial, sexual and disability discrimination relate directly to Equality law.

Category of Complaint	2019	2020	2021	2022
Criminal Complaint	20	28	24	14
Defective Vehicle	14	1	13	4
Driver Behaviour - Disability Complaint	14	10	16	20
Driver Behaviour - Driver Conduct	354	229	259	219
Driver Behaviour - Driving Standard	154	93	94	81
Driver Behaviour - Drugs Allegation	13	5	14	5
Driver Behaviour - Overcharging	39	18	30	15
Driver Behaviour - Property	5	0	4	5
Driver Behaviour - Race Discrimination	12	11	6	6
Driver Behaviour - Refusal to Carry	9	5	9	2
Driver Behaviour - Rudeness	21	15	10	11
Driver Behaviour - Sex Discrimination	4	2	2	2
Driver Behaviour - Sexual	24	7	11	15
Driver Behaviour - Smoking	11	7	5	5
Environmental - Noise Nuisance	1	0	0	0
Environmental - Parking Nuisance	52	51	73	25
Licence breach	37	59	151	95
Complaint against Operator	31	21	27	34
Ply for Hire - Ply for Hire	10	6	17	8
Ply for Hire - Unlicensed Driver	2	5	14	3
Uncategorised	1	9	0	0
<b>Total</b>	<b>828</b>	<b>582</b>	<b>794</b>	<b>579</b>

## Appeals received

In total, 7 appeals were heard against the council's licensing decisions in 2022, there were 4 appeals in each of the two previous years. Reasons for appeals and outcomes are set out below:

<b>2020</b>	<b>Number</b>	<b>Court</b>	<b>Result</b>
Against suspension	4	Leeds Magistrates Court	1 dismissed 3 withdrawn

<b>2021</b>	<b>Number</b>	<b>Court</b>	<b>Result</b>
Against refusal to grant	1	Leeds Crown Court	1 dismissed
	1	Kirklees Magistrates Court	1 withdrawn
Against revocation	2	Kirklees Magistrates Court	1 withdrawn 1 dismissed

<b>2022</b>	<b>Number</b>	<b>Court</b>	<b>Result</b>
Against suspension	2	Kirklees Magistrates Court	1 dismissed
		Leeds Magistrates Court	1 dismissed
Against refusal to renew	1	Kirklees Magistrates Court	1 withdrawn
Against revocation	4	3 Kirklees Magistrates Court 1 Leeds Crown Court	3 dismissed 1 dismissed

# Corporate Considerations

## 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 sections 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, Diversity 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 Best Council Plan

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 deciding the council will have regard to that policy.

The licensing regime contributes to Best City Priorities 2020/2025 (see the [latest version of the Best Council Plan](#)):

- Culture
- Safe, Strong communities
- Inclusive Growth

## Resources, Procurement, and Value for Money

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