



LICENSING COMMITTEE

MEETING TO BE HELD IN CIVIC HALL, LEEDS ON
TUESDAY, 23RD JULY, 2013 AT 10.00 AM

MEMBERSHIP

Councillors

K Bruce - Rothwell;
N Buckley - Alwoodley;
R Charwood (Chair) - Moortown;
R Downes - Otley and Yeadon;
J Dunn - Ardsley and Robin Hood;
B Gettings - Morley North;
T Hanley - Bramley and Stanningley;
M Harland - Kippax and Methley;
G Hussain - Roundhay;
G Hyde - Killingbeck and Seacroft;
A Khan - Burmantofts and Richmond Hill;
P Latty - Guiseley and Rawdon;
B Selby - Killingbeck and Seacroft;
C Townsley - Horsforth;
G Wilkinson - Wetherby;

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A G E N D A

Item No	Ward/Equal Opportunities	Item Not Open		Page No
1			<p>APPEALS AGAINST REFUSAL OF INSPECTION OF DOCUMENTS</p> <p>To consider any appeals in accordance with Procedure Rule 25 of the Access to Information Procedure Rules (in the event of an Appeal the press and public will be excluded)</p> <p>(*In accordance with Procedure Rule 25, written notice of an appeal must be received by the Head of Governance Services at least 24 hours before the meeting)</p>	
2		Item 8 Appendix 1 10.4(3, 7)	<p>EXEMPT INFORMATION - POSSIBLE EXCLUSION OF THE PRESS AND PUBLIC</p> <p>1 To highlight reports or appendices which officers have identified as containing exempt information, and where officers consider that the public interest in maintaining the exemption outweighs the public interest in disclosing the information, for the reasons outlined in the report.</p> <p>2 To consider whether or not to accept the officers recommendation in respect of the above information.</p> <p>3 If so, to formally pass the following resolution:-</p> <p>RESOLVED – That the press and public be excluded from the meeting during consideration of those parts of the agenda designated as containing exempt information on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the press and public were present there would be disclosure to them of exempt information</p>	

Item No	Ward/Equal Opportunities	Item Not Open		Page No
3			<p>LATE ITEMS</p> <p>To identify items which have been admitted to the agenda by the Chair for consideration</p> <p>(The special circumstances shall be specified in the minutes)</p>	
4			<p>DECLARATION OF DISCLOSABLE PECUNIARY INTERESTS</p> <p>To disclose or draw attention to any disclosable pecuniary interests for the purposes of Section 31 of the Localism Act 2011 and paragraphs 13-16 of the Members' Code of Conduct.</p>	
5			<p>APOLOGIES FOR ABSENCE</p>	
6			<p>MINUTES</p> <p>To approve the minutes of the last meeting held on 25th June 2013</p> <p>(Copy attached)</p>	3 - 8
7			<p>APPLICATION FOR A MOTOR TRICYCLE TO BE INCLUDED ON THE APPROVED LIST OF VEHICLES LICENSED AS "NOVELTY" PRIVATE HIRE VEHICLES</p> <p>To consider the report of the Head of Licensing and Registration on an application received for a motor tricycle to be included on the Approved List of vehicles licensed as "novelty" Private Hire vehicles. The report includes information on the relevant legislation and sets out proposals for appropriate pre-conditions and conditions upon the grant of a Private Hire vehicle, Private Hire Operator and Private Hire driver licences to assist Members in reaching an informed decision.</p>	9 - 56

Item No	Ward/Equal Opportunities	Item Not Open		Page No
8		Appendix 1 10.4(3, 7)	<p>LATE NIGHT LEVY</p> <p>To consider the report of the Head of Licensing and Registration on the Late Night Levy, a power conferred on licensing authorities under the Police Reform and Social Responsibility Act 2011; and presenting information to enable the Licensing Committee to make decisions relating to the design of a potential late night levy.</p> <p>Please Note: Appendix 1 has been designated as exempt from publication under the provisions of Access to Information Procedure Rule 10.4 (3, 7)</p>	57 - 80
9			<p>LICENSING AUTHORITY CONSULTATION RESPONSE - THE LEEDS SITE ALLOCATIONS PLAN</p> <p>To consider the report of the Head of Licensing and Registration on the consultation being undertaken by the Council on the Leeds Site Allocations Plan, seeking responses from the Committee in order to inform the response of the Licensing Authority to those parts of the Plan relevant to the remit of the Committee</p>	81 - 92
10			<p>UPDATE ON APPLICATIONS RECEIVED UNDER THE LICENSING ACT 2003 AND GAMBLING ACT 2005 BETWEEN JANUARY AND MAY 2013</p> <p>To consider the report of the Head of Licensing and Registration providing an update on the applications received by the Entertainment Licensing Section under both the Licensing Act 2003 and the Gambling Act 2005 for new Premises Licences and variations to existing Licences</p>	93 - 118

Item No	Ward/Equal Opportunities	Item Not Open		Page No
11			<p>UPDATE ON ENFORCEMENT ACTIVITY (JANUARY TO JUNE 2013) ENTERTAINMENT LICENSING LIAISON AND ENFORCEMENT TEAM</p> <p>To consider the report of the Head of Licensing and Registration providing an update on the activities of the Entertainment Licensing Section Liaison and Enforcement Team during the period January to June 2013</p>	119 - 128
12			<p>LICENSING WORK PROGRAMME</p> <p>To consider and note the contents of the Work Programme</p>	129 - 132
13			<p>DATE AND TIME OF NEXT MEETING</p> <p>To note the date and time of the next meeting as Tuesday 13th August 2013 at 10:00 am</p>	

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CONFIDENTIAL AND EXEMPT ITEMS

The reason for confidentiality or exemption is stated on the agenda and on each of the reports in terms of Access to Information Procedure Rules 9.2 or 10.4(1) to (7). The number or numbers stated in the agenda and reports correspond to the reasons for exemption / confidentiality below:

9.0 Confidential information – requirement to exclude public access

9.1 The public must be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that confidential information would be disclosed. Likewise, public access to reports, background papers, and minutes will also be excluded.

9.2 Confidential information means

- (a) information given to the Council by a Government Department on terms which forbid its public disclosure or
- (b) information the disclosure of which to the public is prohibited by or under another Act or by Court Order. Generally personal information which identifies an individual, must not be disclosed under the data protection and human rights rules.

10.0 Exempt information – discretion to exclude public access

10.1 The public may be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that exempt information would be disclosed provided:

- (a) the meeting resolves so to exclude the public, and that resolution identifies the proceedings or part of the proceedings to which it applies, and
- (b) that resolution states by reference to the descriptions in Schedule 12A to the Local Government Act 1972 (paragraph 10.4 below) the description of the exempt information giving rise to the exclusion of the public.
- (c) that resolution states, by reference to reasons given in a relevant report or otherwise, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

10.2 In these circumstances, public access to reports, background papers and minutes will also be excluded.

10.3 Where the meeting will determine any person's civil rights or obligations, or adversely affect their possessions, Article 6 of the Human Rights Act 1998 establishes a presumption that the meeting will be held in public unless a private hearing is necessary for one of the reasons specified in Article 6.

10.4 Exempt information means information falling within the following categories (subject to any condition):

- 1 Information relating to any individual
- 2 Information which is likely to reveal the identity of an individual.
- 3 Information relating to the financial or business affairs of any particular person (including the authority holding that information).
- 4 Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or officer-holders under the authority.
- 5 Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
- 6 Information which reveals that the authority proposes –
 - (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
 - (b) to make an order or direction under any enactment
- 7 Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime

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Licensing Committee

Tuesday, 25th June, 2013

PRESENT: Councillor R Charlwood in the Chair

Councillors K Bruce, N Buckley, R Downes,
J Dunn, B Gettings, T Hanley, G Hussain,
G Hyde, A Khan, P Latty, C Townsley and
G Wilkinson

- 11 Exempt Information - Possible Exclusion of the Press and Public**
RESOLVED – That, in accordance with the provisions of the Access to Information Procedure Rules, the public be excluded from the meeting during consideration of that part of the meeting now designated as exempt on the grounds that it is likely, in view of the nature of the business to be discussed or the nature of the proceedings, that if members of the public were present there would be disclosure to them of exempt information in accordance with paragraph 10.4(5) of Schedule 12A(3) of the Local Government Act 1972 on the grounds that the Committee will discuss information in respect of which a claim to legal professional privilege could be maintained in any future legal proceedings. Consequently the public interest in maintaining the exemption outweighs the public interest in disclosing this information at this point in time. It was therefore considered that those elements of the meeting should be treated as exempt under Access to Information Procedure Rule 10.4 (5) and the public be excluded at that point (minute 18 refers)
- 12 Declaration of Disclosable Pecuniary Interests**
There were no declarations of interest
- 13 Apologies for Absence**
Apologies for absence were received from Councillor Selby
- 14 Minutes**
The Committee agreed an amendment requested by Councillor Buckley in order to clarify a comment he made at the previous meeting.
Minute 7 Annual Governance arrangements – the 4th paragraph to be amended to read:
“The Committee also commented on the role of Members as council employees or office holders, the implications of the minimum wage legislation on the Members’ Allowance Scheme and recent discussions in respect of Councillors pension schemes. *In response to discussions supporting an increase to the general Members’ Allowance, Councillor Buckley expressed his concern over the suggestion that the standard Councillors’ allowance should be generally increased beyond any government approved inflation award*”
RESOLVED – That, subject to the amendment above, the minutes of the previous meeting held 4th June 2013 be agreed as a correct record

15 Law Commission interim report "Reforming the law of Taxi and Private Hire Service"

The Committee considered the report of the Head of Licensing and Registration which set out the Interim Statement issued by the Law Commission (LC) in respect of the ongoing review of the Law of Private Hire and Hackney Carriage trades. The report highlighted the key issues arising from the interim statement for Members discussion and outlined officers' concerns

The Committee discussed the following comments made by Members:

- Welcomed that some of the concerns raised by the trade in respect of de-regulation and appearance of the Hackney Carriage fleet had been taken on board by the LC and that some regulation would remain in the control of Members
- Noted the LC comments in respect of trade representation on formal decision making bodies
- Expressed concern over the proposals for national vehicle standards and the implications for the ability for licensing authorities to impose local conditions.
- The concerns expressed in respect of the de-regulation proposals for the Private Hire trade
- The definition of the term "plying for hire" as referred to in the Statement and the need for a proper review of the definition
- The impact of the proposals for cross border working on local authority enforcement work
- The proposals concerning the simplification of the appeals system

In addition Members commented on the following matters arising from the discussions:

- The suggestion that both the HC and PH should embark on partnership working to assist the night time economy in respect of the dispersal of people from the city centre
- The need for wider publicising of the existing conditions in respect of the trades, so that the travelling public had greater awareness of what to expect from the trade in terms of passenger safety and fares
- The need to investigate charges levied to customers paying for fares by credit or debit card

Members noted that the LC had not invited responses to the Interim Statement, however Members were keen to advise the LC of their continuing concerns and requested the Chair write to the LC to appraise them of today's discussions.

Members also supported officer's comments urging the representatives of the trade in attendance, to write to the LC directly expressing their views in acknowledgement that the HC and PH trades had very different concerns and issues to raise with the LC.

Officers were also requested to keep Members apprised of any further comments or statements issued by the LC prior to the final being report being released

RESOLVED-

- a) That the contents of the report and the comments and observations made by Members be noted
- b) That the Chair, in conjunction with the relevant officers, write to the Law Commission advising of the observations and concerns raised by the Committee. It was agreed that a copy of the letter would be circulated to all Members of the Committee prior to despatch to the Law Commission

(Councillor Khan withdrew from the meeting for a short while at this point)

16 Executive Private Hire Vehicles Policy and Licence Condition in relating to price at point of first licensing

The Head of Licensing and Registration submitted a report on the outcome of the review of the Executive Hire vehicles policy and licence conditions undertaken by a working group (WG) of the Committee, specifically in relation to the price of the vehicle at the point of first licensing. The report outlined the consultation undertaken with the EH trade by the working group and presented the recommendations of the WG for the Committee to consider. The report included a copy of the responses received at Appendix 1.

Councillor G Hyde, Chair of the WG commented on the process and considerations undertaken. Members commented on the impact of the current economic climate on the value of vehicles, the style of vehicles which could be regarded as “executive class” and the possible impact of the final Law Commission report on the trade. Members also heard that officers were authorised to make exceptions to the Policy in exceptional circumstances.

Having regard to the findings of the WG, the Committee felt that although 5 years was the usual length of time before instigating a review of a policy, a shorter period would be more appropriate given the current economic climate and imminent publication of the Law Commission review.

RESOLVED –

- a) That approval be given to the recommendation of the Working Group that the following pre-condition should be attached to the grant of an Executive Hire saloon vehicle:

To ensure a distinct category of Executive vehicle which divides Executive and standard Private Hire saloons the Executive vehicle will have an initial retail value of not less than £39,000 at the point of first registration. That retail figure will be determined by reference to the industry’s standard retail guides, ‘CAP – Black Book’ or ‘Glasses Guide’.

and

The age of a vehicle, for licensing purposes, shall be determined by the date of first registration on the V5 document (Log Book). An Executive saloon vehicle will only be accepted for licensing if the date of first registration is less than 1 year old on the date of first application. The vehicle must be licensed for use within one month from the date of application.

- b) That the approved pre-conditions attached to the grant of an Executive Private Hire saloon vehicle and the conditions upon such a licence shall apply with immediate effect to Executive Private Hire saloon vehicle licensing applications after the date of approval by the Licensing Committee.
- c) That those Executive Private Hire saloon vehicles licensed under the existing policy will not be adversely affected by the introduction of this policy and will continue to be licensed under the terms of the previous policy.
- d) That the approved Executive Private Hire vehicle saloon pre-conditions attached to the grant of an Executive Private Hire saloon vehicle licence and the conditions upon such a licence next be reviewed in June 2015 and every two years thereafter, unless any change in circumstances requires the policy to be reviewed at an earlier date

17 Media Request

Prior to consideration of the next agenda item, the Committee received a request from the press to film the discussions and deliberations. Members received advice in respect of recent guidance issued by the Department of Communities and Local Government and in respect of the consideration of legal matters in public. Members agreed to the request, however having already been in receipt of the papers noted that there were a number of legal queries the Committee wished to discuss. The Committee therefore

RESOLVED – To enter into closed session to discuss legal matters pertaining to the proposed revised Statement of Licensing Policy for the licensing of SEVs

18 Sex Establishment Licensing Policy - Closed Session

The Committee considered the responses provided by the legal adviser in relation to the revisions to the proposed statement of licensing policy.

RESOLVED - To note the information and to move into open session

19 Sex Establishment Licensing Policy

Having discussed relevant legal matters, the Committee considered the report of the Head of Licensing and Registration on the outcome of a review of the existing Sex Establishment Statement of Licensing Policy undertaken by a Working Group (WG) of the Committee. The report outlined the consultation undertaken by the WG and presented the recommendations of the WG for the Committee to consider. The report included a copy of the draft policy at Appendix 1 and a copy of the responses to the public consultation at Appendix 2.

(Councillor Wilkinson joined the meeting at this point)

Councillor K Bruce, Chair of the WG commented on the process undertaken and the considerations of the WG. The Committee discussed the following matters:

- How the findings of the review of the existing policy and experience of the operation of sexual entertainment venues (SEVs) in the City had shaped the drafting of the revised Policy

- Welcomed the number of responses received to the consultation from both the Citizen's Panel and the general public
- Noted the demographic of the Citizens Panel
- That, should the Policy be approved by Executive Board, the Policy would come into effect from 1st September 2013 and guide future sub committee consideration of renewal applications from the relevant premises in October 2013.
- The potential impact of the Policy on the current seven licence holders if numbers reduced to four.
- Whether limiting numbers was proportionate and justified in the public interest.

(Councillor Gettings left the meeting at this point)

In response to comments made regarding the proposed limit to the number of SEVs, Members were advised that each application would be considered on its own merits in line with the Policy. In exceptional circumstances there could be a departure from the Policy

Having regard to the discussions outlined above, the overall findings of the outcome of the consultation and the recommendations of the WG the Committee

RESOLVED –

- a) To note the responses to the public consultation and the recommendation from the Working Group.
- b) To refer the draft Sex Establishment Statement of Licensing Policy to Executive Board for approval, noting that if approved the Policy will come into effect on 1st September 2013.

20 Licensing Committee Work Programme for the 2013/14 Municipal Year
RESOLVED – To note the contents of the Work Programme

21 Date and Time of next Meeting
RESOLVED – To note the date and time of the next meeting as Tuesday 23 July 2013 at 10:00 am

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Report of Head of Licensing and Registration

Report to Licensing Committee

Date: 25 July 2013

Subject: Application for a motor tricycle to be included on the Approved list of vehicles licensed as 'Novelty' Private Hire vehicles.

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

Summary of main issues

1. An application has been received to approve a 'motor tricycle' as a licensed Private Hire vehicle on the approved list of Licensed Private Hire vehicles under the licensing classification of 'novelty vehicles'. This is the first application within that classification and should receive full consideration by Elected Members.
2. A key consideration is how the vehicle satisfies those elements of the Local Government (Miscellaneous Provisions) Act 1976, particularly in terms of safety, suitability and comfort which must be demonstrated both by the vehicle and its proposed usage. This report addresses those issues.
3. Members can impose pre-conditions to the grant of such a vehicle licence (in the same way as a driver application) and these pre-conditions enable officers to carry out any future approvals in a consistent way and with information being readily available to applicants. Proposals are contained within the body of the report.
4. Members can also place conditions upon the Operator and Private Hire driver licence which are also proportionate to maintaining safety considerations and compliance to the Act. Proposals are contained in the body of the report.
5. A significant part of the decision process in this application is how the Operator, vehicle and driver safety conditions are specifically aimed at a defined business plan which is very distinct from the standard Private Hire conditions for licensed vehicles which carry out everyday, run of the mill private hire work around the city. Members

would need to ensure that any licensing approval would be applicable only to the terms of the business plan and not transferable to standard Private Hire work, particularly activities within the context of the city centre or the night-time economy.

6. Licensing Committee can approve the grant of the vehicle, Operator and driver licences with conditions but a generic new policy for 'Novelty Vehicles' is an Executive function and would require Officers to prepare a further report for the final approval of such policies.
7. At the point of presenting this report full consultation has taken place and all of the proposals for policy and conditions included in this report take account of that and the observations of Officers.

Recommendations

8. Members consider all the elements of the vehicle application, the observations of Officers and the appropriateness of the proposed policy, pre-conditions and conditions measured against the legal requirements of Section 48 of the Local Government (Miscellaneous Provisions) Act 1976 and determine whether to approve the application to issue a Private Hire motor tricycle licence.
9. Members determine that the legislative test of '*suitable in type, size and design for use as a Private Hire vehicle and safe*' within the Act is only met in respect of its proposed usage presented to the Council in this application. The vehicle and Operator licence approval would not extend to the use of the vehicle in the context of standard Private Hire bookings or in the city centre or the night time economy.
10. If the application is approved Members consider and approve the pre-conditions to licensing such a vehicle and the Private Hire vehicle conditions placed upon that licence.
11. Members consider and approve the proposed pre-conditions attached to the grant of an Operator licence and approve the Private Hire Operator conditions placed upon that licence.
12. Members consider and approve the Private Hire driver conditions.
13. If the pre-conditions and conditions to licensing such a vehicle, Operator and driver are approved that policy is returned to Licensing Committee in 5 years time for review.
14. That Members approve in principle the proposed generic policy in respect of 'Novelty Vehicle' (which would apply to this application) and direct Officers to prepare a report for the consideration of Executive Board to approve these policies. **Appendix J.**

1 Purpose of this report

- 1.1 To inform Members of the legislative need to formally consider and determine such applications within the terms of the relevant licensing legislation which is set out in this report.
- 1.2 To set out proposals for appropriate pre-conditions and conditions upon the grant of a Private Hire vehicle, Private Hire Operator and Private Hire driver licences to assist Members in reaching an informed decision.

2 Background information

- 2.1 In 1978 Leeds City Council adopted Part II of Local Government (Miscellaneous Provisions) Act, 1976 and took responsibility for all aspects of licensing the taxi and Private Hire trade. The Authority sets pre-conditions to personal Operator and vehicle licences and also places conditions upon those licences to create a safely controlled environment for public transport.
- 2.2 The application relates to the operation of a three seater motor tricycle on which it is intended to take up to two passengers at a time, on sight-seeing tours of the Yorkshire Dales. The vehicle in question is a 'Boom Mustang Family' purpose built three seat motor tricycle with a 1.6 Ford Focus Zetech engine with similar controls to that of a car (clutch, brake, accelerator, gear change) but the steering is by handlebars. The vehicle is classified as a motor car and can be driven by anyone with a Full UK driving licence, providing they passed their driving test prior to 19 January 2013, following which the DSA issued new driving rules for mopeds, motorcycles and tricycles.
- 2.3 A motor tricycle does not conform to any of Leeds City Council's pre-conditions for standard Private Hire vehicles. Nor are the conditions attached to standard Private Hire Operator, vehicle or driver licences appropriate for this vehicle.
- 2.4 The existing approved standard conditions for Private Hire vehicle, Operator and driver were intended for the use of standard saloon vehicles and the vehicle in question is so different that special safety conditions would have to be considered. In fact, unless the conditions were changed this vehicle would be precluded from licensing approval.
- 2.5 Members are advised that consideration must be given to the application but it is for the applicant to satisfy the Council with the information that is supplied in support of this application. However, consideration can be given to imposing appropriate safety conditions which are proportionate to accommodating the application within a licensed but controlled operating framework.
- 2.6 To help in identifying and supplying the most relevant information to enable a considered decision the 'main issues' section deals with those thoughts and issues that might be at the forefront of Members minds in ensuring that safety is identified as the key issue. A range of general interest questions have also been asked and these are dealt with as supplementary information questions at **Appendix A.**

3 Main issues

3.1 In particular the Act states:-

“A district Council shall not grant such a licence unless they are satisfied –

(a) that the vehicle is –

- (i) suitable in type, size and design for use as a private hire vehicle;

Officer Response:- The type of vehicle is accepted internationally as an alternative mode of transport. It may be more widely recognised as it featured in the popular TV series, Billy Connolly’s World Tour.

The vehicle is produced and manufactured to recognised European standards and has been issued with certification of European Whole Vehicle Type Approval, a copy of which can be found at **Appendix B**.

The vehicle is designed to carry more than one passenger in addition to the driver, with appropriate features to accommodate the needs of two rear seat passengers.

The safety features designed into this vehicle include leg protection built in to the shape of the framework, a safety restraint bar for passengers fitted as standard and additional seatbelts to the frame of the vehicle to provide additional support for passengers when being transported.

A photograph of a similar vehicle, taken from the manufacturer’s brochure on pages 29 -31, attached at **Appendix C**.

- (ii) not of such design and appearance as to lead any person to believe that the vehicle is a hackney carriage;

Officer Response: Considered to be unlikely in this case

- (iii) in a suitable mechanical condition;

Officer Response: The vehicle is registered in the UK and complies with Road Vehicles Construction and Use Regulations for this type of vehicle.

The vehicle is required to pass a Class 4 MOT (the same as a car) at an approved MOT testing station to account for the roadworthiness of the vehicle.

The Taxi & Private Hire Licensing Section Vehicle Inspectors are able to carry out routine inspections on the vehicle to check compliance to conditions and general roadworthiness but are unable to carry out a full MOT inspection of this type of vehicle as the Taxi & Private Hire Licensing testing facility is not an approved MOT testing station.

It is proposed a condition is attached to the vehicle licence which requires such an MOT inspection every 6 months at an authorised MOT testing station approved by VOSA to test this type of vehicle. A condition could

require that certificate to be produced to the licensing office as specified by them.

(iv) **safe;**

Officer Response: Conditions might include an annual inspection by Authorised Officers of the Council to ensure roadworthiness and conformity to conditions.

The driver and passengers are exposed to external elements which you would associate with this mode of transport. The levels of protection you may normally associate with a car, such as airbags, side impact bars, crumple zones etc. are not an option with this type of vehicle. However, the vehicle is able to support additional 'safety' features which the Council may consider reasonable and necessary to apply by condition to provide additional protection and safety for passengers:-

A preliminary safety risk assessment to be carried out by the Operator prior to any booking taking place and finally by the driver prior to the commencement of a journey and retained for 12 months for inspection purposes. **Appendix D;**

Neither the driver or the passengers of this type of vehicle are legally required to wear a crash helmet. However, Members may consider that this is an appropriate safety requirement and should be a condition for the driver and passengers of the vehicle to wear such at all times;

Suitable protective clothing to be provided by the Licensed Operator to passengers who have hired the vehicle;

Passenger safety is at risk where the passenger cannot reach the restraint bar when seated, or their feet do not touch the vehicle's foot bar and so body height is the form of measurement used to assess this safety issue. The advice from the manufacturer is that anyone below the height of 165 cms would not be allowed to travel on the vehicle;

Personal responsibility and an understanding of safety instructions are a vital part of this form of transport and whilst there are no strict definitions of an appropriate age the Operator's choice is that children under the age of 11 years should not travel on the vehicle;

The manufacturer's factory fitted restraint bar must be used by passengers at all times;

The vehicle must be fitted with footplates to prevent feet/ankles passing through the tubular frame of the vehicle when mounting or dismounting the vehicle and which also provides a firm footing in adverse weather conditions;

The vehicle will be fitted with additional approved seat/lap belts for both passengers;

The DSA has no provision to test drivers of this type of vehicle for Private Hire purposes. The DSA has suggested that the applicant should take the assessment in a standard motor car which would be in line with the condition applicable to current Private Hire and Hackney carriage drivers;

Due to external wind and traffic noise interference it is proposed to impose a condition on the Operators licence which requires them to provide means of communication between the driver and passengers throughout the duration of the journey by way of hardwired, radio wave or blue tooth technology.

(v) comfortable;

Officer Response: The vehicle is not classed as a 'motorbike' and does not require the same level of interaction or understanding from passengers which would be normally associated with riding on a motorbike as a pillion passenger. There is no requirement for the passengers to take account of their position for road handling and cornering purposes and they can leave the driving and control of the vehicle in the hands of the driver.

The vehicle has been designed and manufactured to a high standard and tested to European standards. It comes equipped with appropriate seating, back, head and side restraints, arm rests and passenger restraint bar. Members might consider that the distinct style of vehicle and the business plan for this vehicle's usage makes it pretty clear what level of comfort is offered and is an obvious known quantity to the customer prior to undertaking a booking and 'comfort' should be assessed by Members in that context.

(b) that there is in force in relation to the use of the vehicle a policy of insurance or such security as complies with the requirements of Part VI of the Road Traffic Act 1988,

Officer Response: This is an administrative process to be confirmed at the time of licensing.

and shall not refuse a licence for the purpose of limiting the number of vehicles in respect of which such licences are granted by the council.

Officer Response: This application must be considered on its own merits.

3.2 A district Council may attach to the grant of a licence under this section such conditions as they may consider reasonably necessary

Officer Response: The preceding paragraphs describe some of the safety considerations Members may want to consider. It is felt important and for total clarity, that the granting of such a licence is strictly in accordance with the business statement submitted by the proposed licensed Operator of the vehicle. Members may consider that to undertake bookings in any way other than as described in the applicants business statement could introduce factors which start to adversely impact upon safety. The business statement is reproduced below, and if approved this business statement would be attached to and form a part of the Operators licence conditions.

"To supply & deliver chauffeur driven trike tours of the Yorkshire Dales. All tours are pre designed and all tours are to be pre paid on pre booked dates.

All of our tours have been carefully created with your sheer pleasure and enjoyment in mind. There will be plenty of stops with loads of photo opportunities along the way so just sit back and enjoy the views. We look forward to meeting you and enjoying your company onboard our Boom 3 Seater trike and take great pleasure in chauffeuring you through our breathtaking Yorkshire Dales; we do so love showing them off.

All YTT tours are base on 2 people sharing the tour. If you are a single passenger, that's not a problem as we provide a travelling buddy

On all tours over 1 hour we carry refreshment and snacks on board"

The proposed pre-conditions to the licensing of such a vehicle and the proposed conditions attached to the vehicle licence are attached at **Appendix E**.

The proposed pre-conditions attached to the Operator licence and the proposed conditions attached to the Operator licence are attached at **Appendix F**.

Proposed conditions attached to the driver licence are attached at **Appendix H**.

Proposed generic polices relating to Private Hire Novelty Vehicle Operator and vehicles are attached at **Appendix J**.

- 3.3 The current standard Private Hire Operator pre-conditions to obtaining a licence and conditions upon that licence are not entirely appropriate to the responsibilities of Operating this vehicle. For example, the administrative and operating practices of a motor tricycle vehicle must at all times, in every way, be distinct from the business conducted by a licensed Operator of standard Private Hire vehicles including advertising, separate telephone lines, how bookings are taken, recorded and attended. Proposed changes are set out in **Appendix E**.
- 3.4 An addition to the standard Private Hire driver pre-conditions for this type of licences, and the conditions attached in respect of the type of driving licence required can be accommodated within the existing requirements of the Local Government (Miscellaneous Provisions) Act, 1976 and does not need a change to policy.
- 3.5 The existing Private Hire driver conditions upon such a licence now have included appropriate proposed safeguards in relation to driver responsibilities towards the passenger (**Appendix G**).

4 Corporate Considerations

4.6 Consultation and Engagement

- 4.6.1 The summary of consultation appears at **Appendix I** along with appropriate Officer responses. The proposals from Officers already addressed many of the concerns raised in the consultation process

4.7 Equality and Diversity / Cohesion and Integration

4.7.1 There are no adverse issues raised by the proposals which has been the subject of an Equality, Diversity, Cohesion and Integration Screening.

4.8 Council policies and City Priorities

4.8.1 The Taxi & Private Hire Licensing policies create the principles the Council will use to exercise its functions, mainly under the Local Government (Miscellaneous Provisions) Act 1976, but also under other associated Acts of Parliament. Applicants for licences are expected to read the policy before making their application and the Council will refer to the policy when making its decisions.

4.8.2 The Taxi & Private Hire Licensing policies contribute to the following aims:

Best Council Plan 2013 -17

Towards being an Enterprising Council

Our Ambition and Approach

Our Ambition is for Leeds to be the best city and Leeds City Council to be the best council in the UK – fair, open and welcoming with an economy that is both prosperous and sustainable so all our communities are successful.

Our Approach is to adopt a new leadership style of civic enterprise, where the council becomes more enterprising, business and partners become more civic, and citizens become more actively engaged in the work of the city.

Our Best Council Outcomes

Make it easier for people to do business with us

Our Best Council Objectives

Ensuring High Quality Public Services

Promoting sustainable and inclusive economic growth – Improving the economic wellbeing of local people and businesses.

With a focus on:

- Helping people into jobs,
- Boosting the local economy
- Generating income for the council

4.8.3 The Taxi & Private Hire Licensing policies contribute to priorities:

- Reduce crime levels and their impact across Leeds
- Effectively tackle and reduce anti-social behaviour in communities

4.9 Resources and value for money

4.9.4 There are no adverse financial, administration or resource impacts on the Section or the Council with this application or recommendations.

4.10 Legal Implications, Access to Information and Call In

4.10.1 Having considered the vehicle application under Section 48 of the Act, the authority to impose appropriate conditions upon the licence of the Operator and driver of such a vehicle follow naturally to Sections 55 and 51 of the Act, respectively. The consideration for Members is proportionality of those conditions it might seek to set in order to achieve an acceptable level of safety and compliance to the Act itself.

4.10.2 Members are advised that new policy proposals are an Executive function. Licensing Committee can consider the policy proposals within the report but the final approval is that of the Executive Board. Members can contribute to informing the Executive Board in the report but they can approve of the policy, in principle, presented to them having had the benefit of the comprehensive report from Officers, full public and trade consultation and legal advice.

4.11 Risk Management

4.11.1 The legal issues are fully addressed within the report and it is felt that if the Act and safety considerations are demonstrated to have been fully considered by Members prior to a decision being taken that there is minimum risk to the Council.

5 Conclusions

5.1 The main consideration is whether or not the vehicle is considered to be safe within its intended area of usage which is very clearly not standard Private Hire work. If Members determine that the vehicle can be licensed to an acceptable degree of safety under the defined business statement of the Operator, then a clear statement to that effect within the final decision could be imposed as the main condition upon the Operator's licence.

5.2 There is no standard definition for the night-time economy. For the purposes of this report (which focuses on public safety in the context of the operation of this vehicle) the night-time economy is taken to be that area of the licensing district where there is significant activity involving the sale and consumption of alcohol. This is particularly by pubs, clubs, bars and restaurants between the hours of 6:00 pm and 6:00 am where there is an associated link to volumes of younger people and the patterns of behaviour normally associated with alcohol consumption.

5.3 Geographically and broadly defined that would include those areas bounded by the following points; to the west of Quarry Hill; to the east of the gyratory; to the south of Far Headingley; to the north of Crown Point bridge. The boundaries would be defined by a map placed as a condition upon the Operator licence.

5.4 Together with the proposed conditions attached to the vehicle, Operator and driver licences these would then act as strong control measures to contribute to continued safety.

6 Recommendations

- 6.1 Members consider all the elements of the application, the observations of Officers and the appropriateness of the policy, pre-conditions and conditions measured against the legal requirements of Section 48 of the Local Government (Miscellaneous Provisions) Act 1976 and determine whether to approve the application to issue a Private Hire 'novelty vehicle' licence.
- 6.2 Members determine that the legislative test of '*suitable in type, size and design for use as a Private Hire vehicle and safe*' within the Act is only met in respect of its proposed usage presented to the Council in this application. The vehicle and Operator licence approval would not extend to the use of the vehicle in the context of standard Private Hire bookings or in the city centre or the night time economy.
- 6.3 If the application is approved Members consider and approve the pre-conditions to licensing such a vehicle and the Private Hire vehicle conditions placed upon that licence.
- 6.4 Members consider and approve the proposed pre-conditions attached to the grant of an Operator licence and approve the Private Hire Operator conditions placed upon that licence.
- 6.5 Members consider and approve the Private Hire driver conditions.
- 6.6 If the pre-conditions and conditions to licensing such a vehicle, Operator and driver are approved that policy is returned to Licensing Committee in 5 years time for review.
- 6.7 That Members approve in principle the proposed generic policy in respect of 'Novelty Vehicle' (which would apply to this application) and direct officers to prepare a report for the consideration of Executive Board to approve these policies. **Appendix J.**

7 Background documents

- 7.1 Equality, Diversity, Cohesion and Integration Screening – Author: Kate Coldwell, Service Development Officer – dated 17.5.2013.

Question & Answer document

Is it noisy?	The vehicle meets European standards so we don't anticipate any issues with noise.
Is it like a motor bike?	In some respects, yes, in that you are sat on the vehicle not inside it. It is a three wheeled motor tricycle and so has improved road holding. It has a car engine, gear box with a traditional clutch and pedals. It is also meets international standards of approval in vehicle designs of this sort. The driver sits behind the front wheel and up to two passengers behind him, held in by lap belts and a safety bar in front of them. The passengers have less impact upon the stability of the vehicle on the road than is the case with a pillion passenger on a motor bike.
Can it carry children?	It is proposed that the vehicle will not carry children under 11 years old or under 165 cm in height. This height is set to ensure the passenger's feet can touch the frame of the vehicle and they can reach the passenger restraint bar.
How fast will it go?	The manufacturer's information shows a top speed of 93 mph which is less than the majority of Private Hire vehicles currently licensed.
How safe is it for passengers?	The vehicle is designed and manufactured to European standards to carry two pillion passengers and it incorporates a passenger restraint bar in front. For additional safety it is proposed that passenger restraints will be added in the way of lap belts.
Can disabled people use it?	Yes, depending on their level of mobility. A risk assessment would be undertaken by the Operator.
What licence does the driver have?	The driver needs a full UK driving licence, needs to have passed his test prior to 19 January 2013. New rules were applied by Department for Transport after that date which will be reflected in the driver conditions attached to the grant of a PH licence.
Is it safe in bad weather?	This vehicle will have better road holding capabilities than a two wheeled motor bike but less road holding capabilities than a four wheeled car. It has been issued with European whole type approval.

Appendix A

What about bad weather for the passenger?	It is proposed to attached conditions that all passengers must be provided with suitable clothing in adverse weather conditions.
How do you inspect the vehicle?	The vehicle can be inspected in the same way as any other car given the right facilities and can be MOT tested at an approved Class 4 MOT testing station. It can also be given an annual inspection by Council Officers to ensure roadworthiness and compliance to conditions.
What safety equipment do passengers have?	They will be provided with a helmet and visor/goggles along with suitable adverse weather clothing. Lap belts and front restraint bar.
Can passengers talk to the driver?	It is proposed to apply a condition that would provide communication between the passengers and the driver throughout the duration of the journey by way of hard wired radio wave or blue tooth technology.
How many people can it carry?	It is proposed that the vehicle will be licensed to carry two passengers and one driver.

European Whole Vehicle Type Approval Document

Please note that the document is a pdf and will be included at the point of printing the Committee papers

Vehicle photograph

Please note that the document is a pdf and will be included at the point of printing the Committee papers

Risk Assessment

Appendix D

<i>Potential Hazard</i>	<i>Who could be affected and how?</i>	<i>Precautions to be taken</i>
Injury getting on or off the trike.	Passengers slipping off the footrest or sustaining a back injury.	Before the commencement of the tour a short induction to be given and included will be a demonstration on how to get on or off the trike.
Passenger moving about etc in the course of a journey.	Passenger/s, driver and other road users by causing the instability of vehicle.	Driver to monitor and correct, if necessary. Passengers to be instructed to remain seated whilst the trike is in motion. Journey to be terminated if behaviour is not corrected or becomes worse.
Danger from loose clothing or inappropriate footwear.	Passengers.	Passengers to be advised to wear clothing appropriate for the weather and with no flowing edges, and securely fastened shoes or boots
Falling out of the trike.	Passengers.	Safety bar to be deployed at all times during the tour. Passengers to be required to use seat belts at all times.
Legs not fitting onto the footrest.	Passengers.	Height restriction of 165 cms and the ability to reach the footrest to be checked at pre-booking and at the induction,
Danger from passengers under the influence of drink or drugs.	Passengers and chauffeur. Erratic behaviour could cause an accident.	Access to the trike will be denied if the chauffeur suspects any guest of being under the influence of alcohol or drugs before or during a tour.
Injury caused by lifting or aiding a disabled guest on or off the trike.	Employee of Yorkshire Trike Tours or a passenger.	Any employee of Yorkshire Trike Tours to be offered a course on safe handling a

Risk Assessment**Appendix D**

		sensitive assessment conducted and advice offered prior to booking.
Exposure to adverse weather conditions or other injury whilst travelling.	Passenger.	Helmets, goggles/visors, appropriate jacket, to be provided as standard. Gloves and waterproof over trousers to be provided as necessary.

Pre-Conditions attached to the grant of a Motor Tricycle Vehicle Licence

1. Type of Vehicle

- (a) Only those vehicles which are on the Council's 'Approved List of Novelty private hire Vehicles – Motor Tricycle' will be accepted for licensing.
- (b) The vehicle must hold 'European Whole Vehicle Type Approval' and must be maintained in its standard manufactured form. Any modification or adaptation must be made by the manufacturer who must attain 'European Whole Vehicle Type Approval' in the vehicles modified or adapted form.
- (c) A vehicle licence will not normally be granted if it has sustained accident damage resulting in structural distortion beyond the accepted limits of the vehicle manufacturer, or, has been disposed of under an insurance salvage agreement (categories A, B, C, and D)¹
- (d) Once a vehicle has been inspected and a licence granted, it shall be maintained in that form and condition including continued compliance with Condition 1(a) relative to accident damage. No change in the specification, design or appearance of the vehicle or addition of any body work accessories shall be made within the duration of the licence without the prior written approval of the Council.
- (e) The vehicle must have a minimum nominal engines capacity of 1300cc or more. The engine must be the manufacturers standard type and design and must not be modified or adapted in any way to exceed standard power, emission or noise output.
- (f) The vehicle will be equipped with passenger head restraints as part of its standard design and construction and the component parts must be provided as standard equipment factory fitted by the vehicle manufacturer.
- (g) The vehicle must be equipped with side restraints as part of its standard design and construction and the component parts must be provided as standard equipment factory fitted by the vehicle manufacturer
- (h) The vehicle must be equipped with a passenger forward restraint bar as part of its standard design and construction which locks in place across the front of passengers while being transported and the component parts must be provided as standard equipment factory fitted by the vehicle manufacturer.
- (i) The applicant should produce relevant documentation to support all the of the pre-conditions upon demand and to the satisfaction of an Authorised Officer of the Council.

2. Age Criteria

- (a) The age of a vehicle, for licensing purposes, shall be determined by the date of first registration on the V5 registration document (Log Book). A vehicle will only be accepted for licensing if the date of first registration is less than 1 year from the date of application. The vehicle must be licensed for use within one month from the date of application.
- (b) Where a currently licensed vehicle does not meet the requirements of part 2a that vehicle will continue to be re-licensed for up to 7 years from the date of first registration, providing that all other licensing requirements relating to that vehicle have been complied with and that the licence is renewed before the Taxi and Private Hire Licensing Section's last working day of the month of expiry of the licence. Any break in the licence will result in part (a) of this Condition coming into effect.

The proposed changes to the standards conditions will appear in highlighted in grey.

Conditions attached to a Private Hire Motor Tricycle Vehicle Licence

Local Government (Miscellaneous Provisions) Act, 1976 Part 2

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

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

The Council informs of changes to its Conditions by publicising them in a variety of ways. It is the responsibility of the licence holder to be familiar with those changes and seek appropriate advice and guidance if in doubt.

Additional copies of these Conditions can be obtained, free of charge, by visiting the Taxi and Private Hire Licensing office, downloading from the Council's website or requesting a copy be sent by post. It is also a Condition of the Operators licence that a copy is available for viewing.

Councillors have considered carefully the following Conditions and emphasise that they are essential requirements. Failure to observe may lead to immediate suspension of the vehicle licence and consideration of licence revocation and prosecution¹ (there are explanatory notes at the end of these Conditions).

No change proposed

1. Type of Vehicle

- (a) Only those vehicles which are on the Council's approved list of Motor Tricycle vehicles will be accepted for licensing.

No change proposed

- (b) The vehicle must hold 'European Whole Vehicle Type Approval' and must be maintained in its standard manufactured form. Any modification or adaptation must be made by the manufacturer who must attain 'European Whole Vehicle Type Approval' in the vehicles modified or adapted form.

No change proposed

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

No change proposed

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

No change proposed

- (e) The engine must be the manufacturers standard type and design and must not be modified or adapted in any way to exceed standard power, emission or noise output in line with condition 1 (c) above.

Additional condition

- (f) Suitable 'foot plates' are to be fitted to the frame work of the Motor Tricycle where passengers are expected to tread or rest their feet while mounting, dis-mounting or being transported on the vehicle. The foot plates must prevent the feet & ankles of passengers passing through the vehicle framework. They should provide a 'non-slip' surface and should not introduce any trip hazard or sharp edges. The foot plates must be fabricated and fitted to acceptable engineering industry standards and approved by Authorised Officers of the Council.

Additional condition

- (g) The vehicle shall be fitted with suitable seatbelts/lap belts which meet approved BSI standards to provide additional level of safety and to prevent 'submarining'. The anchorage points must be mounted on the main framework of the vehicle and fitted in line with product specification to acceptable engineering industry standards and approved by Authorised Officer of the Council.

Additional condition

- (h) Once licensed a vehicle must continue to comply with all of those pre-conditions to the grant of the licence contained in the policy statement.

No change proposed

- (i) Fire Extinguisher – Motor Tricycle

A fire extinguisher shall be carried at all times in the vehicle. This fire extinguisher shall be a 1kg dry powder giving a minimum 5A/21B rating as defined in BSEN 3-4 British Standard for portable fire extinguishers. It must be mounted in its correct transport bracket within the boot area of the vehicle in a position that is easily accessible to potential users. All fire extinguishers should conform to British Standard EN3³.

No change proposed

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

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

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

No change proposed

2. Age Criteria

- (a) The age of a vehicle, for licensing purposes, shall be determined by the date of first registration on the V5 registration document (Log Book). A vehicle will only be accepted for licensing if the date of first registration is less than 1 year from the date of application. The vehicle must be licensed for use within one month from the date of application.

Change proposed

- (b) Where a currently licensed vehicle does not meet the requirements of part 2a that vehicle will continue to be re-licensed for up to 7 years from the date of first registration, providing that all other licensing requirements relating to that vehicle have been complied with and that the licence is renewed before the Taxi and Private Hire Licensing Section's last working day of the month of expiry of the licence. Any break in the licence will result in part (a) of this Condition coming into effect.

No change proposed

3. Number of passengers

The private hire Motor Tricycle vehicle shall carry no more than 2 passengers at any one time regardless of designed passenger carrying capacity. This will allow for no more than one driver and two passengers being transported on the vehicle for the purpose of a private hire service.

Additional condition

4. Inspection and testing

- (a) The Proprietor of a motor tricycle must present the vehicle for an MOT inspection at an authorised MOT testing station no later than 12 months from the date of first registration and every 6 months thereafter.

Change proposed

- (b) The vehicle Proprietor will be responsible for producing the MOT pass certificate to the Licensing Office within 72 hours of such a test.

Change proposed

- (c) The licensed vehicle will be subject to inspection and testing by Authorised Officers of the Council as may be required and in line with the provisions of the Local Government (Miscellaneous Provisions) Act, 1976.

No change proposed

5. Signs and Markings

- (a) All vehicles will be required to have a licence plate affixed to the bodywork and displayed in accordance with the requirements of the Council. Each licensed Motor Tricycle shall have no signs or markings on it except those identified below.

No change proposed

- (b) A licence identification disc will be issued by Leeds City Council, which must be fixed to the front, nearside of the vehicle in such a manner as to be capable of being easily read from the roadside.

- (1) The proprietor must provide a suitable weather proof licence holder to ensure the licence disc is protected, maintained and legible at all times. All those relevant preceding Conditions concerning approval and fixing in the 'signs and markings' sub section also apply.

- (a) Rear Licence Plate

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

- (c) Advertising

Only the name and contact telephone number of the company may be displayed on the rear of the vehicle in a form and design approved by an Authorised Officer of the Council.

Advertising of any other form is not permitted in or upon the vehicle.

Change proposed

6. Communication Equipment

- (a) Radio or other data communication equipment for use in the communication of bookings from the Private Hire Operators base station cannot be fitted.

Change proposed

- (b) All bookings are for exceptional events and must take place in a formal manner including the exchange of a written contract and acceptance prior to the commencement of a journey

No change proposed

- (c) The carrying or use of scanning equipment is not permitted within a licensed vehicle.

No change proposed

- (d) The vehicle will be equipped with two way radio communication equipment (with headsets) which allows constant means of communicating between the driver and passengers throughout the duration of a journey.

Additional condition

7. Liquefied Petroleum Gas

Vehicles with Dual Fuel or 'after market' Liquid Petroleum Gas (LPG) systems must be tested and certified by a recognised Liquid Petroleum Gas Association (LPGA) accredited installer.

For Private Hire Motor Tricycle licence applications, this certification must be produced at the time of application. For vehicles that have a LPG system fitted during the currency of a vehicle licence, they must inform the Taxi and Private Licensing office in writing and produce the above certification within 7 days.

No change proposed

8. Fare Meter (Optional)

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

No change proposed

9. General Condition Cleanliness and Appearance of Vehicle

- (a) Every vehicle shall be maintained in a safe and pristine condition at all times and be subject to such examinations as are required by the Council.
 - (b) Seats must be maintained to a standard commensurate with passengers reasonable expectations and should remain comfortable, free of stains, tears, cigarette burns or repair, and not threadbare.
 - (c) Luggage and storage areas must be kept as free space for passenger's luggage.
 - (d) The driver of a licensed Motor Tricycle shall, at the request of an Authorised Officer of the Council or a Police Constable, stop the vehicle, whether or not passengers are being carried, to enable it to be checked for compliance with all the Conditions of the vehicle, driver and Operator licences granted by the Council and relevant legislation and shall not proceed until the Authorised Officer or Constable has given approval.
 - (e) Accident damage must be reported to the Council, in writing, within 72 hours, by the Proprietor and must be repaired without undue delay. Bodywork should be maintained to a good condition, paintwork should be sound and well maintained and free of corrosion, inferior re-spray paintwork and 'cover up' temporary repairs.
3. Replacement parts whether mechanical, body or trim, fittings or furnishings, will be supplied by the vehicle manufacturer.

Change proposals only in respect of terminology

10. Insurance Documentation

- (a) At all times during the duration of this licence there shall be in force in relation to the use of the vehicle as a Motor Tricycle, a Policy of Insurance or such security as complies with the requirements of Part VI of the Road Traffic Act 1988.
- (b) The Proprietor or the driver of the licensed vehicle shall produce a current Certificate of Insurance or Cover Note showing:
 - (i) That there is in force in relation to the use of the Private Hire vehicle to which the application relates a policy of insurance or such security as complies with the requirements of Part VI of the Road Traffic Act 1988, and have a current vehicle excise licence. The Certificate of Insurance or Cover Note must clearly state the driver(s) and the vehicle;
 - (ii) In the case of a vehicle covered by a block insurance policy, the Certificate or Cover Note must be produced showing that there is in force in relation to the use of the Private Hire Vehicle to which the application for the grant of licence relates, a policy of insurance of such security as complies with the requirements of Part VI of the Road Traffic Act 1988. The Certificate of Insurance or Cover Note must clearly state the driver(s) and vehicle or;
 - (iii) When the driver and vehicle is not so stated then a V5 registration document will be required which relates to the vehicle owner/keeper being the same as the Proposer of the insurance and the Proprietor of the licence.
- (c) The Proposer of the insurance produced must be the Proprietor of the licensed vehicle.

- (d) The original insurance documentation will be produced to the Council. The Council will not accept production of insurance documentation by facsimile or which are a photocopy. When requested the Proprietor must also produce separate correspondence from the insurer to enable the Council to reduce the risk of fraudulent documents being produced.
- (e) At all times during the currency of the vehicle licence, the Proprietor of the vehicle must hold in the vehicle the original Certificate of Insurance or Cover Note relating to that vehicle and which shows those persons entitled to drive the vehicle or a Certificate which complies with 2(c) as above. The documentation must be available for inspection by any Authorised Officer of the Council or Police Officer at all reasonable times. Failure to hold or produce this documentation will, except in exceptional circumstances, lead to the consideration of the suspension or revocation of the licence.

No change proposed

11. Change of Address

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

No change proposed

12. Transfer of Motor Tricycle Vehicle Licences

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

No change proposed

13. Requirements to Produce a New MOT Certificate

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

No change proposed

14. Private Hire Motor Tricycle Vehicle Licence Surrender

If the Proprietor surrenders a Private Hire Motor Tricycle vehicle licence then that licence shall be treated as if it had expired on the date of surrender and cannot thereafter be re-instated.

No change proposed

15. Return of the Licence Plates and Discs After Expiry of Licence

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

No change proposed

Explanatory Notes

1. Health and Safety of Passengers (Duty of Care)

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

2. **Cautionary Advice**

You are strongly advised not to purchase a vehicle or any equipment or fittings without first reading the Council's policy and preconditions to the grant of a licence and also these Conditions. If in doubt about any aspect of them, you should make an appointment with a Vehicle Examiner at the Taxi and Private Hire Licensing Section. Licensing Officers and administration staff are not qualified to make technical assessments and are under instruction not to offer such advice.

If a vehicle does not meet the Conditions it is unlikely that a licence will be granted.

Drivers considering buying a vehicle, whether previously licensed or not, are strongly advised to conduct a HPI check prior to purchase. The Council offers a 'Hire Purchase information' service to enable licensed drivers who are considering purchasing a vehicle to ascertain a vehicle's HPI status. The Taxi and Private Hire Licensing Section can conduct such 'HPI' checks for the fee set at that time. There are also other businesses offering this service. It is recommended you seek advice from a Vehicle Examiner prior to purchase.

3. **Fire Safety Code of Practice**

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

No change proposed

Pre-Conditions Attached to the Grant of a Private Hire Motor Tricycle Operator Licence

1. Any person wishing to acquire a licence to operate a private hire Novelty vehicle shall be a fit and proper person and make the application to the Council solely in their name on the prescribed form and pay such fee as prescribed by the Council. Such fee shall not be returnable under any circumstance, save at the sole discretion of the Council.
2. Every applicant for an Operators licence shall be required to undertake: -
 - (i) Complete the appropriate application form and a DBS Disclosure form
 - (ii) Undertake English language, literacy and numeracy testing
 - (iii) Attend a private hire Motor ricycle Operator Seminar

Policy change proposed

3. Every applicant shall in addition to the information specified in the application process provide the name, date of birth and address of any person the applicant proposes to operate the business in partnership with at any time. If it is intended to provide a travelling partner on behalf of the Company with a passenger that person must be the subject of a DBS Disclosure.
4. Each Operator licence issued by the Licensing Authority shall be issued only in the name of the applicant and that person shall be deemed solely responsible as the Operator upon the licence being granted and the licence is not transferable from the first mentioned person to another person.
5. Each Operator licence issued by the Licensing Authority shall be valid for such a period as the Licensing Authority may decide.
6. Every applicant for an Operators licence shall demonstrate compliance with the policy.

The proposed changes to the standards conditions will appear in highlighted in grey.

Conditions attached to a Licence to Operate a Private Hire Motor Tricycle

Local Government (Miscellaneous Provisions) Act, 1976 Part 2

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

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

The Council informs of changes to its Conditions by publicising them in a variety of ways. It is the responsibility of the licence holder to be familiar with those changes and seek appropriate advice and guidance if in doubt.

Additional copies of these Conditions can be obtained, free of charge, by visiting the Taxi and Private Hire Licensing office, downloading from the Council's website or requesting a copy be sent by post. It is also a Condition of the Operators licence that a copy is available for viewing.

Councillors have considered carefully the following Conditions and emphasise that they are essential requirements. Failure to observe may lead to immediate suspension of the vehicle licence and consideration of licence revocation and prosecution² (there are explanatory notes at the end of these Conditions).

1. Operator Licence

Every applicant shall in addition to the information specified in the application process provide the name, date of birth and address of any person the applicant proposes to operate the business in partnership with at any time, who shall also be the subject of DBS vetting.

Each Operator licence issued by the Licensing Authority is issued only in the name of the applicant and that person shall be deemed solely responsible as the Operator upon the licence being granted and the licence is not transferable from the first mentioned person to another person.

Each Operator licence issued by the Licensing Authority shall be valid for such a period as the Licensing Authority may decide.

The current Operator licence must be displayed at the business premises to which the licence relates in a prominent position at all times in view of the general public with the exception of such times as the licence is presented to the Licensing Authority for amendment or it is required to be produced for inspection by an Authorised Officer of the Licensing Authority or a Police Constable.

Each Operator, when disposing of any business interest, shall within 14 days give notice, in writing, to the Licensing Authority that the business registered in his / her name has terminated.

The Operator shall notify the Council in writing of any change of address during the period of the licence within seven days of such change taking place.

The Operator will, if there is public access, have on display a copy of the Operators, drivers and vehicle Conditions to be viewed by any person.

The Operator will supply, free of charge, a copy of those Conditions to any person requiring them.

When operating a Motor Tricycle under the licence category of Novelty vehicle. The Operator licence precludes the acceptance of bookings of that vehicle for standard private hire journeys or working within the city centre or the night-time economy.

Additional condition

2. Place of Business

A licensed Operator will only conduct the business from the booking office address specified on the licence, each booking office address requires a separate licence.

NB: Any licensed Operator wishing to conduct a business from any address other than that specified on the Operator licence shall make application to the Licensing Authority on the prescribed forms which will be regarded by the Licensing Authority as a new application for an Operator licence and the applicant shall satisfy the requirements of the Licensing Authority accordingly.

An application on or within the grounds of liquor licensed premises will not be accepted.

Where there is public access the licensed Operator shall provide, at the address from which the business is conducted as specified on the Operator licence, an enclosed area to which the public have right of access for the purposes of making a booking for the services of a licensed vehicle or awaiting the arrival of a licensed vehicle subsequent to any booking. No Operator shall cause or permit any such area to be used by them or other persons for any other purpose than that outlined above.

The premises shall be kept clean, adequately illuminated, heated and ventilated and shall conform to any other relevant legal requirements.

All licensed Operators shall have in force a Public Liability Insurance policy providing a minimum of £5,000,000 indemnity in respect of any one incident.

All licensed Operators shall have in force an Employers Liability Insurance policy complying with the Employers Liability (Compulsory Insurance) Act 1969 covering death or personal injury arising out of any incident during the course of a person's employment.

3. Requirements to report convictions & associated incidents⁴

- (a) Any of the following events must be reported in writing to the Taxi & Private Licensing office within 72 hours during the currency of a licence giving full details:-
- (a) any conviction or finding of guilt (criminal or driving matter);
 - (b) any caution (issued by the Police or any other agency);
 - (c) issue of any Magistrate's Court summons against them;
 - (d) issue of any fixed penalty notice for any matter;
 - (e) any harassment or other form of warning or order within the criminal law including Anti-Social Behaviour Orders or similar;
 - (f) their arrest for any offence (whether or not charged)
- (b) When required a licensed driver will undertake enhanced Criminal Records Bureau (CRB) vetting at his/her own expense and within a timescale set by the Council. Such a requirement may be on the basis of the Council's responsibility to ensure continued public safety and monitor licensed drivers.⁴

4. Training to expected standards of service and safety

- (a) During the lifetime of a drivers licence, an Authorised Officer of the Council may require a licence holder to undertake reasonable and appropriate training to meet these expectations and requirements. Such a requirement would be in writing. A reasonable time scale of up to 3 months will be set for the training to be successfully undertaken at a place designated by the Council. If there is a refusal or failure to attend, or the licensed driver does not meaningfully participate in the training or attain the training accreditation the licence may be suspended and consideration given to its revocation. The cost of such training will be borne by the licence holder.
- (b) The driver of any wheelchair accessible vehicle must undertake appropriate training set by the Council to ensure that passengers are handled and conveyed safely.

5. Advertising

Due to the mode of transport offered by the licensed operator of a Motor Tricycle private hire vehicle, all advertising media for this service must ensure that members of the public are fully aware of the type of vehicle they are to be transported on and the open exposure to the elements and associated effect they will be exposed to should they wish to make a booking for this service.

Additional condition

No Operator may use the word **TAXI** or **CAB** or **HACKNEY CARRIAGE** or any combination or derivation thereof in any advertising manner in any media, and any such advertising shall include the words Licensed Private Hire Novelty Vehicle (Motor Tricycle) – Advance Bookings Only.

Where any Operator in the course of business uses the trading name or business address specified on the Operator licence to offer the services of a Hackney Carriage to the general public, the Operator shall not use the words **TAXI** or **CAB** or **HACKNEY CARRIAGE** or any combination or derivation thereof in any advertising manner unless the number of Hackney Carriages that the Operator can offer (without engaging the services of any other company or trading concern) is not less than 51% of the number of licensed private hire vehicles specified on the form OPVS.

6. Acceptance of Bookings

Every contract for the hire of a private hire Motor Tricycle vehicle shall be deemed to be made with the licensed Operator who accepted the booking, whether or not that licensed Operator subsequently provides the vehicle(s).

No change proposed

The booking is exclusive to a Motor Tricycle vehicle and may not be transferred to a standard private hire vehicle or other category of licence.

Additional condition

A booking with a licensed Operator may not be transferred to any Operator not licensed by this Authority.

No change proposed

7. Record of Bookings

Each licensed Operator shall keep a full and accurate record of every booking of a private hire Novelty vehicle in a register, details to include:-

- (i) Time and date of booking
- (ii) Time required
- (iii) Customer's name
- (iv) Particulars of the journey (from and to)
- (v) The nature of the 'special event' and the vehicle used

These records must be maintained in a bound book with consecutively numbered pages. Operators must be able to identify from their records which private hire Motor Tricycle vehicle has undertaken any particular job, e.g. call sign, plate number.

All bookings are for exceptional events and must take place in a formal manner including the exchange of a written contract and acceptance prior to the commencement of a journey

The register must be maintained up to date at all times, and shall be retained at the address from which the business is conducted as specified in the Operator licence for a period of not less than 12 months from the date of the last entry in the register.

The register(s) shall be available at any time without notice by an Authorised Officer of the Licensing Authority of a Police Constable who shall be empowered to take away the register(s) from the premises if required.

Licensed Operators who wish to operate a computer booking record system **must** have the approval in writing of the Licensing Authority, and must adhere to all other relevant conditions.

No change proposed

8. Specified Vehicles

No licensed Operator shall operate any private hire Motor Tricycle vehicle other than those which have been listed by an Authorised Officer of the Licensing Authority on the Operator Vehicle Schedule (form OPVS). Any alteration to the form OPVS shall only be made by an Authorised Officer of the Licensing Authority.

When a licensed Operator ceases to operate any vehicle specified on the OPVS, the Operator shall forthwith, and in any event not later than 72 hours, notify the Licensing Authority, in writing, for amendment by an Authorised Officer.

No change proposed

9. Off Street Parking

During the currency of the licence, the Operator shall ensure designated off-street parking provision at all times for the number of vehicles being operated.

No licensed Operator shall use any land or premises for the said purpose where that Operator does not have lawful right of use of that land or premises. The Operator, if required to do so by an Authorised Officer of the Licensing Authority or Police Constable, shall produce such documentary evidence as may be reasonably required to establish the Operator's lawful right to use such land or premises for the purposes of providing off-street parking provision for Private Hire Novelty vehicles.

No change proposed

10. Specified Drivers

The Operator shall notify the Licensing Authority of each and every private hire Motor Tricycle driver employed or used by the Operator in his Operator Driver Schedule (Form OPDS). Where an Operator ceases to employ or use any licensed Private Hire Novelty driver, the Operator shall forthwith, and in any event within 72 hours, notify the Licensing Authority in writing and

present the form OPDS to the Licensing Authority for amendment by an Authorised Officer. The Private Hire Novelty driver licence must be returned to the driver.

Each Operator will retain at the address from which the business is conducted, the Private Hire Novelty driver licence of every licensed Private Hire Novelty driver employed or used by that Operator.

Where the Operator provides a 'travelling partner' (buddy) with a lone travelling passenger that 'partner' must have been the subject of a DBS disclosure and provided to the Council for approval prior to any journeys being undertaken.

The private hire Novelty driver licences shall be available at all times for inspection by any Authorised Officer of the Licensing Authority or Police Constable who may take the licence(s) away from the premises if so required.

Every private hire Novelty driver licence retained by the Operator must display the trade name and Operator licence number relating to his licence.

Once licensed as a private hire Novelty vehicle a vehicle can only be driven by a driver who has a private hire Novelty driver licence for this type of vehicle and the Operator may only use such a driver.

No change proposed

11. Standard of Service

The Operator shall provide a prompt, efficient and reliable service to members of the public which at all times complies with all the Conditions associated to Private Hire Novelty Operators, drivers and vehicles and shall ensure that when a Private Hire Novelty vehicle has been hired to be in attendance at an appropriate time and place, that vehicle shall, unless delayed or prevented by sufficient cause, punctually attend at that time and place.

No change proposed

1. Due to the passengers exposure to the elements when being carried on this mode of transport, the Operator of the (Motor Tricycle) private hire vehicle must specify to any prospective passenger at the time of booking what suitable and safe clothing must be worn by passengers in order for a journey to take place. The clothing must not be loose fitting or liable to become detached or entangled during a journey and take account of sudden changes in weather conditions.

Additional condition

2. The operator of a Motor Tricycle private hire vehicle must produce for the approval of an Authorised Officer of the Council, a set of documented safety instructions that will be issued to any prospective passenger prior to the commencement of any journey.

Additional condition

12. Safety of Passengers/Risk Assessment.

All risk assessments must be documented and retained by the licensed operator for inspection by Authorised Officer of the Council.

At the time of booking, the Operator of a Motor Tricycle must specify and advise any prospective customer;

- a) Maximum/ minimum height and weight of individual passenger in line with vehicle manufacturer guidance and recommendations
- b) Suitable clothing which must be worn for journey to take place
- c) Conditions that may be experienced throughout the duration of the journey
- d) Exposure to varying weather conditions

In addition to personal clothing which may be worn by a passenger, the operator of a Motor Tricycle private hire vehicle must provide for each passenger suitable protective jacket, gloves, eye protection and helmet. The helmet must meet the current BSI approved standards and the hirer and passenger must be instructed that the helmet must be worn for the duration of the journey.

Additional condition

13. Disability Discrimination³

Every licensed Operator must conform to the requirements of the Equality Act 2010, and associated legislation.

No change proposed

14. Complaints

Operators, on receiving any complaint of a serious nature, particularly including dishonesty, indecency, violence, disability discrimination or drugs, regarding any person licensed by the Authority, must immediately inform the Taxi and Private Hire Licensing Section as to the identity of the person involved and the nature of the complaint. All accompanying information, documentation and records must be supplied. This should be done immediately but no later than 72 hours.

No change proposed

15. Lost Property

Any property or articles of any description left in a Motor Tricycle private hire vehicle by a passenger shall forthwith, and in any event not later than 72 hours, be delivered to the Police Station for the area which the licensed Operator is based. Appropriate enquiries should be made by the driver to return the property to the owner but nevertheless must be lodged with the Police, in line with the stated time scales in this Condition. A record of the property receipt should be retained for a period of 6 months by the driver whose responsibility it was to take care of the property when found.

No change proposed

16. Radio Equipment

Radio or other data communication equipment for use in the communication of bookings from the private hire (Motor Tricycle) Operators base station cannot be fitted.

No change proposed

The Operator of a Motor Tricycle private hire vehicle must provide means of clear communication between the licensed driver and the passengers throughout the duration of the journey. (This may be by way of hardwired headsets or Radio wave/Bluetooth device).

Additional condition

Explanatory Notes

1. Licences granted to Operator's are personal licences and are not transferable. Any new Operator must satisfy all the Council's pre-conditions to the grant of a licence. Operating businesses cannot be operated by an unlicensed Operator. Prior to the transfer of any business the proposed purchaser should have satisfied the Council that he is a 'fit and proper' person and obtained the appropriate Operator licence

2. Health and Safety of Passengers (Duty of Care)

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

3. Legislation effecting the provision of public transport has undergone significant change, (for example, Disability Discrimination, Health & Safety, road safety bills) and there are increased expectations within society that a service will be delivered professionally and fairly to all. Many of these issues do in fact have serious consequences for drivers within the criminal law, but it is also important to the Council that its values and principles are displayed by licensed drivers. They should conduct themselves in a way that reflects positively on the licensing policy of the Council and benefits those passengers using private hire transport.

4. Meaning of Convictions

How criminal allegations are finalised by law enforcement agencies has significantly changed since the Act setting out the legislation and Conditions for Private Hire licensing was introduced. There are now a variety of disposal methods for sentencing which have been introduced in recent years. Many of these do not necessitate the alleged offender appearing before the courts to be sentenced. Formal 'Cautions' within Home Office guide lines are more frequently used in appropriate cases and 'Fixed Penalty Fines' can be issued for a range of criminal offences. There are also a variety of constraining orders issued by the Courts (Criminal and Civil) intended to control the behaviour of individuals. All these disposal methods have a common thread to actual convictions and are indicative of an individual's behaviour. These may be considered by the Council to consider the suitability of a licensed driver to continue to hold a licence. Similarly, the issue of summonses or the arrest and release on bail, with or without charge, can indicate there has been an event which may cause the Council to review the suitability of a licensed driver to continue to hold a licence. Each case will be considered on its own merits.

Appendix F

Because of the public safety issues involved in Private Hire work the Council has been exempted from the provisions of the Rehabilitation of Offenders Act, 1976.

No change proposed

The proposed changes to the standards conditions will appear in highlighted in grey.

SECTION 1

STANDARD CONDITIONS ATTACHED TO A PRIVATE HIRE DRIVERS LICENCE

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT, 1976 PART 2

All licences in connection with the driving and operation of Private Hire vehicles are issued by the Council in accordance with the provisions of the 1976 Act. Drivers and Operators should be familiar with this Act, the provisions of the Town Police Clauses Act and the Equality Act 2010 affecting Private Hire licences. The Health and Safety at Work Act has particular meaning Private Hire Drivers. ¹(There are explanatory notes at the end of these Conditions.)

The following Conditions apply to all licensed Private Hire drivers. In certain circumstances additional appropriate Conditions may be attached to an individual licence which could be set out as an addendum to Section 1 or by way of a formal notice served upon the licence holder concerned.

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

Councillors have considered carefully the following Conditions and emphasise that they are essential requirements of the role. Failure to observe may lead to immediate suspension of the driver and vehicle licences and consideration of licence revocation and prosecution

Beyond actual regulatory acts, the Council is alert to public expectations of passenger care and comfort and it is not unreasonable to insist that all fare paying passengers are treated with respect and courtesy.

1. DRIVER LICENCES

Each driver shall deliver to his employing operator the licence to drive a Private Hire vehicle. The employing Operator shall be responsible for the safe custody of the driving licence during the period of employment and shall return it to the City Council at the request of an Authorised Officer.

No change proposed.

2. CHANGE OF OPERATOR

A licensed driver must inform the Section immediately in writing and in any case not more than 72 hours after the event if he / she changes Operator. It is essential to the enforcement ability of the Council and public safety issues that there is strict adherence to this Condition.

No change proposed.

3. CHANGE OF ADDRESS

The driver shall notify the Council in writing of any change of address during the period of the licence within seven days of such change taking place.

No change proposed.

4. MEDICAL CIRCUMSTANCES

- (a) A licensed driver must notify the Council in writing, within 72 hours, of any changes to his / her medical circumstances. These circumstances are defined as those where it is the duty of the licence holder to notify DVLA of any medical condition which may affect safe driving or where their General Practitioner has advised them not to drive (Reference Direct.gov website, Health conditions that could affect your driving).

No change proposed.

- (b) A licensed driver must comply with the request of an Authorised Officer of the Council to undertake a medical examination with their General Practitioner or consultant or the Council's authorised Occupation Health representative to satisfy the Council that they are fit to safely undertake public transport duties. The driver must supply an original copy of that medical opinion to the Council. The Authorised Officer may suspend the licence if not satisfied that the Condition set out here is not being complied with within a reasonable timescale, or that the medical condition of the licensed driver is such that the licence should be suspended in any case, or that the medical condition appears to be such that it is in the interest of safety to suspend the licence

No change proposed.

(c) **DISABILITY DISCRIMINATION**

Every licensed driver must conform to the requirements of the Equality Act 2010, and associated legislation. If a licensed driver requires exemption from the equality requirements they should apply to the licensing office for the Council policy and follow its approved procedure. This is the case even where a temporary exemption is required.²

No change proposed.

5. REQUIREMENTS TO REPORT CONVICTIONS & ASSOCIATED INCIDENTS³

(a) Any of the following events must be reported in writing to the Taxi & Private Licensing office within 72 hours during the currency of a licence giving full details:-

- (a) any conviction or finding of guilt (criminal or driving matter);
- (b) any caution (issued by the Police or any other agency);
- (c) issue of any Magistrate's Court summons against them;
- (d) issue of any fixed penalty notice for any matter;
- (e) any harassment or other form of warning or order within the criminal law including Anti-Social Behaviour Orders or similar;
- (f) their arrest for any offence (whether or not charged)

(b) When required a licensed driver will undertake enhanced Criminal Records Bureau (CRB) vetting at his/her own expense and within a timescale set by the Council. Such a requirement may be on the basis of the Council's responsibility to ensure continued public safety and monitor licensed drivers.⁴

No change proposed.

6. ENGLISH LANGUAGE, LITERACY & NUMERACY TESTING⁵

REQUIREMENT TO UNDERTAKE ENGLISH LANGUAGE LITERACY AND NUMERACY TESTING

Where there is a reasonable cause to believe that there is a need to assess a licence holders English language literacy and numeracy skills because of a substantiated complaint, or an expressed concern from an identified person, an Authorised Officer may require, in writing, a licensed driver to undertake such testing at his/her own expense. A reasonable time scale up to 3 months will be set for the test to be successfully undertaken at a place designated by the Council. If unsuccessful, or if there is a failure to attend, the licence of the driver may be suspended and consideration given to its revocation

No change proposed.

7. TRAINING TO EXPECTED STANDARDS OF SERVICE AND SAFETY⁶

(a) During the lifetime of a drivers licence, an Authorised Officer of the Council may require a licence holder to undertake reasonable and appropriate training to meet these expectations and requirements. Such a requirement would be in writing. A reasonable time scale of up to 3 months will be set for the training to be successfully undertaken at a place designated by the Council. If there is a refusal or failure to attend, or the licensed driver does not meaningfully participate in the training or attain the training accreditation the licence may be suspended and consideration given to its revocation. The cost of such training will be borne by the licence holder.

(b) The driver of any wheelchair accessible vehicle must undertake appropriate training set by the Council to ensure that passengers are handled and conveyed safely.

No change proposed.

8. DRIVER BADGES

Each driver shall at all times, when driving a licensed private hire vehicle display the driver's badge issued by the Council, in a prominent place on the outer clothing at the front of the upper body. A replacement badge may be issued on application in return for the prescribed fee. The badges issued by the Council shall remain the property of the Council and must be returned to the Council immediately the licence is suspended, revoked or becomes invalid for any reason.

No change proposed.

9. CONDUCT OF DRIVER

The driver shall:-

Appendix G

- (a) Alight from the vehicle and provide reasonable assistance with passengers' luggage and ensure its safe storage within the vehicle

No change proposed.

- (b) Where a passenger has an obvious or apparent disability, the driver shall alight from the vehicle, offer assistance and ensure the passenger is seated safely in the vehicle before commencing the journey.

In all instances shall alight from the vehicle, offer assistance and ensure the passenger is seated safely on the vehicle before commencing the journey.

- (c) Ensure that any disabled aid, wheelchair or assistance dog is appropriately and safely stored or accommodated within the vehicle⁷

Ensure that any disabled aid is appropriately and safely stored or accommodated on or within the vehicle.

- (d) On arrival at the pick up point of a booked journey, use the Operators 'ring back' system or radio the Operator base to enable the customer to be informed of the booked vehicles arrival⁸

No change proposed

- (e) At the conclusion of a journey the driver shall similarly offer all reasonable assistance to passengers leaving the vehicle and assist them with luggage or any disability aids or wheelchair.

No change proposed.

- (f) Particular care must be taken with unaccompanied children and vulnerable adults. Drivers should ensure that children and vulnerable adults leave the vehicle directly onto the kerb and immediately outside their destination. In respect of passengers with significant visual impairment who are taken to hospitals or other medical establishments, personal guidance and assistance should be given to ensure that they arrive at an appropriate place of contact i.e. a reception desk.

Particular care must be taken with unaccompanied children and vulnerable adults. Drivers should ensure that children and vulnerable adults leave the vehicle directly onto the kerb and immediately outside their destination. In respect of passengers with significant visual impairment, personal guidance and assistance should be given to ensure that they arrive at an appropriate place of contact i.e. a reception desk.

Change proposed

- (g) At all times be clean and respectable in his/her dress and person and behave in a civil and orderly manner.⁹

No change proposed.

- (h) Take all reasonable steps to ensure safety of passengers conveyed in, entering or alighting from the vehicle driven by him / her.

Take all reasonable steps to ensure safety of passengers entering, conveyed in, or alighting from the vehicle driven by him / her. Without exception must conduct a full Health and Safety Risk Assessment for each passenger prior to the commencement of a journey.

Change proposed

- (i) Not without the express consent of the hirer drink or eat in the vehicle.

No food or drink is allowed to be consumed whilst the vehicle is being driven.

Change proposed

- (j) Not smoke at any time within the licensed vehicle, or allow any other person to do so, or adjacent to it, which results in smoke entering the vehicle.

Not smoke at any time on the licensed vehicle, or allow any other person to do so, or adjacent to it.

Change proposed

- (k) Not without the express consent of the hirer, play any radio or sound reproducing instrument or equipment in the vehicle other than for the purpose of sending or receiving messages in connection with the operation of the vehicle which may only be by way of the Operators radio or data head linked to the Operators dispatch system.

Not play or allow to be played any radio or sound reproducing instrument or equipment on the vehicle other than for the purpose of sending or receiving messages in connection with the operation of the vehicle which may only be by way of the Operators radio or data head linked to the Operators dispatch system.

Change proposed

- (l) At no time cause or permit the noise emitted by any radio or other previously mentioned equipment. In the vehicle which he / she is driving, to be a source of nuisance to any person, whether inside or outside the vehicle.

No change proposed

- (m) Not use a mobile telephone unless in emergency circumstances e.g. a '999' call. It must not be used for social calls or for the purpose of recording a booking which the Operator has not despatched.

No change proposed.

- (n) Not record, or cause to be recorded in the Operators booking system any hiring they have undertaken, are undertaking, or considering undertaking which was not despatched by the Operator. Any such attempt to circumvent the relevant legislation in order to give the appearance that a journey was lawfully pre-booked will be considered as a serious breach of primary legislation and Conditions and may result in the suspension and revocation of the drivers licence.

No change proposed.

- (o) Other than satellite navigation information not display any moving images and not have any other form of visual display screen fitted to the licensed vehicle.

No change proposed.

10. PASSENGERS

- (a) **Safety of Passengers/Risk Assessment.**

Prior to the commencement of a journey the driver will conduct a full risk assessment and comprehensive safety briefing with the passengers. This safety assessment must continue throughout the course of the journey and the driver is responsible for ensuring there is no adverse behaviour by the passengers which places either themselves or other road users at risk.

The driver shall repeat the pre-booking requirement carried out by the Operator and check:-

- a) The maximum/ minimum height and weight of individual passenger in line with vehicle manufacturer guidance and recommendations
- b) That suitable clothing is available for wearing throughout the journey
- c) Advise of the conditions that may be experienced throughout the duration of the journey and the exposure to varying weather conditions
- d) Advise of the conditions that may be experienced throughout the duration of the journey and the exposure to varying weather conditions
- e) Exposure to varying weather conditions

In addition to personal clothing which may be worn by a passenger, the driver must ensure that each passenger wears the helmet provided by the Operator for the journey. Passengers may elect to wear their own helmet and safety clothing but these must have the same conformity as the condition applied to the Operator helmet. The passengers shall be instructed that the helmet must be worn for the duration of the journey.¹⁰

Changed proposed

- (b) The driver shall not convey or permit to be conveyed in a private hire vehicle a greater number of persons than that prescribed in the licence for the vehicle.

No change proposed.

- (c) The driver shall not allow there to be conveyed in the front of a private hire vehicles any child below the age of ten years:

Change proposal to follow.

- (d) The driver shall not without the consent of the hirer of the vehicle convey or permit to be conveyed any other person in that vehicle.

No change proposed.

11. PROMPT ATTENDANCE

- (a) The driver of the Private Hire vehicle shall, if he is aware that the vehicle has been hired to be in attendance at an appointed time and place, or he has otherwise been instructed by the operator or proprietor of the vehicle to be in attendance at an appointed time and place, punctually attend at that appointed time and place, unless delayed or prevented by sufficient cause.

No change proposed.

- (b) The driver shall immediately report to the Operator such delay.¹¹

No change proposed.

12. FARE TO BE DEMANDED & ISSUING OF RECEIPTS

- (a) The driver shall not demand from any hirer of a Private Hire vehicle a fare in excess of any previously agreed for that hiring between the hirer and the operator, or the hirer and the driver. If the vehicle is fitted with a tariff meter and there has been no previous agreement as to the fare, the driver shall not demand from any hirer a fare in excess of that shown on the face of the meter.

No change proposed.

- (b) The driver will supply the hirer, or one of the party accompanying the hirer, upon request and free of charge, a formal receipt for the cost of the journey. The information to be included on the receipt is: - The name of the Operator, the date & time of the hiring, the drivers licence badge number, the cost of the journey and signature and printed name of the driver.

No change proposed.

13. LOST PROPERTY

- (a) Any property or articles of any description left in a Private Hire vehicle by a passenger shall forthwith, and in any event not later than 72 hours, be delivered to the Police Station for the area which the Licensed Operator is based. Appropriate enquiries should be made by the driver to return the property to the owner, but nevertheless must be lodged with the Police, in line with the stated time scales in this Condition. A record of the property receipt should be retained for a period of 6 months by the driver whose responsibility it was to take care of the property when found.

No change proposed.

14. ANIMALS

The driver shall not convey in the Private Hire vehicle any animal belonging to or in the custody of himself or the Proprietor or Operator of the vehicle.

The driver shall not convey on the Private Hire vehicle any animal.

EXPLANATORY NOTES

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

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

2. A serious view will be taken of any discriminatory behaviour. This may lead to the prosecution of the driver and suspension or revocation of the licence.

3. MEANING OF CONVICTIONS – EXPLANATORY NOTE

How criminal allegations are finalised by law enforcement agencies has significantly changed since the Act setting out the legislation and Conditions for Private Hire licensing was introduced. There are now a variety of disposal methods for sentencing which have been introduced in recent years. Many of these do not necessitate the alleged offender appearing before the courts to be sentenced. Formal 'Cautions', either a simple caution, a conditional caution or a street caution, within Home Office guide lines and relevant Acts of Parliament are more frequently used in appropriate cases and 'Fixed Penalty Fines' can be issued for a range of criminal offences. There are also a variety of constraining orders issued by the Courts (Criminal and Civil) intended to control the behaviour of individuals. All these disposal methods have a common thread to actual convictions and are indicative of an individual's behaviour. These may be considered by the Council to consider the suitability of a licensed driver to continue to hold a licence. Similarly, the issue of summonses or the arrest and release on bail, with or without charge, can indicate there has been an event which may cause the Council to review the suitability of a licensed driver to continue to hold a licence. Each case will be considered on its own merits. Because of the public safety issues involved in private hire work the Council has been exempted from the provisions of the Rehabilitation of Offenders Act, 1976.

4. This may be by way of random CRB vetting, where the Council has received intelligence or information or as part of an approved policy.
5. Concern has been expressed by Elected Members, the public, Private Hire Licence holders and Officers about the ability of some licensed drivers to speak and understand English to a desirable standard, as well as possessing basic literacy and numeracy skills. The Council has resolved that there should be a minimum standard of English comprehension and which is set at UK Citizenship standard (Entry level3). Appropriate assessments were designed, overseen and evaluated by Thomas Danby Leeds College, Trade representatives and the Councils Equality Team and are now carried out on behalf of the Council by an approved provider.

There was no previous testing undertaken by the Council and Members have determined that the new testing procedure will apply to all new applicants, but only to existing licensed drivers in the circumstances where there is a reasonable cause (A new applicant is a person who has not held a licence previously with this Council or whose previous licence expired, was revoked or where the Council refused to renew.)

6. Legislation effecting the provision of public transport has undergone significant change, (for example, the Equality Act 2010, Health & Safety, road safety bills) and there are increased expectations within society that a service will be delivered professionally and fairly to all. Many of these issues do in fact have serious consequences for drivers within the criminal law, but it is also important to the Council that its values and principles are displayed by licensed drivers. They should conduct themselves in a way that reflects positively on the licensing policy of the Council and benefits those passengers using private hire transport.
7. Assistance dogs must be carried with the passenger at all times. Drivers must follow the advice of the passenger as to the exact position to best suit their needs.
8. Do not use the horn to alert a customer on arrival. Besides being an offence it causes significant residential and environmental nuisance. Offenders will be required to undertake appropriate training and a knowledge test at their own expense.
9. Drivers need to be conscious of concerns that women or children might have about being alone with someone they do not know or only have limited knowledge of. It is very important when involved in conversations with passengers that drivers do not ask personal questions. It is wholly inappropriate and unacceptable that questions are asked about a passengers private life or personal relationships, especially women or children.
10. The instruction to passengers to wear a safety helmet is subject to the provisions The Motor Cycle Crash Helmet (religious exemptions) Act – 1976.
11. Having entered in a private hire contract there is an obligation on the Operator & driver to fulfil that contract. Late attendance could result in the hirer missing an important event or travel link and might result in significant compensation being awarded against you. It may also create an unacceptable risk to vulnerable people.

SHOULD YOU FEEL AGGRIEVED BY ANY OF THE CONDITIONS IN THIS LICENCE THEN YOU HAVE THE RIGHT OF APPEAL TO THE MAGISTRATES COURT WITHIN 21 DAYS FROM THE DATE WHEN THIS LICENCE WAS SERVED UPON YOU.

Trike Conditions Consultation: Email Responses

Response From:	Response Details:	Officer Response:	Change to policy:
<p>Tim Draper Principal Transport Planner - Influencing Travel Behaviour Leeds City Council Highways & Transportation Middleton Ring Road Leeds LS10 4AX</p>	<p>I have no additional comments or concerns regarding this application.</p>	<p>Noted.</p>	<p>N/a</p>
<p>Member of the public</p>	<p>I think we should definitely have a trike for hire in Leeds. I grew up with trikes and they are fun, safe and good-looking. In fact I wouldn't call it a "novelty" vehicle as it is very seriously awesome. It will add character to Leeds and give me something else to do on sunny weekends, and will also attract tourism as not every city has a trike for hire.</p>	<p>Noted.</p>	<p>For the Licensing Committee to make a decision.</p>
<p>Member of the public</p>	<p>I am a mother of three children and I used to live in Leeds. I now live 10 miles out in allerton Bywater. I used to like living in leeds but now preffer to stay out and do my shopping on line or local to me despite having limited local shops and things to go to or get involved in. I think that having bike</p>	<p>Noted.</p>	<p>For the Licensing Committee to make a decision.</p>

	<p>taxis in Leeds would be a wonderful step in the right direction for the people of Leeds and surrounding areas both environmentally and economically. When I do have to go to Leeds I hold my breath and quickly get through the things I need to do to get home. This would be a great time for making that first step also because of the tour de France starting off here this year too. We need to make our city's people friendly again. Look at Copenhagen. The whole world is looking to places like these.</p>		
Member of the public	<p>I think this is a fantastic idea, particularly with the increasing number of tourists to Leeds. Seeing cycles in any form in the city centre may also encourage others to use their bikes and help ease congestion.</p>	Noted.	For the Licensing Committee to make a decision.
Member of the public	<p>Great idea, it will give a whole new dimension to the Dales, FANTASTIC.</p>	Noted.	For the Licensing Committee to make a decision.
Member of the public	<p>I would like to offer my support to this application and think it is a unique and exciting proposal. The Dales is an ideal setting for these tours and I would be interested in booking one myself. I hope LCC will look on this application favourably and allow the</p>	Noted.	For the Licensing Committee to make a decision.

	<p>Operator Conditions:</p> <ol style="list-style-type: none"> 1) Licensing Council will not be able to set operational boundary's, the above mentioned points concerning vehicle conditions will be greatly increased if vehicle is operated in or around areas that are densely populated especially town and city centres. 2) There must be direct radio-communication available between the driver and the base operator to fulfil their "Duty of care" of care responsibility in the event of an accident or emergency. <p>Personal Observations or experience: A couple of years ago I observed about 12/15 people trying to board a "Rickshaw" outside Skyrack Public House in Headingly, Some had boarded the vehicle and some were trying to rock the vehicle. This was a very frightening experience for me and I cannot speak for the driver but I</p>	<p>Addressed as a key Operator licence condition.</p> <p>Addressed in the proposed conditions.</p> <p>Addressed in the recommendations and body of the report.</p>	
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	<p>guess that he must have feared for his life as I have not seen any rickshaws in or around Leeds since that day. The points I have made about missiles being thrown at vehicles are from my personal experience or experiences of other Private Hire and Hackney Carriage drivers. Items such as eggs, ball bearings, stones, bricks and lumps of wood have been thrown at vehicles not on one occasion but on many occasions. Drivers have feared for their lives and on most occasions have driven away from the location of the incident before stopping to inspect the damage. Damage to the vehicles has varied from Panel damage to smashed windows or windscreens.</p> <p>On some occasions items such as breeze blocks, large pieces of timber, boulders and even large snowballs have been rolled in front of vehicles, depending on the size of the object a four wheel vehicle would have a chance of driving over the object or on medium low frontal impact the vehicle could be controlled. If the obstructing object was large and did cause a standard vehicle to turn over at least the enclosed casing of vehicle will provide some level of protection.</p>	<p>The proposed operating environment might avoid some of the issues raised.</p> <p>It should not be overlooked that this vehicle has European approval and the safety of drivers & passengers were proportionately examined in that process.</p> <p>Not all risk can be</p>	
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	<p>Whereas a Trike could not drive over any such object, would be difficult to control and could quite easily turn over if even on low to medium impact with any object.</p> <p>Conclusion: Passenger safety has got to be paramount at all times and having any open top vehicle, or any vehicle that does not have four sided enclosed area to protect the passengers should not be licenced to transport passengers for hire or reward. By allowing these types of Novelty Vehicles to be licenced the doors will be opened for further applications of different types of Novelty Vehicles. The level of risks to public safety, are very high on this type of vehicle or any other open top type of vehicle therefore this vehicle should not be Licenced.</p>	<p>eliminated.</p> <p>Highlighted in the Officer report presented to the Licensing Committee.</p>	
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POLICY IN RESPECT OF PRIVATE HIRE NOVELTY VEHICLE LICENCES (NOVELTY VEHICLE LICENCE CATEGORY)

Background note

The Local Government (Miscellaneous Provisions) Act, 1976 (LGMP), was created to enable Conditions of safety to be placed upon drivers, vehicles and Operators making private hire contracts for a vehicle with driver to carry passengers. Private Hire at that time was concentrated on saloon vehicles offering, in the main, local journeys.

The Private Hire sector has grown and extended significantly and there are now a much wider range of vehicles and services.

The Road Safety Act, 2006, along with best practice guidance issued by the Department for Transport (DfT) has caused Leeds City Council to consider licensing a wide range of vehicles and services.

Policy Statement

The issues around the operating of a Private Hire business involving 'Novelty Vehicles' has the same business, legal and public safety principles as other areas of transport licensed by the Local Authority.

Public safety is paramount. It is very important to Leeds City Council that Operators also fit comfortably into their environment and are not the cause of residential nuisance.

Private Hire Operators are a major factor in contributing to public safety by ensuring that they and their drivers adhere to this policy and the Conditions upon the various licences.

The Council recognises the very distinct role of 'Novelty vehicles' in the arena of public transport and may accommodate some variations to its existing standard Private Hire Conditions.

The distinction between an Operator of standard Private Hire vehicles and the Operator of a 'Novelty Vehicle' is significant in terms of the type of occasion catered for, the type of service offered and raises very different passenger safety issues. The aim of the Council's policies and Conditions is to ensure that they are distinct to the type of service offered and the standards of safety are specific to the individual licence.

The administrative and operating practices and procedures of a 'Novelty Vehicle' must at all times, in every way, be distinct from the business conducted by a licensed Operator of standard private hire vehicles, including advertising, separate telephone lines, how bookings are taken, recorded and attended.

The Council will set out the pre-conditions to the consideration of the grant of a Private Hire 'Novelty Vehicle' licence and the conditions upon that licence.

Additionally, once licensed, a Private Hire 'Novelty Vehicle' must continue to meet these standard pre-conditions. It is vitally important that risk assessments are continually applied and refreshed, not just in the Operator base, but also from the commencement and throughout a journey with passengers.

A significant part of the considerations in approving the licensing of such a vehicle within the Private Hire sector is that it is only considered to be comfortable, safe and suitable in type, size and design as a Private Hire vehicle when operated within a distinct business plan presented to the Council which is removed from standard Private Hire bookings. It is not considered that would be the case for standard Private Hire bookings or Private Hire usage within the city centre or the 'night-time economy'.

POLICY IN RESPECT OF PRIVATE HIRE NOVELTY VEHICLE OPERATOR LICENCES (NOVELTY VEHICLE LICENCE CATEGORY)

Background

The Local Government (Miscellaneous Provisions) Act, 1976 (LGMP), was created to enable Conditions of safety to be placed upon drivers, vehicles and Operators making private contracts for vehicle with driver hire services. Private Hire at that time was concentrated on saloon vehicles offering, in the main, local journeys.

The private hire sector has grown and extended significantly and there are now a much wider range of vehicles and services.

The Road Safety Act, 2006, along with best practice guidance issued by the Department for Transport (DfT) has caused Leeds City Council to consider licensing a wide range of vehicles and services.

Policy Statement

Appendix J

The issues around the operating of a business involving Novelty vehicles has the same business, legal and public safety principles as other areas of transport licensed by the Local Authority.

Public safety is paramount. It is very important to Leeds City Council that Operators also fit comfortably into their environment and are not the cause of residential nuisance.

Operators are a major factor in contributing to public safety by ensuring that they and their drivers adhere to this policy and the Conditions upon the various licences.

The Council recognises the very distinct role of Novelty vehicles in the 'special event' arena of public transport and can accommodate some variations to its existing standard Private Hire Conditions.

The distinction between an Operator of standard private hire vehicles and the Operator of Novelty Vehicle is significant in terms of the type of client catered for and the type of service offered. The aim of the Council's policies and Conditions is to ensure that there are no overlaps in policy and Conditions with the standards of safety already existing in the licensed private hire sector.

The administrative and operating practices and procedures of a Novelty Vehicles must at all times, in every way, be distinct from the business conducted by a licensed Operator of standard private hire vehicles including advertising and call handling. Enquiries or bookings should be handled within a different business environment to any other business conducted by that Operator on those premises. This includes a dedicated telephone line and stand alone internet site and email address. Any advertising, stationery or correspondence should refer only to the licensed business of the private hire Operator of Novelty Vehicles stating the type of vehicle, it's usage and safety considerations.

Set out in this booklet are the pre-conditions to the consideration of the grant of a private hire Novelty Vehicle Operator licence. Additionally, once licensed, a private hire Novelty Vehicle Operator must continue to meet these standard pre-conditions.



Certificate of conformity

accompanying each vehicle in the series of the type which has been approved

I the undersigned Thomas Stubenvoll hereby certify that the following Motor tricycle,

0.1	Make	BOOM
0.2	Type	MU
	Variant	B 92kW 4in2
	Version	SL3
0.2.1	Commercial description	Family
0.4	Vehicle category	L5e
0.4.1	Vehicle category	D
0.5	Name and adress of manufacturer	BOOM TRIKES Fahrzeugbau GmbH Bächinger Str. 7 D-89567 Sontheim OT Brenz
0.6	Position of the type-approval mark	R, X1025, Y25, Z400
	Identification number	WBC5BMU24DS004541
0.7	Position of the identification number	R, X860, Y25, Z460

conforms to the type which was approved at.

Type-approval certificate No
Date

e24*2002/24*0039*02
Dublin, 19.10.2012

Sontheim, 18.03.2013



Fahrzeugbau GmbH
Bächinger Str. 7

D-89567 Sontheim OT Brenz
Tel. (07325) 9611-0 · Fax (07325) 9611-44

Thomas Stubenvoll
manager
(sign)



1	Number of axles	2	and wheels	3	
3	Wheel base				
6.1	Length				2805 mm
7.1	Width				3795-3875 mm
8	Height				1700-1875 mm
12.1	Mass of vehicle in running oder				1330 mm
12.2	Mass of unladen vehicle				653 kg
14.1	Maximum permissible mass				633 kg
14.2	Distribution of that mass between the axles				1000 kg
14.3	Maximum technically permissible mass	1.	250 kg	2.	750 kg
17	Maximum towable mass	1.	280 kg	2.	1000 kg
19.1	Maximum vertical load	bracked	312 kg	not bracked	312 kg
20	Manufacturer of engine				30 kg
21	Type of engine				Ford
21.2	Number of engine				PDNA
22	Type of 4-stroke engine and cycle				6032012/113-KT
23	Number and arrangement of cylinders				4 / LI
24	Cylinder capacity				1596 cm ³
25	Fuel				P
26	Maximum power rating				92 kW bei 6000 min-1
26.1	Performance				0,14 (kW/kg)
28	Gearbox (Typ)				M
29	Transmission:	1.	13,39	2.	8,20
	Tyres	Axle 1:	200/50 R17 75W	Axle 2	255/40 R17 94W
					295/50 R15 105S
					295/30 R18 94Y
					295/35 R18 99Y
					335/30 R18 102Y
					335/30 R20 104Y
32					-- /--
41	Number and location of doors				
42.1	Number and location of seats				r ₁ :1C; r ₂ :1L/1R
43.1	Type-approval of coupling devices				e2*94/20*8244*00
44	Maximum speed				165 km/h
45	Noise				97/24/EG Kap.9, i.d.F. 2006/120/EG
	Noise when at a standstill				95 db(A) 3250 min-1
	Noise when in motion				80 db(A)
46	Air pollution				97/24/EG Kap.5, i.d.F. 2006/120/EG
	Test Typ I:				CO 0,856 g/km
					HC 0,030 g/km
					NO _x 0,072 g/km
					HC + NO _x --- g/km
	Test Typ II:				CO 800 min-1 at 82°C 0,01 %vol
					CO2 199,5 g/km
47	Tax or nationale code				
	Italien:	Frankreich:	14	Spanien:	Schweden:
	Belgien:	Deutschland:	0309	Luxemburg:	Griechenland:
	Dänemark:	Niederlande:		Finnland:	Malta:
	Österreich:	Irland:		Portugal:	Slowakei:
	Bulgarien:	Estland:		Zypern:	Vereinigtes
	Lettland:	Litauen:		Ungarn:	Königsreich:
	Polen:	Rumänien:		Slowenien:	Tschechische
					Republik:
50	remarks				
51	exemption				



Fahrzeugbau GmbH
Bächinger Str. 7

D-89567 Sontheim OT Branz
Tel. (07325) 9611-0 · Fax (07325) 9611-44

WBC5BMU24DS004541

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EXTRA EQUIPMENT TO THE BASIC N

Comfort fork Ø 60 mm, 6,5" (dummy); 2 des rear wheels 295/50-16; leg protection bar; leg protection bar (optional); comfort seat

EXTRA EQUIPMENT TO THE BASIC N

Engine, exhaust system attachments

Exhaust system "Solo"; 2 double silencers; mounting, polished stainless steel; rack, polished stainless steel; stainless steel; leg protection Ø 60 mm, polished stainless steel; stabiliser bar

Fork

Comfort fork Ø 76 mm handlebars Ø 42 mm of polished stainless steel

Brakes

Racing brake system 360 mm brake discs (red)

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Report of the Head of Licensing and Registration

Report to **Licensing Committee**

Date: **23rd July 2013**

Subject: **Late Night Levy**

Are specific electoral Wards affected? If relevant, name(s) of Ward(s): All	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: 10.4(3) and (7) Appendix number: 1	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Summary of main issues

1. The late night levy is a power conferred on licensing authorities by provision in Chapter 2 of Part 2 of the Police Reform and Social Responsibility Act 2011. This enables licensing authorities to charge a levy to persons who are licensed to sell alcohol late at night in the authority's area as a means of raising a financial contribution towards the costs of policing the late-night economy.
2. It is for the licensing authority to determine whether to implement the levy, how the levy is designed and when it should be implemented.
3. A working group was set up to consider possible amendments to the Statement of Licensing Policy and to look at the Late Night Levy. The working group has concluded that, subject to reaching agreement with West Yorkshire Police on how the money raised would be spent on improving the late night economy in the Leeds district, the levy could be of benefit to Leeds and the design of such a levy should be explored further.

Recommendations

4. That Licensing Committee notes and approves the conclusions of the working group that a levy may be of benefit to the district and should be considered further.

5. That Licensing Committee considers the information presented in this report and determines a potential design for the levy which will include:
 - The late night supply period
 - Exemptions and reductions to be offered
 - The proportion to be offered to the Police
6. That Licensing Committee refers the matter to Executive Board so that the design and consultation of the levy can be approved and that the consultation with affected parties may begin.
7. That Licensing Committee note that a final decision on whether to implement the levy, the design of it and the start date would be made after the conclusion of the consultation having regard to the costs of policing and other arrangements for the reduction or prevention of crime and disorder in connection with the supply of alcohol between midnight and 6am.

1 **Purpose of this report**

- 1.1 This report presents information to Licensing Committee to enable them to make decisions relating to the design of a potential late night levy.

2.0 **Background information**

- 2.1 The late night levy is a power conferred on licensing authorities under the Police Reform and Social Responsibility Act 2011. This enables licensing authorities to charge a levy to persons who are licensed to sell alcohol late at night in the authority's area, as a means of raising a financial contribution towards the costs of policing the late-night economy.
- 2.2 The levy will be payable by the holders of any premises licence or club premises certificate in the whole of the Leeds district which authorise the sale or supply of alcohol on any days during the late night supply period beginning at or after midnight and ending at or before 6am.
- 2.3 The decision to introduce a levy is for the licensing authority to make. The licensing authority will decide the design of the levy. This includes the late night supply period, any exemptions or reductions that may apply and the proportion of revenue (minimum 70%) after the licensing authority's costs are deducted, which will be paid to the Police & Crime Commissioner with the remainder being retained by the licensing authority to fund other activities.
- 2.4 The late night supply period must begin at or after midnight and end at or before 6am. The period can be for any length of time within these parameters but must be the same every day. If the licensing authority decides that it would be appropriate that certain types of premises should not pay the levy, they can set the late night supply period to suit the opening times of premises in their local area.
- 2.5 The licensing authority has the ability to use their discretion in respect of offering a reduction if a premises is part of a recognised scheme, or offering an exemption for certain types of premises.
- 2.6 The licensing authority must consider the desirability of introducing a levy in relation to the costs of policing and other arrangements for the reduction or prevention of crime and disorder, in connection with the supply of alcohol between midnight and 6am.
- 2.7 The Home Office has published guidance on the Late Night Levy which can be accessed online and is available in background papers.
- 2.8 The guidance suggests that the licensing authority should discuss the need for a levy with the relevant PCC and the relevant chief officer of police. The licensing authority will then decide whether to move to the next stage in the process and consult on its proposal to introduce a late night levy.

- 2.9 The consultation document will state its intention to introduce a levy, its proposed design, (including the late night supply period and proposed exemption and/or reduction categories) and the services that the licensing authority intends to fund with its share of the levy revenue.
- 2.10 The licensing authority will publish the consultation online and in a local newspaper. It will also send written details to the PCC, the relevant chief officer of police and all premises licence and club premises certificate holders whose authorisations permit the supply of alcohol during the period when it is proposed the levy will apply. The consultation is intended to be targeted at those affected by the levy, particularly businesses, the police, residents and other interested parties. The consultation process, including the period, is expected to be proportionate and targeted, so that the type and scale of engagement is relative to the potential impacts of the proposal.
- 2.11 The licensing authority will assess consultation responses and make a final decision about whether to introduce (or vary) the levy and if so, its design.
- 2.12 Once the decision to implement has been made, the licensing authority must inform all those affected, including the start date for the levy, the late night supply period, any exemption and deductions, and how the revenue will be shared between the Police and the licensing authority. Holders of relevant late night authorisations will also be notified of the date before which any application for a minor variation must be made to the authority to reduce their licensed hours to avoid operating in the late night supply period.
- 2.13 The licensing authority must publish on its website an estimate of the costs it will deduct from the levy revenue each year.
- 2.14 The levy will apply indefinitely until the licensing authority decides the levy will cease to apply in its area.

3.0 Main issues

Decision to Implement the Levy

- 3.1 The Police Reform and Social Responsibility Act 2011 specifies the criteria which the licensing authority must consider before introducing the levy. It must consider:

“The costs of policing and other arrangements for the reduction or prevention of crime and disorder, in connection with the supply of alcohol between midnight and 6am.”

- 3.2 Then, having regard to those costs, the licensing authority needs to consider:

“The desirability of raising revenue to be split between the police (at least 70%) and the Council and used by the Council only for certain purposes.”

Costs of Policing

- 3.3 West Yorkshire Police have calculated that the costs of policing in connection with the supply of alcohol between midnight and 6am is **£1.4M per annum**. These are the costs relating to the prevention, detection of and overall dealing with alcohol-related crime between midnight and 6am. They include a percentage of staffing costs for response, neighbourhood policing teams, custody and the Divisional Control Room. The costs include operations support, mounted branch, licensing department and the part funding of a post working with Business Against Crime in Leeds (BACIL) on night time economy/alcohol issues. Costs relating to transport using standard police vehicles have not been included as these are redeployable and used for all policing tasks. No costs have been included for the Bridewell Custody Suite.
- 3.4 [Confidential appendix wording in here] A further breakdown is attached at appendix 1.
- 3.5 Entertainment Licensing has a dedicated enforcement and liaison team who investigate complaints and undertake risk based inspection programme. As part of their work they visit premises 'in performance' and a proportion of these visits occur after midnight at weekends. Whilst inspecting premises, officers are able to provide specialist knowledge to the West Yorkshire Police teams they work with during these visits, as well as accompanying other agencies such as the Border Agency and HMRC. The average annual cost of providing this service is **£32,500**. This represents two officers working one night each week with subsequent paperwork and follow up communications.
- 3.6 Safer Leeds works in partnership with other organisations who provide schemes and initiatives that could be considered for the reduction or prevention of crime and disorder, in connection with the supply of alcohol between midnight and 6am. These include:
- PubWatch Coordinator – currently funded by Leeds City Council
 - Taxi Marshalls – currently funded by BACIL, Safer Leeds, NHS Leeds,
 - Street Marshalls – currently funded by licensing premises
 - Street Angels – voluntary scheme, partially funded by BACIL
- 3.7 Although it is difficult to estimate the true cost of providing these schemes, especially as Street Marshalls and Street Angels rely on voluntary contributions, the PubWatch Coordinator role and Taxi Marshalls cost in the region of **£51,500**
- 3.8 A conservative cost of policing and other arrangements for reduction of prevention of crime and disorder, in connection with the supply of alcohol between midnight and 6am is **£1.49M per annum**.

Desirability of raising revenue

- 3.9 *Strengths*
- § It will raise a significant revenue
 - § The revenue is regular and predictable

§ The council proportion can only be used to tackle crime and disorder in the night time supply period, so cannot be diverted

3.10 *Weaknesses*

§ It will impact on voluntary schemes in the city centre, such as Street Marshalls

§ It may affect the working relationship between the council/police and premises licence holders

3.11 *Opportunities*

§ Only those premises who operate during the late night supply period will have to pay the levy

§ Can be used to directly tackle crime and disorder in the night time supply period

3.12 *Threats*

§ It applies to the entire metropolitan area of Leeds

§ There is no consideration of risk

§ Premises could pay into the levy but not see any benefit unless the revenue contributes to schemes that benefit the entire area

Design Options

3.13 The design of the levy must include the following elements:

- The late night supply period (between midnight and 6am)
- The exemptions from the levy which the licensing authority proposes to apply might include:
 - Premises with overnight accommodation
 - Theatres and cinemas
 - Bingo halls
 - Community Amateur Sports Clubs
 - Community Premises
 - Premises only open on New Year's Eve
 - Country village pubs
 - Business Improvement Districts
- Possible reduction of the levy for:
 - Current business led best practice schemes
 - Small Businesses

Analysis/ Expected revenue

3.14 The levy will apply to premises that sell or supply alcohol during the late night supply period, which can be any period between midnight and 6am. This includes:

- event spaces
- gambling premises
- hotels
- off licences and premises authorised to sell alcohol for consumption off the premises
- pubs, bars and nightclubs

- registered clubs
- restaurants
- sports clubs, social clubs and golf clubs.

3.15 The following data (correct as of June 2013) includes only those premises who sell or supply alcohol at any time between midnight and 6am. The potential revenue, without any reductions or exemptions and without any premises varying their licence is as follows:

1	City & Hunslet	£434,401
2	Otley & Yeadon	£43,352
3	Morley South	£38,891
4	Hyde Park & Woodhouse	£36,891
5	Horsforth	£30,916
6	Kirkstall	£30,852
7	Headingley	£29,121
8	Calverley & Farsley	£28,397
9	Pudsey	£28,267
10	Morley North	£27,692
11	Wetherby	£26,903
12	Roundhay	£25,346
13	Guiselley & Rawdon	£26,177
14	Chapel Allerton	£22,766
15	Harewood	£22,681
16	Armley	£22,679
17	Garforth & Swillington	£22,337
18	Beeston & Holbeck	£21,014
19	Rothwell	£19,882
20	Farnley & Wortley	£17,621
21	Bramley & Stanningley	£17,110
22	Weetwood	£16,769
23	Adel & Wharfedale	£16,213
24	Ardsley & Robin Hood	£15,425
25	Burmantofts & Richmond Hill	£15,040
26	Crossgates & Whinmoor	£15,018
27	Gipton & Harehills	£14,272
28	Kippax & Methley	£13,569
29	Temple Newsam	£13,483
30	Moortown	£13,398
31	Middleton Park	£12,694
32	Alwoodley	£12,609
33	Killingbeck & Seacroft	£7,594
	Total	£1,139,380

3.16 As this total does not include any reductions, exemption or variations Members should be aware that it is unlikely that the levy will ever raise this total. The council can expect several hundred minor variations in the run up to the implementation of the levy, which will take premises out of the late night supply period. These must be processed free of charge by the authority.

Late Night Levy Supply Period

- 3.17 When designing the levy, the licensing authority must set the late night supply period which applies. This could be any period of time between midnight and 6am.
- 3.18 The potential revenue based on various start times for the late night period is:

	City & Hunslet	Rest of area	Total
Midnight to 6am	£434,401	£704,979	£1,139,380
12:30am to 6am	£320,241	£354,708	£674,949
1am to 6am	£305,860	£273,042	£578,902
1.30am to 6am	£240,702	£120,156	£360,858
2am to 6am	£235,347	£109,979	£345,326
2.30am to 6am	£153,553	£67,292	£220,845
3am to 6am	£139,449	£63,772	£203,221

- 3.19 There are a large number of premises which close at midnight, and just under half of the possible revenue (£464,431) could be achieved from including this time. However, all affected premises are able to make a free variation to their hours before the levy is in place. Any premises with midnight as the end time for the sale or supply of alcohol may simply make a variation to reduce the hour to 11:59pm and thereby fall outside of the late night supply period.
- 3.20 As there are almost 500 premises with midnight as their terminal hour for alcohol, the council may be required to process a large number of minor variations in the three months before the levy comes into effect at a cost of £45k. This amount would be recoverable from the first year's levy payment.
- 3.21 In designing the levy Members will wish to take into account the likely revenue that will be generated by the selected late night supply period when assessing the desirability of implementing a late night levy.

Discretionary Reductions

- 3.22 **Business led best practice schemes.** The council may wish to use the late night levy to promote and support participation by premises in business led best practice schemes. Participation in a designated scheme would attract a 30% reduction from the levy. The council can decide if a scheme is eligible for this reduction based on the following benchmarks:
- A clear rationale as to why the scheme's objectives and activities will, or are likely to, result in a reduction of alcohol-related crime and disorder;
 - A requirement for active participation in the scheme by members; and
 - A mechanism to identify and remove in a timely manner those members which do not participate appropriately.

3.23 To provide some context, the levy payments and the reductions are as follows:

Band	Late Night Levy	30% Reduction	Late Night Levy with reduction
A	£299	£89	£210
B	£768	£230	£538
C	£1,259	£378	£881
D	£1,365	£409	£956
E	£1,493	£448	£1,045
Dx2	£2,730	£819	£1,911
Ex3	£4,440	£1,332	£3,108

3.24 Every licensed premises currently pays for any applications and annual fees in accordance with a band which is directly related to their non-domestic rateable value. This charging scheme has been utilised when setting the late night levy fees, so a premises in Band A for their premises licence fees will be in Band A for the late night levy.

3.25 The two schemes which run in the Leeds area that may be able to demonstrate they fit these criteria are PubWatch and the City Centre's Street Marshal Scheme.

3.26 **PubWatch** has about a 60% take up and there are some areas of Leeds that do not have easy access to a PubWatch scheme. It is expected that offering a discount to the levy may encourage the formation of new PubWatch schemes and increase membership in the existing schemes.

3.27 Allowing these schemes to be considered could potentially reduce the income as follows:

Levy Supply Period	Revenue from premises eligible to attend PubWatch only	The loss of LNL revenue based on 100% take up of PubWatch	The loss of LNL revenue based on 60% take up of PubWatch
Midnight to 6am	£838,090	£251,427	£150,856
12:30am to 6am	£553,168	£165,950	£99,570
1am to 6am	£470,199	£141,060	£84,636
1.30am to 6am	£275,966	£82,790	£49,674
2am to 6am	£262,760	£78,828	£47,297
2.30am to 6am	£160,318	£48,095	£28,857
3am to 6am	£143,462	£43,039	£25,823

3.28 The other scheme which could be given consideration is the city centre **Street Marshall Scheme**. This scheme relies on premises licence holders placing door staff on the streets to support the police during Friday and Saturday nights. They are able to provide a fast response and early warning service. Since the introduction of this scheme two years ago, violent alcohol related crime has dropped by 40%.

- 3.29 Eighteen of the city centre premises support Street Wardens. However the same premises are also members of the City Centre PubWatch and so could benefit from a 30% reduction for being part of that scheme. The maximum reduction any one premises can claim is 30%. The reduction in revenue would be approximately £11k.
- 3.30 **Small business rate relief.** The other reduction open to Members is for premises that are able to claim small business rate relief. These are premises whose business rates are below £12k. This would involve providing a 30% reduction for premises who are in fee Band A (130 premises) and the smaller premises in Band B (in total 786 premises) if their rateable value is less than £12k.
- 3.31 Should Members be minded to offer this reduction, officers would have to work in conjunction with Business Rates to establish which premises would benefit from the reduction and cross check this against other reductions such as PubWatch. It is likely that most premises which claim small business rate relief are members of PubWatch so could already be eligible for the 30% reduction if PubWatch is included in the schemes that attract a reduction.
- 3.32 However should Members be minded to allow this reduction alone, it would affect approximately 86 premises and the reduction in revenue would be approximately £19k.

Discretionary Exemptions

- 3.33 There are a wide number of premises which licensing authorities have a discretionary power to exempt from the late night levy.

Types of premises	Criteria	Number of relevant premises	Possible reduction in revenue
Premises with overnight accommodation	This would apply to any hotels or B&Bs that supply alcohol to their guests only	18 in City & Hunslet 15 in rest of area However all have public bars	£46,286 if public bars are closed
Theatre and cinemas	This exemption is for alcohol, served during the late night supply period for consumption by ticket holders	Leeds Grand Theatre Vue, The Light Vue, Kirkstall Road Everyman, Trinity	£4,650
Bingo halls	The playing of bingo must be the primary activity	None open after midnight	Nil

Types of premises	Criteria	Number of relevant premises	Possible reduction in revenue
Community amateur sports clubs	Registered as Community Amateur Sports Clubs	Over 6,000 clubs nationwide have registered at CASCs but there is no public register however there are 14 clubs that meet the criteria	£12,011
Community premises	Premises who already have the alternative condition applied which mean they do not have a DPS	6 premises	£3,670
Country village pubs	Sole pubs in designated rural settlements with a population of less than 3,000	10 which are possibly rural but further investigation to determine if the population is less than 3,000	£9,800
Business Improvement Districts	Premises within a BID that are subject to the BID levy.	There are no BIDs in Leeds	Nil
New Year's Eve	Premises authorised to sell alcohol in the late night supply period Only on New Years Day.	34 premises not currently in scope but have a condition authorising sales during the late night supply period on New Year's Eve/Day	£36,165

Design Options

3.34 There are a number of options available for the design of the late night levy. The key decisions to be made are on the late night supply period (hours) and the exemptions/reductions to be applied. Two options are presented for illustrative purposes. Each option highlights the potential advantages and disadvantages of it. Members can consider each option or can design an additional option or combination of options as they consider appropriate.

Option A

- Late night supply period - Midnight to 6am (max potential revenue £1M)
- No exemptions
- No reductions

- 3.35 This option maximises the revenue that the levy would raise. It could also be said that it creates a level playing field for all businesses. In considering this option, Members will need to bear in mind that all premises have the option to vary their licences free of charge. Currently around 500 premises close at midnight and so might consider it is more economical to reduce their hours that to pay the levy.
- 3.36 This option provides no exemptions for business led best practice schemes, or exemptions for small premises, but the resultant revenue could be used to fund schemes that support smaller premises and/or best practice schemes such as PubWatch.

Option B

- Late night supply period - 0:30am to 6am (max potential revenue £600k)
 - Reduction for Small Business Rate Relief
 - Exemptions for premises with overnight accommodation, theatres, cinemas, bingo halls, community amateur sports clubs, community premises, country village pubs (at a reduction in potential revenue of £66k)
- 3.37 This option allows for a wide range of exemptions which support smaller businesses and those that traditionally have less impact on the late night economy. The cost of the first year would also be reduced by taking the premises that cease alcohol at midnight out of the levy scheme.

What should the revenue be spent on?

- 3.38 The legislation states that at least 70% of the net revenue must be paid to the Police and Crime Commissioner (PCC) and the council retains the balance. The council has the power, when designing the scheme to pay a larger proportion to the PCC and may vary the proportion in future years, subject to prior consultation.
- 3.39 In line with standard practice on the allocation of police funds, there are no restrictions on what the PCC's share of the revenue can be spent on. The revenue will be subject to the same transparency measures as those that apply in relation to the other aspects of the operation of the PCC. The Police and Crime Panel will be able to hold the PCC accountable for the allocation and use of funds.
- 3.40 The Home Office recommends that licensing authorities should use existing partnerships with the police to discuss the police's intentions for their share of the revenue. They also recommend that the PCC should consider allocating the funds raised from the levy to allow the revenue to be spent on tackling alcohol related crime and disorder in the area in which the levy was raised.
- 3.41 Discussions with the PCC and Leeds police divisional commanders have provided reassurance the revenue raised in Leeds would be spent in Leeds and on preventing crime and disorder in the night time economy.

- 3.42 With regards to the 30% share allocated to the local authority, the Government has made regulations which specify how the council may use its share. The council must apply its share having regard, in each case in connection with the supply of alcohol between midnight and 6am, to arrangements for:
- (a) The reduction or prevention of crime and disorder;
 - (b) The promotion of public safety;
 - (c) The reduction or prevention of public nuisance;
 - (d) The cleaning of any highway maintainable at the public expense (other than a trunk road which is a special road) within the City or any land within the City to which the public are entitled or permitted to have access with or without payment and which is open to the air.
- 3.43 Accordingly the council has identified a number of schemes that would fall within this definition, that are under resourced:
- 3.44 In 2011 and 2012 LCC City Centre Management funded the provision of **Taxi Marshalls** over the Easter and Royal Wedding Bank holiday weekends as well as Christmas and New Year's Eve. The total cost of the Christmas and New Year's Eve provision was £15,517 which allowed the scheme to operate on 7 weekends (Friday and Saturday nights) running up to and including Christmas Eve and New Year's Eve. The provision consisted of 9 marshals and 1 supervisor working a shift of 10pm to 3am, which costs £1,361 per 2 night weekend (double on a bank holiday weekend). Partnership funding for Xmas 2012 was secured from LCC City Centre Management, LCC Community Safety, Network Rail, WYP, POCA, BACIL and NHS Leeds.
- 3.45 **Street Angels** are a volunteer force operating in city centre fortnightly on Fridays and are hoping to expand to Saturdays. **Club Angels** operate in two clubs with two more asking for their input. There is extra provision of Club and Street Angels during Fresher's week. BACIL provide the financial support to Street Angels and Club Angels. This enables them to buy high visibility jackets and items to distribute such as space blankets, bottled water etc. Street Angels also operate outside of the city centre in Headingley.
- 3.46 **West Yorkshire Ambulance Mobile Treatment Unit** is sited at the Corn Exchange on weekend nights. There is a second vehicle provided at Dortmund Square in the run up to Christmas. This is entirely funded by West Yorkshire Ambulance Service at the moment and has significantly reduced the number of visitors to A&E on the weekend nights for trivial matters.
- 3.47 Entertainment Licensing currently funds a full time post for a **PubWatch Coordinator** who provides support to the 16 PubWatch schemes in the city. The current coordinator has sourced funding for a Leeds PubWatch website which provides a central information point for all members of PubWatch across the city. There is further scope for strengthening PubWatch with additional promotion and marketing. PubWatch is a way that local licensees can discuss matters relevant to their local area and to disseminate information on national matters, such as new licensing restrictions etc. Most PubWatch groups operate a banning system where customers who create disorder on premises are banned from all premises in that

PubWatch area. This is an effective way of fighting crime and disorder outside of the city centre.

- 3.48 Police Operation Capitol includes the provision of **Street Marshals** paid for and staffed by licensed venues in the 2 hotspot locations on weekend nights. Since this scheme has been in operation there has been a 40% drop in violent crime in the city centre. The street wardens act as an early warning system, dealing with incidents before they escalate into issues that require police involvement. It is very likely that introducing an additional payment to the council in the form of a late night levy will have an effect on the Street Marshal scheme. The late night levy could pay for additional PCSO/street marshal support to enhance this very effective scheme.
- 3.49 It is a fact that excessive drinking and busy late night takeaways leads to more litter and other issues such as vomit and urine, on the streets of Leeds. The levy could fund additional **street cleansing** over the weekend to address these issues.
- 3.50 There are a number of **enforcement initiatives** that could be undertaken that would reduce the incidence of crime and disorder further. Enforcement initiatives such as the Responsible Retailers scheme aimed at off licensed premises, test purchasing, awareness initiatives around 'serving to drunks' and drugs awareness would all address issues in the night time economy.

Implementation Process

- 3.51 The implementation process is set out in legislation:
- Consideration of the costs of policing and other matters
 - Consideration of the desirability of setting a late night levy
 - Design of the policy (time period, reductions and exemptions)
 - Consultation (up to 12 weeks)
 - Recommendation to Council
 - Transitional period for minor variations (12 weeks)
 - Start of the Levy Year
 - Collection of levy payments (12 months)
 - Distribution of revenue (one month following end of the levy year)
- 3.52 It is expected that implementation will take 9 months from the design of the levy and the first payment would be made 13 months after implementation.

Consultation

- 3.53 Once the design of the levy has been determined, the licensing authority is required to consult with those affected. In line with other licensing consultations, this consultation can run for up to 12 weeks and must include:
- Police and Crime Commissioner
 - Chief Officer of Police
 - Holders of premises licence and club premises certificates that hold a licence which authorises the sale or supply of alcohol in the night time supply period.

- 3.54 The consultation will be published on the council's website and in a local newspaper. The licensing authority will write to all affected holders of premises licences and club premises certificates.
- 3.55 Following the consultation the licensing authority must consider the consultation responses and make a final decision about whether to introduce (or vary) the levy and, if so, its design.

Working Group Recommendation

- 3.56 The working group formed to look at issues relating to the Police Reform and Social Responsibility Act has met with senior police officers and City Centre Management. They have reviewed the options laid out in this report and recommend that the council adopt option B which is:

Late night supply period: 00:30 to 06:00
 Reductions: Small Business Rate Relief
 Exemptions: Premises with overnight accommodation
 Theatre and cinemas
 Bingo halls
 Community amateur sports clubs
 Community remises
 Country village pubs

- 3.57 The working group recognised that this recommendation would reduce the impact on premises which are situated outside of the city centre or are small businesses.
- 3.58 When reviewing the table at 3.14 setting the late night supply period to start at 12:30 would see revenue generated by the top ten wards change from:

Revenue if supply period set 00:00 to 06:00		
1.	City & Hunslet	£434,401
2.	Otley & Yeadon	£43,352
3.	Morley South	£38,891
4.	Hyde Park & Woodhouse	£36,891
5.	Horsforth	£30,916
6.	Kirkstall	£30,852
7.	Headingley	£29,121
8.	Calverley & Farsley	£28,397
9.	Pudsey	£28,267
10.	Morley North	£27,692

To:

Revenue if supply period set 00:30 to 06:00		
1	City & Hunslet	£320,241
2	Hyde Park & Woodhouse	£31,558
3	Otley & Yeadon	£25,345
4	Morley South	£21,503
5	Kirkstall	£20,035
6	Headingley	£18,732
7	Horsforth	£18,477
8	Calverley & Farsley	£17,815
9	Wetherby	£16,919
10	Beeston & Holbeck	£16,492

3.59 This would be more reflective of the current requirement for policing in the outer areas.

3.60 The working group recommends that further work is undertaken in conjunction with West Yorkshire Police and Safer Leeds to agree a range of schemes and initiatives to be funded by the late night levy that provide additional resources for matters described from 3.40 onwards.

4.0 Corporate Considerations

4.1 Consultation and Engagement

4.1.1 It is requirement of the legislation that those affected by the proposals are consulted with. There is no specified length of the consultation in the legislation however it is the council's practice to consult for 12 weeks on matters relating to licensing. The legislation is specific about who the licensing authority must consult with.

4.2 Equality and Diversity / Cohesion and Integration

4.2.1 The late night levy process and consultation has undergone an equality diversity cohesion and integration screening. The screening showed there were no implications for equality as the length of the consultation would be sufficient to take religious festivals into consideration.

4.3 Council Policies and City Priorities

4.3.1 The late night levy has the potential to provide a regular and predictable income. . The council must apply its share having regard, in each case in connection with the supply of alcohol between midnight and 6am, to arrangements for:

- (a) The reduction or prevention of crime and disorder;
- (b) The promotion of public safety;
- (c) The reduction or prevention of public nuisance;

(d) The cleaning of any highway maintainable at the public expense (other than a trunk road which is a special road) within the City or any land within the City to which the public are entitled or permitted to have access with or without payment and which is open to the air.

4.3.2 The late night levy income will be used to fund schemes that will make Leeds a nicer place to visit and live which will have a positive impact on economic growth.

4.3.2 These arrangements would contribute to the following outcomes as stated in the Best Council Plan 2013-17:

- Improve the quality of life for our residents, particularly for those who are vulnerable or in poverty;
- Make it easier for people to do business with us; and
- Achieve the savings and efficiencies required to continue to deliver frontline services.

4.3. In addition these arrangements would contribute to our best council objectives of:

- Building a child friendly city – improving outcomes for children and families
- Promoting sustainable and inclusive economic growth – improving the economic wellbeing of local people and businesses
- Ensuring high quality public services – improving quality, efficiency and involving people in shaping their city

4.4 Resources and Value for Money

4.4.1 The consultation and implementation of the levy has a cost implication. However these costs can be recovered from the first year's revenue. The collection of the levy in subsequent years is undertaken at the same time as the collection of the Licensing Act 2003 annual fee. This reduces the costs to the council.

4.5 Legal Implications, Access to Information and Call In

4.5.1 The Late Night Levy is a new, untested process which has the potential to impact the finances of businesses owners in Leeds. As such there is a possibility that the implementation of a late night levy may be challenged through the courts.

4.5.2 At present the functions relating to Late Night Levy are the functions of the Licensing Authority but are designated as executive rather than council functions. The Home Office has indicated that it is intended to designate these as council functions. At present therefore the decision would be made by Executive Board but in future it could be the responsibility of the full Council or Licensing Committee.

4.5.2 The legislation sets out the persons that must be consulted with during the design of the levy. This list doesn't require the authority to consult wider than the list specified, however it is the usual practice of the licensing authority to consult with the public and ward members, members of parliament, parish councils and town councils during licensing policy consultations. There may be a risk of challenge should the licensing authority take the view of persons not affected into consideration.

4.6 Risk Management

- 4.6.1 Legal advice is being obtained given that this is a new power. Officers are also in close liaison with other core cities and the Home Office to build on and incorporate any 'lessons learned' or emerging knowledge from those bodies.

5 Conclusions

- 5.1 The late night levy has the potential to provide a regular and predictable income to support the Best City ambitions of the Council. In order to implement a levy the council has to consider the costs of policing the night time environment and the desirability of implementing a levy as a contribution towards those costs.
- 5.2 The licensing authority has a number of decisions to make relating to the design of the levy:
- Late night supply period
 - Discretionary exemptions
 - Discretionary reductions
- 5.3 Once the design of the levy has been determined, the licensing authority is required to consult with those affected. In line with other licensing consultations, this consultation will run for 12 weeks and include:
- Police and Crime Commissioner
 - Chief Officer of Police
 - Holders of premises licence and club premises certificates that hold a licence which authorises the sale or supply of alcohol in the night time supply period.

6 Recommendations

- 6.1 That Licensing Committee notes and approves the conclusions of the working group that a levy may be of benefit to the district and should be considered further.
- 6.2 That Licensing Committee considers the information presented in this report and determined a potential design for the levy which will include:
- The late night supply period
 - Exemptions and reductions to be offered
 - The proportion to be offered to the Police
- 6.3 That Licensing Committee refers the matter to Executive Board so that the design and consultation of the levy can be approved and that the consultation with affected parties may begin.
- 6.4 That Licensing Committee note that a final decision on whether to implement the levy, the design of it and the start date would be made after the conclusion of the consultation having regard to the costs of policing and other arrangements for the reduction or prevention of crime and disorder in connection with the supply of alcohol between midnight and 6am.

Background documents¹

Amended Guidance on the Late Night Levy, Home Office, December 2012

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

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Report of the Head of Licensing and Registration

Report to Licensing Committee

Date: 23rd July 2013

Subject: Licensing Authority Response to the Site Allocations Plan Consultation

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

Summary of main issues

1. The Site Allocations Plan will allocate sites that will help to deliver the Leeds Core Strategy long term spatial vision, objectives and policies. This is to ensure that sufficient land is available in appropriate locations to meet the targets set out in the Core Strategy. It is a key Local Development Framework (LDF) document in identifying specific allocations for development to 2028. It is intended that the Site Allocations Plan should 'follow on' from the adoption of the Core Strategy, but begin early work in parallel.
2. Public consultation on the Site Allocations Plan Issues and Options was agreed at the meeting of the Executive Board on the 9th May 2013. The consultation is from Monday 3rd June and closes at 5pm on Monday 29th July 2013. The Licensing Authority has been asked to respond.

Recommendations

3. That Licensing Committee notes the contents of this report and the appendix, and provide comments which can be included as the Licensing Authority response to the Site Allocations Plan consultation.

1 Purpose of this report

- 1.1 This report presents to Licensing Committee a draft response to the council's Site Allocation Plan.

2.0 Background information

- 2.1 The Site Allocations Plan will allocate sites that will help to deliver the Leeds Core Strategy long term spatial vision, objectives and policies. This is to ensure that sufficient land is available in appropriate locations to meet the targets set out in the Core Strategy. It is a key Local Development Framework (LDF) document in identifying specific allocations for development to 2028. It is intended that the Site Allocations Plan should 'follow on' from the adoption of the Core Strategy, but begin early work in parallel.
- 2.2 In May 2012, Executive Board approved the scope/content of the plan. It will cover housing, employment, retail and green space allocations for the whole of the authority area, except for the area within the Aire Valley Leeds Area Action Plan.
- 2.3 The precise timetable for the preparation of the Site Allocations Plan is subject to the progress of the Core Strategy to adoption and will be kept under review and updated accordingly. The Site Allocations Plan cannot be finalised before the adoption of the Core Strategy because of the need to be in general conformity with the Core Strategy which sets strategic requirements and policies, and in particular will confirm the housing target and distribution.

The indicative timetable is:

Issues and Options Consultation	Summer 2013
Publication Draft Consultation	Summer 2014
Submission to Secretary of State	Late 2014
Plan Adoption	Late 2015

- 2.4 Public consultation on the Site Allocations Plan Issues and Options was agreed at the meeting of the Executive Board on the 9th May 2013. The consultation is from Monday 3rd June and closes at 5pm on Monday 29th July 2013. To access the consultation material go the Site Allocations Plan - Issues and Options page, available under Related Pages below.

3.0 Main issues

- 3.1 The Site Allocation Plan, as consulted upon, is split into two volumes with a number of parts. Volume 1 is an overview of the plan. Volume 2 provides more details, including plans of each area, retail, housing, employment and green space issues and options.

3.2 The areas including in volume 2 are:

1. Aireborough
2. City centre
3. East
4. Inner
5. North
6. Outer North East
7. Outer North West
8. Outer South
9. Outer South East
10. Outer South West
11. Outer West

3.3 The draft response from the Licensing Authority includes comments relating to the allocation of secondary frontages, which are parts of the high street which are considered suitable for uses other than retail. Concern has been expressed that care should be taken when allocating secondary frontages to ensure that a wider mix of uses does not allow an unbalanced mix of uses which are predominantly alcohol led.

3.4 The draft response highlights the council's cumulative impact policies, the predominance of hot food takeaway and off licensed premises, betting shops and pay day loan companies. Under the plan, all of these uses could be considered as suitable for secondary frontages.

3.5 The draft response provides a response for specific questions relating to these matters for:

2. City Centre
4. Inner
5. North
7. Outer North West
10. Outer South West

3.6 The public consultation is currently underway and the deadline for responses is 29th July 2013.

4.0 Corporate Considerations

4.1 Consultation and Engagement

4.1.1 This report presents a draft response to a consultation. It has been distributed to Members of the Licensing Committee prior to the meeting to ensure that they have sufficient time to formulate comments.

4.2 Equality and Diversity / Cohesion and Integration

4.2.1 This report has no implications for equality, diversity, cohesion or integration.

4.3 Council Policies and City Priorities

4.3.1 The draft response provides suggestions that, if included, could help support and strengthen the aims of the council's licensing regime which directly contributes to the council's Best Council Plan 2013-17 through supporting the Best Council Outcome of:

- Improve the quality of life for our residents, particularly for those who are vulnerable or in poverty;
- Make it easier for people to do business with us

4.3.2 The licensing regime supports the following aims:

By 2030, Leeds will be fair, open and welcoming

- There is a culture of responsibility, respect for each other and the environment
- Everyone is proud to live and work

By 2030, all Leeds' communities will be successful

- Communities are safe and people feel safe

4.3.3 The licensing regime also directly contributes to the following city priority:

Best city... for communities:

- Reduce crime levels and their impact across Leeds
- Effectively tackle and reduce anti-social behaviour in communities

4.4 Resources and Value for Money

4.4.1 There are no resource implications.

4.5 Legal Implications, Access to Information and Call In

4.5.1 This report presents a draft response to the Site Allocations Plan consultation. As such there are no legal implications, access to information and call in.

4.6 Risk Management

4.6.1 There are no risk management implications.

5 Conclusions

5.1 The Site Allocations Plan will allocate sites that will help to deliver the Leeds Core Strategy long term spatial vision, objectives and policies. The Licensing Authority has the opportunity through the consultation to comment on and make suggestions to align the Site Allocations Plan with current and prospective licensing policy.

6 Recommendations

- 6.1 That Licensing Committee notes the contents of this report and the appendix, and provide comments which can be included as the Licensing Authority response to the Site Allocations Plan consultation.

Background documents¹

None

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

Draft response to Site Allocations Plan

Volume 1

In paragraphs 7.12 to 7.17 the plan describes primary shopping areas, primary frontages and secondary frontages.

The use of secondary frontages in primary shopping areas for uses such as restaurant, cafes and bars without the consideration of the percentage of the overall frontage can lead to an area becoming more centred on the evening and night time economy. In Leeds a higher concentration of alcohol led premises can lead to increased alcohol related crime and disorder.

It has been our experience that similarly premises used for late night hot food take away services attract the same clientele which can bring alcohol related crime and disorder as well as a nuisance for the public through littering, odours and noise in the area, reducing the local resident's amenity and increasing complaints.

Therefore care should be taken when allocating secondary frontages to ensure that a wider mix of uses does not allow an unbalanced mix of uses which are predominantly alcohol led. There should be a mix of uses where alcohol sales are secondary such as food led or entertainment led premises (restaurants, cafes).

The council has adopted cumulative impact policies in areas which have suffered from this imbalance. At present, there are five CIPs (Horsforth, Headingley, Woodhouse, City Centre and Chapel Allerton).

There are concerns that in other areas, especially in local centres such as Tommy Wass, Beeston Hill etc the predominance of hot food takeaways and off licensed alcohol sales in corner shops and convenience stores is leading to significant health issues, such as reduced life expectancy.

There is emerging concern that local centres and town centres are becoming an attractive area for betting shops, pay day loan companies and pawn brokers, especially in the current financial downturn. Consideration should be given to producing a policy on allocating a maximum percentage of this use of premises in local centres and town centres to restrict the increase of the use of premises as financial institutions.

The council has recently adopted a policy on the locations and numbers of sexual entertainment venues in Leeds. The policy states that there is no locality outside of the city centre in which it would be appropriate to license a sexual entertainment venue. Accordingly the appropriate number of SEVs for outside of the city centre is nil. The appropriate number of SEVs in the city centre is a maximum of four providing those premises are not near properties with sensitive uses or in sensitive locations. Sensitive uses are:

- Schools and other areas of education
- Play areas/parks
- Youth facilities
- Residential areas

- Women’s refuge facilities
- Family leisure facilities such as cinemas, theatres and concert halls
- Places of worship
- Places used for celebration or commemoration
- Cultural leisure facilities such as libraries, museums
- Retail shopping areas
- Historic buildings

Sensitive locations are:

- Millennium Square, Calverley Street
- City Square
- The area around the combined Courts
- The Headrow, Eastgate
- East Parade, Park Row
- New Briggate, Briggate
- Albion Street, Woodhouse Lane
- Merrion Centre, Merrion Street
- Boar Lane
- New Station Street, Wellington Street

The Licensing Authority would request that the Planning Authority seeks to set a limit on the number of premises in a secondary frontage that would be given permission for alcohol led businesses, or businesses providing sexual entertainment or financial institutions taking into consideration local licensing policies and the premises already in operation in that area.

Volume 2 – 2. City Centre

CCR6 Do you agree that a policy should be created to resist development of drinking establishments and hot-food-takeaways in ‘hotspots’ of concern designated for the purposes of premises licensing?

Yes. In paragraph 2.2.8 the areas allocated in the plan for secondary frontages (and therefore suitable for alcohol led premises) are almost exclusive within the current city centre alcohol led violent crime hotspot areas:

- South west corner of Merrion Shopping Centre
- New Briggate
- Albion Street
- New York Street/Kirkgate

The Licensing Authority appreciates that the Site Allocations Plan makes specific mention of cumulative impact policy at 2.2.11 and notes that it is not intended to mark specific areas in the Plan as these may become out of date within the lifetime of the Site Allocations Plan. However the Licensing Authority would suggest that consideration is given to providing information on where the current Licensing Act 2003 Statement of Licensing Policy can be obtained from as this is a published document which contains the

current cumulative impact information, as well as other local guidance which may be relevant for developers.

**H1 Do you agree that the sites that have been identified as “green” represent the most suitable sites to consider allocating for future housing development?
Yes/No Reason**

No. Some of the sites are in late night economy areas which have a high volume of foot traffic. Even though the planning process can require noise attenuation measures on the development, it is difficult to reduce the noise created by night time revellers in late night economy areas such as Call Lane, Albion Place and The Calls. In addition there is one development which has permission for flats above a public house. The smoking ban has driven people to stand directly outside premises which have led to numerous complaints about noise from the street outside pubs, bars and nightclubs. It is no longer suitable to locate residential use about night time economy premises unless restrictions are in place to preclude such licensed premises from the night time economy. This may impact on the viability of the commercial enterprise.

H2 Which sites do you disagree with and why?

6, 17 and 21 would all require closer inspection to ensure that residents are not placed directly within the night time economy.

Volume 2 - 4. Inner

R1 Do you have any comments on the proposed centre and Primary Shopping Areas (PSA) boundary? Please state the centre/s to which your comments relate. Use plans to support your comments where possible.

Plan 4.2E shows an area of Dewsbury Road designated as a PSA, with a percentage allocated as secondary frontage. The Licensing Authority is aware that there is work on-going in this area to reduce the risk to health by the excessive consumption of alcohol and obesity. The Joint Needs Assessment shows a reduction in life expectancy in LS10 and LS11. Contributory factors are smoking, drinking and obesity.

There is a reduction in this area of premises licensed to sell alcohol for consumption on the premises, i.e. public houses, which provide a safer environment for drinkers. The increase in the number of premises licensed to sell alcohol for consumption off the premises is causing concern especially amongst our partners in Health. In this area specifically there is also concern about the availability of fresh food and the easy availability of take away food.

The Licensing Authority supports redevelopment in this area, especially for shops that provide fresh food, but would request that consideration is given to a policy for areas like these which would seek to limit the number of premises given permission for A2, A4 and A5 use. This would assist with the control of betting shops and pay day loan companies, pubs/bars and takeaways.

Plan 4.2J shows an area of Hyde Park Corner. This area falls within the Headingley cumulative impact policy. This CIP was put in place at the request of the Police and local

residents who were concerned that a high number of licensed premises, takeaways and off licences leads to public nuisance in the area. The nuisance experience especially related to noise and disorder late at night.

The Licensing Authority would request that consideration is given to any plan for Hyde Park to include a reference to the Council's Statement of Licensing Policy and that this area is included in any planning policy that seeks to control alcohol licensed premises and those that provide late night hot food.

Volume 2 – 5. North

R1. Do you have any comments on the proposed centre and Primary Shopping Areas (PSA) boundary? Please state the centre/s to which your comments relate. Use plans to support your comments where possible.

Plan 5.2C shows Chapel Allerton. This area falls within the Chapel Allerton cumulative impact policy. This CIP was put in place at the request of local residents who were concerned that a high number of licensed premises lead to public nuisance in the areas, specifically disorder, noise and littering. Another consideration, although not one the Licensing Authority were able to consider was that the number of licensed premises reduced the units available for retail. A common objection to licence applications is that there are just too many licensed premises in Chapel Allerton.

The Licensing Authority would request that consideration is given to any plan for Chapel Allerton to include a reference to the Council's Statement of Licensing Policy and that this area is included in any planning policy that seeks to control alcohol licensed premises and those that provide late night hot food.

Plan 5.2F shows Headingley. This area falls within the Headingley cumulative impact policy. This CIP was put in place at the request of local residents who were concerned that a high number of licensed premises lead to public nuisance in the areas, specifically disorder, noise and littering. Another consideration, although not one the Licensing Authority were able to consider was that the number of licensed premises reduced the units available for retail. A common objection to licence applications is that there are just too many licensed premises in Headingley.

The Licensing Authority would request that consideration is given to any plan for Headingley to include a reference to the Council's Statement of Licensing Policy and that this area is included in any planning policy that seeks to control alcohol licensed premises and those that provide late night hot food.

Plan 5.2I and 5.2J shows Horsforth Town Street and New Road Side. These two areas fall within the Horsforth cumulative impact policy. This CIP was put in place at the request of local residents who were concerned that a high number of licensed premises lead to public nuisance in the areas, specifically disorder, noise and littering. This is particularly pertinent to New Road Side which was becoming an area with a large number of takeaways. The travelling of people from Horsforth Town Street to New Road Side creates a noise nuisance to residents living between the two areas, and for this reason New Road Side was added to the Horsforth CIP in 2011.

The Licensing Authority would request that consideration is given to any plan for Horsforth Town Street and Horsforth New Road Side include a reference to the Council's Statement of Licensing Policy and that this area is included in any planning policy that seeks to control alcohol licensed premises and those that provide late night hot food.

Volume 2 – 7 Outer North West

R1. Do you have any comments on the proposed centre and Primary Shopping Areas (PSA) boundary? Please state the centre/s to which your comments relate. Use plans to support your comments where possible.

Otley and Yeadon is the ward that has the most licensed premises outside of the city centre. It is to the credit of the local community that it does not create a high level of complaints with regards to disorder or nuisance and for this reason it has not been specified as a cumulative impact area.

However, there are emerging concerns that should this area start to receive variation applications to extend licensed hours, or a significant number of new applications for alcohol licences this area's profile could change. For this reason the draft Statement of Licensing Policy, currently undergoing a public consultation, includes a statement relating to the usual operating hours for an area, and how the council will seek guidance on the usual operating hours in an area when determining new or variation applications. This is specifically to control the creep of licensed hours and to keep the hours of licensed premises in line with each other.

The Licensing Authority would request that consideration is given to any plan for Otley to include a reference to usual operating hours for the area and that this area is included in any planning policy that seeks to control alcohol licensed premises.

Volume 2 – 10 Outer South West

R1. Do you have any comments on the proposed centre and Primary Shopping Areas (PSA) boundary? Please state the centre/s to which your comments relate. Use plans to support your comments where possible.

Plan 10D shows an area in Middleton known as Middleton Circus. The Licensing Authority is aware that there is work on-going in this area to reduce the risk to health by the excessive consumption of alcohol and obesity. The Joint Needs Assessment shows a reduction in life expectancy in LS10 and LS11. Contributory factors are smoking, drinking and obesity.

There is a reduction in this area of premises licensed to sell alcohol for consumption on the premises, i.e. public houses, which provide a safer environment for drinkers. The increase in the number of premises licensed to sell alcohol for consumption off the premises is causing concern especially amongst our partners in Health. In this area specifically there is also concern about the availability of fresh food and the easy availability of take away food.

The Licensing Authority supports redevelopment in this area, especially for shops that provide fresh food, but would request that consideration is given to a policy for areas like these which would seek to limit the number of premises given permission for A2, A4 and

A5 use. This would assist with the control of betting shops and pay day loan companies, pubs/bars and takeaways.

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Report author: Stephen Holder
Tel: 74720

Report of the Head of Licensing and Registration

Report to Licensing Committee

Date: 15th July 2013

Subject: Update on applications received under the Licensing Act 2003 and Gambling Act 2005 between January 2013 and May 2013

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

Summary of main issues

1. This report provides detail of licence applications processed by Entertainment Licensing under both the Licensing Act 2003 and Gambling Act 2005.

Recommendations

2. That Licensing Committee note the contents of the report.

1.0 Purpose of this report

- 1.1 To inform the Licensing Committee of applications for new or variations to existing premises licences under the Licensing Act 2003 and Gambling Act 2005 and the outcome of those applications.

2.0 Background information

- 2.1 Entertainment Licensing receives applications under the Licensing Act 2003 and Gambling Act 2005 for new premises licenses and variations to existing licences.
- 2.2 Applicants are required to advertise for a 28 day notice period during which time representations can be received from responsible authorities, other persons and, in the case of gambling applications, interested parties.

- 2.3 Licensing Act 2003
- 2.4 The Licensing Act 2003 provides a clear focus of the promotion of four statutory objectives which must be addressed when licensing functions are undertaken. These four licensing objectives are:
- The prevention of Crime and Disorder
 - Public Safety
 - The Prevention of Public Nuisance
 - The Protection of Children from Harm
- 2.5 Under the Licensing Act 2003 the representations may be made by a responsible authority or any other person, this includes any individual, body or business regardless of their geographic proximity to the premises. For a representation to be relevant it must relate to one or more of the licensing objectives and not considered to be frivolous, vexatious or repetitious.
- 2.6 Gambling Act 2005
- 2.7 The Gambling Act requires licensing authorities to have regard to three statutory licensing objectives when exercising their functions. These three objectives are:
- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime
 - Ensuring that gambling is conducted in a fair and open way
 - Protecting children and other vulnerable persons from being harmed or exploited by gambling.
- 2.8 Section 153 of the Gambling Act 2005 sets out the principles to be applied by the licensing authority, which is to aim to permit the use of premises for gambling so far as the authority think the application is in accordance with any relevant code of practice or guidance issued by the Gambling Commission, reasonably consistent with the licensing objectives and in accordance with the authority's statement of licensing policy.
- 2.9 Under the Gambling Act 2005 representations may be made by responsible authorities or interested parties. For the purpose of this Act an interested party is a person who:
- (a) lives sufficiently close to the premises to be likely to be affected by the authorised activities
 - (b) has business interests that might be affected by the authorised activities
 - (c) represents persons in either of these two groups
- 2.10 For a representation to be admissible it must be received from either of these two groups and the authority must determine its relevance. The only representations that are likely to be relevant are those that relate to the licensing objectives, or that raise issues under the licensing authority's statement of licensing policy, or the Gambling Commissions guidance or codes of practice.

- 2.11 Representations must not be vexatious or frivolous, or will certainly not influence the authority's determination of the application.
- 2.12 In all instances, ie both the Licensing Act 2003 and Gambling Act 2005, where no representations are received the licensing authority must grant the application. This is carried out in accordance with the officer delegation scheme.
- 2.13 At the request of Licensing Committee Members, in order to avoid the necessity for hearings under the Licensing Act 2003 where representations can be resolved, officers now liaise with applicants and relevant parties to agree additional control measures. This may result in an amendment to the application and/or additional measures (conditions) to satisfy concerns
- 2.14 Upon amendment of an application to the satisfaction of all parties the representation may be withdrawn.
- 2.15 Applications will be brought before the Licensing Sub-Committee where there is an outright representation or where the concerns would not benefit from a liaison meeting.

3.0 Main issues

- 3.1 This report presents a summary of the applications processed between January 2013 and May 2013.
- 3.2 The following table provides a summary of the number of applications processed during the said reporting process. Fuller information may be found in the following paragraphs and appendices to this report.
- 3.3 Licensing Act 2003

Total number of applications	72
Applications with no representations (granted by officer delegation)	26
Applications with representations resolved prior to a hearing	31
Number of applications withdrawn	3
Number of hearings	9
Number of pending hearings	3
Applications granted at hearing	6
Applications refused at hearing	3

3.4 Gambling Act 2005

Total number of applications	4
Applications with no objections (granted by officer delegation)	3
Applications with objections resolved prior to a hearing	N/A
Number of applications withdrawn	N/A
Number of hearings	1
Number of pending hearings	0
Applications granted at hearing	1
Applications refused at hearing	0

4.0 Licensing Act 2003 Cumulative Impact Policies and applications received

4.1. The Councils statement of Licensing Policy (Licensing Act 2003) designates five areas of the Leeds district which are subject to cumulative impact policies. These areas are as follows:

- Area 1 – City Centre
- Area 2 – Headingley/Hyde Park
- Area 3 – Woodhouse
- Area 4 – Chapel Allerton
- Area 5 - Horsforth

4.2 Members attention is drawn to Appendix A1 and A2 of this report which sets out details of applications received within the Area 1 (City Centre) and Area 2 (Headingley) Cumulative Impact Policy areas.

4.3 Members' will note that no applications were received in Cumulative Impact Areas 3, 4 and 5 during this reporting period.

5.0 Licensing Act 2003 South Leeds Local Area Guidance and applications received

5.1 Members' may recall that Local Licensing Guidance was recently introduced in respect of the South Leeds area, following the Joint Strategic Needs Assessment conducted by NHS Leeds in 2012 where it was identified that life expectancy in the Leeds10 and 11 areas is lower than other areas of Leeds. The three contributory factors to a reduced life expectancy being alcohol, obesity and smoking.

5.2 Applicants for licences under the Licensing Act 2003 will be requested to have regard to this guidance and for the suggested measures contained therein to be considered when developing their licence applications.

5.3 Details of applications in the Leeds 10 and 11 areas are set out at Appendix B.

6.0 Licensing Act 2003 Applications received throughout remaining Leeds districts

6.1 At Appendix C to this report Members will find details of the applications received for the remaining areas of the Leeds district which are not subject to a cumulative impact policy or local area guidance.

7.0 Licensing Act 2003 Temporary Event Notices

7.1 In addition to the attachment Members will be interested to know that within the same reporting period the Licensing Authority received 592 Temporary Event Notifications (TEN's) under the Licensing Act 2003.

7.2 A TEN is a notice by a premises user that they intend to use the premises for an occasional licensable activity.

7.3 Only the police or environmental health may make representations against a TEN. In the case of a normal TEN (where 10 working days' notice have been supplied) any TEN subject to representation will require a hearing before the Licensing Sub-Committee.

7.4 A 'late' TEN (where the notice is given between 5 and 9 working days prior to the event) attracting representations will be issued with a counter notice preventing the event from going ahead.

7.5 Within the stated reporting period the Licensing Authority has issued one counter notice for a TEN scheduled to be held in the LS6 area.

7.6 In addition five TEN's have been withdrawn following the receipt of objections.

8.0 Gambling Act 2005 Applications received throughout whole Leeds district

8.1 Appendix D to this report provides details of the applications received under the Gambling Act 2005.

9.0 Corporate Considerations

9.1 Consultation and Engagement

9.1.1 New premises licence applications and full variations to existing licences are subject to a 28 day consultation period.

9.1.2 The consultation period is advertised by the display of a site notice at the premises and an advert in a local newspaper.

9.2 Equality and Diversity / Cohesion and Integration

9.2.1 The council has adopted statements of licensing policies (Licensing Act 2003 and Gambling Act 2005) which sets out the principals the council will use to exercise its functions. The 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 the policy.

9.3 Council Policies and City Priorities

9.3.1 When determining applications under the Licensing Act 2003 and the Gambling Act 2005 the Licensing Authority must have regard to the relevant legislation, guidance issued by the Home Office (Licensing Act) and the Gambling Commission (Gambling Act), the council's own statement of licensing policies and any associated local area guidance appertaining to the relevant licensing function.

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

9.3.3 The licensing regimes contribute to the following outcomes as set out in the Best Council Plan 2013-17:

- Improve the quality of life for our residents, particular those who are vulnerable or in poverty;
- Make it easier for people to do business with us; and
- Achieve the savings and efficiencies required to continue to deliver frontline services.

Best Council Objectives:

- Building a child friendly city – improving outcomes for children and families
- Promoting sustainable and inclusive economic growth – improving the economic wellbeing of local people and businesses
- Ensuring high quality public services – improving quality, efficiency and involving people in shaping their city

9.4 Resources and Value for Money

9.4.1 Licence compliance underpins the licensing regime and Entertainment Licensing ensures compliance through liaison with licence holders, multi-agency partners and communities of Leeds.

9.5 Legal Implications, Access to Information and Call In

9.5.1 All information provided in this report is publicly accessible and there is no legal implication to the recommendations of this report.

9.6 Risk Management

9.6.1 As this is an advisory report there are no risks associated.

10 Recommendations

10.1 That members note the contents of the report.

Background Papers

Licensing Act 2003

Statement of Licensing Policy 2011-2013 Licensing Act 2003

Gambling Act 2005

Statement of Licensing Policy 2013-15 Gambling Act 2005

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Licensing Act 2003 - Application for New or Varied Premises Licences
 Period: 1st January 2013 – 31st May 2013
 CIP Area 1 Leeds City Centre

Total number of applications	23
Applications with no representations (granted by officer delegation)	9
Applications with representations agreed prior to a hearing	9
Number of hearings	4
Number of pending hearings	1
Applications granted at hearing	2
Applications refused at hearing	2

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Reference	Date Rec'd	Premises	Activities* Key A Alcohol RE Regulated Entertainment RM Recorded Music LNR Late Night Refreshment	Representations	Control Measures agreed? Yes/No	CIP? Yes/No	Hearing? Yes/No	Hearing Outcome
PREM/00150/005	03/01/2013	Marks & Spencer Briggate Ls1	A: 0800-2300 every day 0600-2359 Mon - Sat during the Christmas period	No	N/A	Yes Area 1	No	N/A
PREM/00733/010	08/04/2013	The Back Room 50A Call Lane Ls1	A: 1100-0400 Sun - Thu, 11:00-06:00 Fri & Sat. RE: 1100-0600 every day	No	N/A	Yes Area 1	No	N/A
PREM/01376/005	01/05/2013	Darbar 17 Kirkgate, Ls1	A: 1100-0500 Mon – Sat, 1200-0500 Sun LNR: 2300-0500 every day. RE: 1100-0500 Mon - Sat, 1200-0500 Sun	EPT WYP	No	Yes Area 1	Yes 17/06/2013	Refused

Reference	Date Rec'd	Premises	Activities* Key A Alcohol RE Regulated Entertainment RM Recorded Music LNR Late Night Refreshment	Representations	Control Measures agreed? Yes/No	CIP? Yes/No	Hearing? Yes/No	Hearing Outcome
PREM/02412/004	26/02/2013	The Pit 9 Merrion St, Ls1	Consent to alterations	No	N/A	Yes Area 1	No	N/A
PREM/02470/002	03/01/2013	Oxford GB Two Portland Cres. Ls1	A & RE: 0000-23:59 every day	No	N/A	Yes Area 1	No	N/A
PREM/02645/004	11/02/2013	Arts@Trinity Boar Lane, Ls1	A: 1830-2300 every day. RE: 1000-2300 every day	No	N/A	Yes Area 1	No	N/A
PREM/02688/002	12/02/2013	Sainsbury's The Headrow Ls1	A: 0600-0000 every day. LNR: 2300-0000 every day	No	N/A	Yes Area 1	No	N/A
PREM/02895/004	08/04/2013	Call Lane Social 38 Call Lane, Ls1	Consent to Alterations	WYP	No	Yes Area 1	Yes 03/06/2013	Refused
PREM/00813/007	24/05/2013	Shears Yard Wharf St Ls2	A: 1000-0200 every day. LNR: 2300-0200 every day	EPT	Yes	Yes Area 1	No	N/A
PREM/03280/001	09/01/2013	Cielo Blanco 415 Trinity Leeds Albion Street, Ls1	A & RE: 1100-0100 every day LNR: 2300-0100 every day	EPT	Yes	Yes Area 1	No	N/A
PREM/03281/001	09/01/2013	Tantric Blue 68 - 72 New Briggate, Ls1	A & RE: 1200-0500 Sun - Thu, 1200-0700 Fri & Sat. LNR: 2300-0500 Sun – Thu, 2300-0500 Fri & Sat	H&S Planning ELS Public	Yes No No No	Yes Area 1	Yes 08/07/13	Awaiting Hearing
PREM/03283/001	14/01/2013	Crowd Of Favours Harper St Ls2	A: 1100-23:00 Sun - Wed, 1100-0000 Thu - Sat. RE: 11:00 to 00:30 every day	WYP	Yes	Yes Area 1	Yes	N/A
PREM/03289/001	29/01/2013	Handmade Burger Co, 418 Trinity Leeds Ls1	A & RE: 0900-0000 every day LNR: 2300-0030 every day	EPT WYP	Yes	Yes Area 1	No	N/A

Reference	Date Rec'd	Premises	Activities* Key A Alcohol RE Regulated Entertainment RM Recorded Music LNR Late Night Refreshment	Representations	Control Measures agreed? Yes/No	CIP? Yes/No	Hearing? Yes/No	Hearing Outcome
PREM/03290/001	29/01/2013	Trinity Leeds Public Spaces Albion St, Ls1	RE: 0900 to 0000 every day	No	N/A	Yes Area 1	No	N/A
PREM/03294/001	05/02/2013	Nando's 422 Trinity Leeds Albion St, Ls1	A: 1100-23:00 Sun - Thu, 1100-0000 Fri & Sat. LNR: 2300-0000 Fri & Sat	H&S	Yes	Yes Area 1	No	N/A
PREM/03295/001	05/02/2013	Frankie & Benny's The Light, Ls1	A: 1000-0000 every day. LNR: 2300-0030 every day. RE: 0800-0030 every day	No	N/A	Yes Area 1	No	N/A
PREM/03299/001	07/02/2013	The Leeds Club 3 Albion Pl, Ls1	A : 1100-0130 every day. LNR: 2300-0130 every day. RE: 1200 to 0130 every day	H&S WYP	Yes	Yes Area 1	No	N/A
PREM/03308/001	26/03/2013	Karma Indian Zen Oriental 43 Wade Ln,Ls2	A: 1200-0000 every day LNR: 2300-0000 every day.	No	N/A	Yes Area 1	No	N/A
PREM/03309/001	26/03/2013	Belgrave Music Hall 1-1A Cross Belgrave St, Ls2	A: 1100-0400 Fri - Sat, 1100-0300 Sun - Thu. RE: 1100-0400 every day. LNR: 2300-0400 Fri & Sat, 2300-03:00 Sun - Thu	EPT WYP	Yes	Yes Area 1	Yes	Issued 13/05/2013 With a reduction to 0200
PREM/03312/001	04/04/2013	Barburrito Trinity Square Boar Ln,Ls1	A: 1100-2300 Mon - Wed, 1100-0300 Thu – Sat, 1100-00:00 Sun LNR: 2300-0300 Thu –Sat, 2300-0000 Sun RE: 1100-0300 every day	EPT H&S	Yes	Yes Area 1	No	N/A
PREM/03319/001	22/04/2013	Brooklands Brewery Pop Up The Calls Ls2	A: 1600-0030 Wed - Fri, 1200-0030 Sat, 1600-0030 Sun RE: 1200-100 Wed - Sun. LNR: 2300-2330 Wed - Sun	WYP EPT	No Yes	Yes Area 1	Yes 17/06/2013	Issued

Reference	Date Rec'd	Premises	Activities* Key A Alcohol RE Regulated Entertainment RM Recorded Music LNR Late Night Refreshment	Representations	Control Measures agreed? Yes/No	CIP? Yes/No	Hearing? Yes/No	Hearing Outcome
PREM/03321/001	30/04/2013	Leeds Tap Leeds Trinity Boar Lane, Ls1	A: 1200-0100 Mon-Sat, 1000-0000 Sun RE: 1000-0200 every day	EPT WYP	Yes	Yes Area 1	No	N/A
PREM/03329/001	16/05/2013	Mrs Atha's Central Rd, Ls1	A: 1130-2200 Mon – Sat, 1130-2000 Sun	WYP	Yes	Yes Area 1	Yes	N/A

* Regulated Entertainment Licenced hours are shown as the maximum available hours. Details of individual activities and their hours of operation can be given on request.

Licensing Act 2003 - Application for New or Varied Premises Licences
 Period: 1st January 2013 – 31st May 2013
 CIP Area 2 Headingley

Total number of applications	3
Applications with no representations (granted by officer delegation)	0
Applications withdrawn prior to hearing	1
Applications with representations agreed prior to a hearing	1
Number of hearings	1
Number of pending hearings	0
Applications granted at hearing	1
Applications refused at hearing	0

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Reference	Date Rec'd	Premises	Activities* Key A Alcohol RE Regulated Entertainment LNR late Night Refreshment RM Recorded Music	Representations	Control Measures agreed? Yes/No	CIP? Yes/No	Hearing? Yes/No	Hearing Outcome
PREM/00635/004	12/02/2013	Sainsbury's Otley Road Ls6	A: 06:00 - 00:00 every day. LNR: 23:00 - 00:00 every day	31 Public	No	Yes Area 2	Yes 08/04/2013	Application Withdrawn prior to hearing
PREM/01052/003	04/04/2013	Box 8 Otley Road Ls6	A: 11:00 - 01:00 Mon –Thu 11:00 - 02:00 Fri & Sat & 12:00 - 00:30 Sun RM: 24hrs a day. LNR: 23:00 - 01:30 Mon -	WYP EPT H&S	No No No	Yes Area 2	Yes 03/06/2013	Issued 03/06/2013

Reference	Date Rec'd	Premises	Activities* Key A Alcohol RE Regulated Entertainment LNR late Night Refreshment RM Recorded Music	Representations	Control Measures agreed? Yes/No	CIP? Yes/No	Hearing? Yes/No	Hearing Outcome
			Thu,23:00 - 02:30 Fri & Sat, 23:00 - 01:00 Sun RE: 11:00 - 01:00 Mon - Sat, 11:00 - 01:00 Sun					
PREM/03304/001	26/02/2013	Floral Expression Otley Rd Ls6	A: 09:00 - 19:00 Mon - Sat & 10:00 - 15:00 Sun	WYP	Yes	Yes Area 2	No	N/A

* Regulated Entertainment Licenced hours are shown as the maximum available hours. Details of individual activities and their hours of operation can be given on request.

Licensing Act 2003 - Application for New or Varied Premises Licences
 Period: 1st January 2013 – 31st May 2013
 South Leeds Area

Total number of applications	12
Applications with no representations (granted by officer delegation)	2
Applications withdrawn prior to hearing	1
Applications with representations agreed prior to a hearing	8
Number of hearings	1
Number of pending hearings	0
Applications granted at hearing	0
Applications refused at hearing	1

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Reference	Date Rec'd	Premises	Activities* Key A Alcohol RE Regulated Entertainment LNR Late Night Refreshment	Representations	Control Measures agreed? Yes/No	CIP? Yes/No	Hearing? Yes/No	Hearing Outcome
PREM/01361/002	22/02/2013	McDonalds Elland Road Ls11	LNR: 23:00 - 05:00 every day	WYP	Yes	No	No	N/A
PREM/02316/003	12/02/2013	Sainsbury's White Rose Dewsbury Rd Ls11	LNR: 23:00 - 00:00 every day A: 06:00 - 00:00 every day	No	N/A	No	No	N/A
PREM/03278/001	08/01/2013	Middleton Conservative Club 4 Ring Rd Ls10	A: 11:00 to 00:00 Mon - Sat, 11:00 - 23:00 Sun RE: 09:00 - 00:00 Mon - Sat, 9:00 - 23:00 Sun LNR: 23:00 - 00:00 Mon - Sat	EPT WYP	Yes Yes	No	No	N/A

Reference	Date Rec'd	Premises	Activities* Key A Alcohol RE Regulated Entertainment LNR Late Night Refreshment	Representations	Control Measures agreed? Yes/No	CIP? Yes/No	Hearing? Yes/No	Hearing Outcome
PREM/03284/001	17/01/2013	Venus Foods Domestic St Ls11	A: 09:00 - 23:00 every day	WYP	No	No	Yes 11/03/2013	Refused
PREM/03298/001	07/02/2013	Phil's Fish Bar Rowland Rd Ls11	LNR: 23.00 - 00.30 Sun - Thu, 23.00 - 01.00 Fri & Sat	EPT	Yes	No	No	N/A
PREM/03300/001	08/02/2013	Frankie & Benny's White Rose Dewsbury Rd Ls11	LNR: 23:00 - 00:30 every day RE: 08:00 - 00:30 every day A: 10:00 - 00:00 every day	H&S	Yes	No	No	N/A
PREM/03303/001	19/02/2013	Winstons Dewsbury Road Hunslet Ls11	A & RE: 11:00 - 06:00 every day. LNR: 23:00 - 05:00 every day	EPT H&S Ward Member	Yes Yes Yes	No	No	Application Withdrawn 11/06/2013
PREM/03305/001	14/03/2013	Kwik Saver Dewsbury Rd Ls11	A: 08:00 - 23:00 Mon - Sat, 10:00 - 22:30 Sun	No	N/A	No	No	N/A
PREM/03306/001	19/03/2013	Prezzo White Rose Dewsbury Rd Ls11	A: 10:00 - 00:00 Mon - Sat, 10:00 - 23:30 Sun. LNR: 23:00 - 00:00 Mon - Sat, 23:00 to 23:30 Sun	WYP	Yes	No	No	N/A
PREM/03310/001	28/03/2013	Beeston Sports & Social Club Beeston Rd Ls11	A: 11:00 - 00:00 Mon - Thu, 11:00 - 01:00 Fri & Sat. 11:00 - 23:00 Sun RE: 11.00 - 01.00 every day. LNR: 23:00 - 00:00 Mon - Thu, 23:00 - 01:00 Fri & Sat,	EPT WYP	Yes Yes	No	No	N/A
PREM/03320/001	25/04/2013	Venus 67 Domestic St Ls11	A: 09:00 - 23:00 every day	EPT WYP EL PH	Yes Yes Yes Yes	No	No	N/A
PREM/03330/001	20/05/2013	ARIA Clarence Dock Ls10	A: 11:00 - 00:00 every day RE: 07:00 - 00:00 every day	WYP	Yes	No	No	N/A

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Licensing Act 2003 - Application for New or Varied Premises Licences
 Period: 1st January 2013 – 31st May 2013

Total number of applications	34
Applications with no representations (granted by officer delegation)	15
Applications withdrawn prior to hearing	1
Applications with representations agreed prior to a hearing	13
Number of hearings	3
Number of pending hearings	2
Applications granted at hearing	3
Applications refused at hearing	0

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Reference	Date Rec'd	Premises	Activities* Key R E Regulated Entertainment LNR Late Night Refreshment R M Recorded Music	Representations	Control Measures agreed? Yes/No	CIP? Yes/No	Hearing? Yes/No	Hearing Outcome
PREM/00349/004	26/02/2013	Ring O Bells New Market Ls21	Consent to Alterations	No	N/A	No	No	N/A
PREM/00362/008	13/02/2013	Clothiers Arms High Street Ls19	A: 08:00 - 02:00 Thu - Sat & 08:00 - 0:00 Sun - Wed LNR: 23:00 - 02:00 Thu - Sat & 23:00 - 00:30 Sun - Wed	EPT WYP	Yes Yes	No	No	N/A
PREM/01696/004	23/01/2013	Wetherby Service Station Deighton Rd Ls22	A 06:30 to 23:00 Every Day	1 Public	Yes	No	No	N/A

Reference	Date Rec'd	Premises	Activities* Key R E Regulated Entertainment LNR Late Night Refreshment R M Recorded Music	Representations	Control Measures agreed? Yes/No	CIP? Yes/No	Hearing? Yes/No	Hearing Outcome
PREM/01891/008	05/02/2013	Red Lion Kirkgate Ls21	A: 11:00 - 23:00 Mon - Wed, 11:00 - 00:00 Thu, 11:00 - 02:00 Fri & Sat 12:00 - 22:30 Sun RE: 11:00 - 02:00 every day	EPT WYP 11 Public Ward Member	No Yes Yes No	No	Yes 25/03/2013	Issued
PREM/02459/003	19/04/2013	University Of Leeds External Areas Woodhouse Ls2	A: 08:00 - 23:00 every day LNR: 23:00 - 23:30 every day RE: 12:00 - 23:00 every day	No	N/A	No	No	N/A
PREM/02666/003	12/02/2013	Sainsbury's 11 Bondgate Ls21	A: 06:00 to 00:00 every day LNR: 23:00 to 00:00 every day	9 Public 1 Ward Member	No No	No	Yes	Withdrawn 04/04/2013
PREM/00218/003	21/05/2013	Coopers Bar 4 - 6 Otley Road Guiseley Ls20	A & RE: 10:00 - 00:00 every day LNR: 23:00 - 00.00	No	N/A	No	No	N/A
PREM/00470/005	30/05/2013	Control Cardigan Fields Kirkstall Rd Ls4	A & RE: 24hrs every day LNR: 23:00 - 05:00 Mon - Thu	H&S	Yes	Yes	No	N/A
PREM/03140/002	22/04/2013	Ephesus 4 -6 Rodley Ln Ls13	LNR: 23:00 - 01:00 every day RE: 11:00 - 23:00 every day A: 11:00 - 22:30 every day	No	N/A	No	No	N/A
PREM/03274/001	15/02/2013	Moortown RUFC Moss Valley Ls17	A: 11:00 - 23:30 every day RE: 9:30 - 23:30 Fri - Sun	EPT H&S	Yes Yes	No	No	N/A
PREM/03279/001	09/01/2013	Richmond Hill Community Club Railway St Ls9	A: 11:00 - 00:00 Mon - Thu, 11:00 - 01:00 Fri & Sat & 11:00 - 23:00 Sun LNR: 23:00 - 00:00 Mon - Thu, 23:00 - 01:00 Fri & Sat every day	No	N/A	No	No	N/A
PREM/03286/001	22/01/2013	Libby's @ 37 37 Main Street Ls25	A & RE: 10:00 - 00:00 every day	EPT 24 Public 1 Ward Member	Yes No No	No	Yes 11/03/2013	Issued

Reference	Date Rec'd	Premises	Activities* Key R E Regulated Entertainment LNR Late Night Refreshment R M Recorded Music	Representations	Control Measures agreed? Yes/No	CIP? Yes/No	Hearing? Yes/No	Hearing Outcome
PREM/03287/001	28/01/2013	Moortown Social Club Cranmer Gdns Ls17	A: 11:00 - 23:00 Mon - Thu, 11:00 - 00:00 Fri - Sun RE: 09:00 - 23:30 every day	WPY H&S	Yes Yes	No	No	N/A
PREM/03288/001	15/02/2013	Methley WMC 21 Pinfold Lane Ls26	A: 11:00 - 22:30 Sun - Wed 11:00 - 23:00 Thu, 11:00 - 00:00 Fri RE: 19:00 - 22:45 Sun - Thu, 19:00 - 23:45 Fri & 19:00 - 00:00 Sat	H&S	Yes	No	No	N/A
PREM/03291/001	31/01/2013	Punjabi Sizzler 3 Sheepscar St South Ls7	A: 12:00 - 00:00 Sun - Thu, 12:00 - 01:30 Fri & Sat LNR: 23:00 - 00:00 Sun - Thu, 23:00 - 01:30 Fri & Sat RE: 12:00 - 02:00 every day	H&S	Yes	No	No	N/A
PREM/03292/001	01/02/2013	Penny Black 3 - 5 High Street LS19	A & RE: 09:00 - 23:30 every day LNR: 23:00 - 23:30 every day	EPT	Yes	No	No	N/A
PREM/03293/001	04/02/2013	2012 F & M World 5 Foundry App LS9	A: 09:00 - 22:30 every day	No	N/A	No	No	N/A
PREM/03296/001	05/02/2013	East European Harehills Rd LS8	A: 09:00 - 23:00 Mon - Sat & 10:00 - 22:00 Sun.	H&S	Yes	No	No	N/A
PREM/03297/001	06/02/2013	Luppy's Diner Queen Street LS27	A: 11:00 - 23:30 Sun - Wed, 11:00 - 00:00 Thu, 11:00 - 00:30 Fri & Sat LNR: 23:00 - 23:30 Sun - Wed, 23:00 - 00:00 Thu & 23:00 - 00:30 Fri & Sat RE: 08:30 - 00:30 every day	H&S	Yes	No	No	N/A

Reference	Date Rec'd	Premises	Activities* Key R E Regulated Entertainment LNR Late Night Refreshment R M Recorded Music	Representations	Control Measures agreed? Yes/No	CIP? Yes/No	Hearing? Yes/No	Hearing Outcome
PREM/03301/001	13/02/2013	Royal Booze Osmondthorpe Lane Ls9	A: 10:00 - 22:00 every day	No	N/A	No	No	N/A
PREM/03302/001	18/02/2013	East Keswick Village Hall School Lane LS17	A: 11:00 - 23:30 Fri & Sat, 11:00 - 22:00 Sun RE: 09:00 - 23:30 every day	EPT	Yes	No	No	N/A
PREM/03313/001	10/04/2013	Hungry Bear Stonegate Rd Ls6	A: 12:00 - 23:00 every day LNR: 23:00 - 23:30 every day RE: 12:00 - 00:00 every day	H&S	Yes	No	No	N/A
PREM/03314/001	10/04/2013	Tesco Stores Leeds Rd LS22	LNR: 23:00 - 00:00 every day A: 06:00 - 00:00 every day	No	N/A	No	No	N/A
PREM/03315/001	16/04/2013	Rawdon Service Apperley Ln Ls19	A: 07:00 - 23:00 every day	H&S Ward Member	Yes No	No	Yes	Issued
PREM/03316/001	18/04/2013	Kwik Saver Ltd Church Ln Ls28	A: 08:00 - 23:00 Mon - Sat & 10:00 - 22:30 Sun	No	N/A	No	No	N/A
PREM/03317/001	19/04/2013	Morrisons Roundhay Rd Ls8	A: 06:00 - 00:00 every day	No	N/A	No	No	N/A
PREM/03323/001	03/05/2013	Post Office Bramley Centre Ls13	A: 08:00 - 20:00 Mon - Sat	No	N/A	No	No	N/A
PREM/03325/001	08/05/2013	W H Smith Leeds & Bradford Airport Ls19	A: 00:00 - 23:59 every day	No	N/A	No	No	N/A

Reference	Date Rec'd	Premises	Activities* Key R E Regulated Entertainment LNR Late Night Refreshment R M Recorded Music	Representations	Control Measures agreed? Yes/No	CIP? Yes/No	Hearing? Yes/No	Hearing Outcome
PREM/03327/001	14/05/2013	Holt Park Active Holtdale App Ls16	RE: Mon - Fri 07:00 - 23:00, Sat 07:00 - 19:00 & Sun 08:00 - 22:30	No	N/A	No	No	N/A
PREM/03328/001	15/05/2013	Shawarma Raglan Rd Ls2	LNR: 23:00 - 04:00 every day	EPT Planning	No No	No	Yes 15/07/2013	Awaiting Hearing
Prem/03331/001	21/05/2013	Shell Harrogate Rd Ls17	A: 24 hours a day LNR: 23:00 - 05:00 every day	15 Public 2 Ward Member	No No	No	Yes 15/07/2013	Awaiting Hearing
Prem/03332/001	23/05/2013	Kirkstall Bridge Bridge Rd Ls5	A & RE: 11.00 - 02.00 every day	EPT	Yes	No	No	N/A
PREM/03334/001	30/05/2013	Aldi Stanningley Rd Ls13	A: 07.00 - 23.00 every day	No	N/A	No	No	N/A

* Regulated Entertainment Licenced hours are shown as the maximum available hours. Details of individual activities and their hours of operation can be given on request.

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Gambling Act 2005 - Application for New or Varied Premises Licences
Period: 1st January 2013 – 31st May 2013

Reference	Date Rec'd	Premises	Activities	Representations	Control Measures agreed? Yes/No	Hearing? Yes/No	Hearing Outcome
GPrem/BET/00002/02	12/02/2013	William Hill North Concourse Railway Station Ls1	Variation, refurbishment & changes to the Licensed area	No	N/A	No	N/A
GPREM/BET/00012/02	22/03/2013	William Hill Crossgates Shopping Centre Station Road Ls15	Variation, refurbishment & changes to the Licensed area	No	N/A	No	N/A
GPREM/BET/00130/01	08/04/2013	Royal Bet 4 New York St. Ls2	New Application	No	N/A	No	N/A
GPREM/BET/00131/01	16/04/2013	William Hill 5 Windsor Court Morley Ls27	New Application	1 Resident 3 Councillors 2 Town Councillors	N/A	Yes 10/06/2013	Granted as applied for

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Report author:	Seamus Kennedy
Tel:	51874

Report of the Head of Licensing and Registration

Report to Licensing Committee

Date: 23rd July 2013

Subject: Update on Enforcement Activity (January to June 2013)
Entertainment Licensing Liaison & Enforcement Team

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

Summary of main issues

This report provides an update to the activities of the Entertainment Licensing Section Liaison and Enforcement Team (ELS) who have been working with premises and partner agencies to promote the licensing objectives and licence compliance.

Recommendations

That Licensing Committee note the contents of the report.

1.0 Purpose of this report

1.1 To advise Licensing Committee of the activities of the Entertainment Licensing Section Liaison and Enforcement Team who have been working with premises and partner agencies to promote the licensing objectives and licence compliance.

2.0 Background information

2.1 The Entertainment Licensing Section has a liaison and enforcement team consisting of five Senior Liaison and Enforcement Officers and a Principal Officer.

2.2 The main role of the team is to work with partner agencies and premises to promote the licensing objectives and to ensure compliance with the licences granted by the licensing authority. They seek to achieve this through multi-agency inspections,

action planning meetings, supporting review hearings and, as a last resort, through prosecution or instigating a review under the Licensing Act as a responsible authority.

2.3 The following are examples of the regulatory functions under which the Team operate:

- Licensing Act 2003 - Premises licences & personal licences for regulated entertainment and/or alcohol
- Gambling Act 2005 - Premises licences/permits for various gambling activities including the large casino
- Local Government (Miscellaneous Provisions) Act 1982 as amended by the Policing & Crime Act 2009 - Sex establishments (i.e. adult shops) and Sex Establishments (lap dancing)
- Scrap Metal Dealers Act 1964 (Repealed by the Scrap Metal Dealers Act 2013) - Registration of businesses that trade in scrap metal
- Vehicles (Crime) Act 2001 (Part 1 repealed by the Scrap Metal Dealers Act 2013) - Registration of motor salvage operators
- Marriage Act 1949 - Venues for the conduct of civil marriage ceremonies
- Police, Factories etc. (Miscellaneous Provisions) Act 1916 - Charity street collections
- House to House Collections Act 1939 - Charity house to house collections
- Legislative & Regulatory Reform Act 2006 – Regulators' Compliance Code (April 2008) - Regulates the manner in which enforcement authorities conduct their enforcement activities
- Regulation of Investigatory Powers Act 2000 (RIPA)
- Police & Criminal Evidence Act 1984 (PACE)

2.4 The work of the team is underpinned by the Responsible Authority Joint Enforcement Protocol which is an enforcement agreement with all the responsible authorities and other partner agencies such as UK Border Agency, Leeds City Council Community Safety.

2.5 A new Information Sharing Agreement has been devised which is bespoke to the Licensing Enforcement Group partners (LEG) and will facilitate the sharing of protectively marked and confidential information by signatories to the agreement, further supporting and encouraging closer partnership working in providing intelligence-led enforcement.

3.0 Main issues

- 3.1 This report presents the activities undertaken by the ELS during the period January to June 2013 for information and discussion.

Standard Joint Operations

- 3.2 During the reporting period joint risk based licensing compliance visits by ELS and West Yorkshire Police (WYP) Neighbourhood Policing Teams (NPTs) have taken place across the Leeds district. The aim of the visits is to promote a safe, sensible and social drinking environment through compliance of licence conditions and the promotion of the licensing objectives, to develop and maintain good professional working relationships with the licensed trade, and to reassure members of the public by means of high visibility partnership working. In summary, joint visits have taken place with the NPTs in Otley, Wetherby, Pudsey, City Centre, Morley, Seacroft and Killingbeck.
- 3.3 Joint city centre licensing compliance visits with the WYP (and other agencies, as required), take place on at least one occasion per month (Operation Capitol).

Other Joint Operations

- 3.4 Illegal drinking establishment in Leeds 8: 26th October 2012 ELS took part in an Intelligence-led joint operation with WYP and the UK Border Agency to a premises suspected of unauthorised sale of alcohol and immigration matters. Evidence gathered of suspected Licensing Act breaches over several months. Two persons detained for immigration matters and are awaiting removal from the UK, one of whom was classified as high risk. Subsequent follow-up enquiries in April 2013 found the premises continuing to sell alcohol without a licence. ELS issued a section 19 closure notice at the time of the visit to cease all unauthorised activities.

A further visit one week later found the premises were continuing to sell alcohol. ELS instigated a section 20 closure order application to the magistrates' court to physically close down the premises, however, a subsequent visit revealed the premises had been vacated and reverted to a residential property, therefore the application was withdrawn. ELS have instigated formal prosecution proceedings against the person in charge of the premises for suspected breaches under the Licensing Act 2003 which can, on summary conviction, carry a penalty of £20,000 or 6 months imprisonment, or both.

- 3.5 Metal theft day of action: 3rd June 2013 ELS, WYP and other agencies participated in a day-long regulatory and compliance operation in to the movement of stolen scrap metal across the district. Operation Alaska was organised by Otley Neighbourhood Policing Team. Roads Policing Unit selected vehicles and escorted them to the Hare & Hounds Car Park just off the A65 in Menston where Otley NPT and other Agencies including VOSA, HMRC, Trading Standards & Environmental Enforcement inspected the vehicles. A number of vehicles carrying scrap metal were brought to the car park throughout the day.

None of the vehicles carrying scrap metal were from the Leeds area and the majority were from Bradford. None of the occupants of the vehicles had a registration under the Scrap Metal Dealers Act 1964. All of the vehicles had a waste carriers licence under the Control of Pollution (Amendment) Act 1989. A number of vehicles were found with defects and to be overweight. They were taken to Brotherton's Scrap Yard in Eller Ghyll, Otley and put on the weighbridge. A follow up visit will be done by Otley Police to check the scrap yards records to ensure continued compliance.

- 3.6 Security Industry Authority (SIA): 22nd September 2012 joint operation with the SIA into suspected fraudulent use of a SIA accreditation badge used by a member of door-staff at a public house. One door-staff member was subsequently arrested by the police. A prosecution is being brought by the SIA against two company directors and one employee charged with offences of supplying unlicensed door supervisors and advertising the company as having SIA Approved Contractor Status, with supporting evidential witness statements provided by ELS and WYP. Plea hearing at Leeds Magistrates' Court on the 26th June 2013.

Formal actions taken within current reporting period

- 3.7 Mega Bites, Leeds 16: Offence for the unauthorised provision of late night refreshment heard at Magistrates Court on 3rd April 2013. The defendant pleaded guilty to all three charges which resulted in a 12 month conditional discharge and costs of £2,154 awarded to LCC.
- 3.8 Public House in Guiseley LS20. Offences of unauthorised sale of alcohol beyond the current permitted hours of the premises licence; exposing alcohol for unauthorised sale; and keeping alcohol on premises for unauthorised sale. Date of offences: 15th February 2013. The Designated Premises Supervisor (DPS) fully admitted all the offences and accepted a formal caution.

Outdoor Events

- 3.9 The ELS is involved in the city's programme of outdoor events, which involves attending multi-agency safety advisory groups in the event planning process as well as undertaking compliance visits to risk rated selected events, which included:
- 05.05.13 – The Vaccines, Millennium Square
 - 25.05.13 - Slam Dunk Festival, Leeds University campus
 - 26.05.13 - LS21 LIVE, Otley RUFC
 - 01.06.13 - Summer Ball, Leeds University Campus
 - 01.06.13 - Cliff Richard, Harewood House
 - 01.06.13 – Fake Festival, Wharfe Meadows Park, Otley
 - 01.06.13 - Bramley Music Festival
 - 01.06.13 – Yorkshire Rocks Cancer, Millennium Square
- 3.10 Furthermore, the ELS have been involved in regular multi-agency meetings in preparation of this year's Leeds Festival which will be held over the August Bank Holiday weekend at Bramham Park. The frequency of meetings will not start to increase and officers will be on site throughout the duration of the event.

Leeds Alcohol Management Board

- 3.11 The ELS is represented on the Leeds Drugs and Alcohol Management Board looking at ways of reducing alcohol harm (and drugs misuse) across the city on a strategic footing.
- 3.12 The ELS were recently involved in the review of the Leeds Alcohol Harm Reduction Action Plan 2011-15.

Six Weekly Tasking Meetings

- 3.13 In February 2012 a new 'grass roots level' six weekly tasking meeting was set up for the city centre, chaired by West Yorkshire Police and attended by a variety of partner agencies including ELS. The main aim of the tasking group is to work together in promoting community safety by breaking down barriers to partnership working, allowing attendees to make and develop contacts with partner agencies and to facilitate easier, quicker and effective partnership working in delivering positive and meaningful outcomes. Typical issues include alcohol related hot-spots for violent crime, environmental protection, anti-social behaviour, other crime types, crime prevention initiatives. The tasking meeting complements existing higher level multi-agency groups for the city centre, such as the City Centre Divisional Community Safety Partnership which meets every three months.

Leeds Pubwatch

- 3.14 Leeds PubWatch is a crime reduction initiative with the aim to reduce alcohol related crime in licensed premises. There are currently 16 schemes across the Leeds district which are run by licensees and are supported by Safer Leeds Partnership with Leeds City Council, West Yorkshire Police and other agencies. The scheme is fully supported by a dedicated full-time PubWatch Coordinator employed by Leeds City Council.
- 3.15 The Leeds PubWatch Coordinator has been working closely with partner agencies including the ELS, the police, key stakeholders and licensees to raise awareness of local and national issues affecting the residents of Leeds such as North East Counter Terrorism Unit (Hostile Reconnaissance), Prevent Strategy (Tackling Extremism), Stop Loan Sharks (Birmingham Trading Standards) and Counterfeit Money (Bank of England). Currently service delivery includes coordinating local responses by WYP to deliver campaigns to licensed premises which tackle issues such as, Burglary, "One Punch" deaths and drink driving, 'Legal Highs' (Legal highs are substances used like illegal drugs such as cocaine or cannabis but not covered by current misuse of drugs laws. (Source: www.nhs.uk).

Scrap Metal Dealers Act 1964

- 3.16 The Scrap Metal Dealers Act 2013 received Royal Assent on 28th February 2013 and repeals the Scrap Metal Dealers Act 1964 and Part 1 of the Vehicles (Crime) Act 2001, creating a revised regulatory regime for the scrap metal recycling and

vehicle dismantling industries in England and Wales. The new measures contained in the Act are expected to come into force on the 1st October 2013.

- 3.17 The Act requires all individuals and businesses who wish to carry on a business as a scrap metal dealer to apply for a licence under the enhanced application process contained in the Act. Carrying on business as a scrap metal dealer without a licence is an offence. LCC Licensing Authority will have the power to turn down unsuitable applicants and revoke licences if the dealer is considered 'unsuitable'. The new Act provides greater powers of entry and inspection by both the Local Authority and the police, and will further promote closer partnership working in tackling metal theft.
- 3.18 The offence of buying scrap-metal for cash. On the 1st May 2012 the Legal Aid, Sentencing and Punishment of Offenders Act 2012 received Royal Assent. The Act aims to remove the rewards that make metal theft such a low risk criminal enterprise for metal thieves and unscrupulous dealers.

Business Against Crime in Leeds (BACIL)

- 3.19 Entertainment Licensing sit on the BACIL board of members, which meets regularly. BACIL is a non-profit making partnership against business crime and disorder in Leeds working. It works with the West Yorkshire Police, Leeds City Council, Leeds and North Yorkshire Chamber of Commerce, the Leeds Crime & Disorder Reduction Partnership (Safer Leeds). ELS offer guidance on licensing related matters, including regulatory and enforcement issues.

Formal representations to licence applications

- 3.20 ELS made formal representations against the following licence applications.
- 3.21 Venus Foods (Leeds) Limited, LS10 – Application for an off-licence. Representation made on the grounds of i.) public safety, and ii.) The protection of children from harm (premises are caught within the licensing authority's local area guidance for South Leeds). Measures proposed by ELS and other responsible authorities were accepted by the applicant.
- 3.22 Wildcats – Application for the transfer of Sexual Entertainment Venue (SEV) licence. Representation made opposing the transfer of the application on the grounds of the suitability of the applicants suitability. Subsequent to this a new manager was put forward and the application approved at Licensing Sub Committee.
- 3.23 Tantric Blue – Application for new Sexual Entertainment Venue (SEV) licence. Representation made opposing the proposed name for the premises. The Licensing Authority is of the opinion the name, which has sexual connotations, will undermine the licensing objectives – i.) The protection of children from harm, and ii.) The prevention of crime and disorder.
This application remains subject to a hearing before the Licensing Sub Committee.

Complaints investigated by Entertainment Licensing Enforcement

- 3.24 For the reporting period January to June 2013 a total of 92 complaints have been received by the Section from members of the public, Elected Members, businesses, agencies as well as those self-generated by the ELS resulting from compliance visits. The majority of complaints investigated were for matters pertaining to the Licensing Act typically for unregulated licensable activities, excessive noise, going beyond permitted hours/activities, breach of one or more licence conditions, unlicensed premises (e.g. hot food takeaways), Temporary Event Notices and consequential noise and and/or anti-social behaviour. The following is a selection of some of the complaints investigated.
- 3.25 WYP referred a public house suspected of selling alcohol beyond the permitted hours. Enquiries found the premises had exceeded the hours of licence. The DPS was formally interviewed admitting the offences in full and accepted a formal caution.
- 3.26 Complaint received concerning a drinks delivery service operating beyond the permitted hours of their LCC issued premises licence. Enquiries revealed the business advertised the delivery service on its website for Leeds and two other local authority areas in West Yorkshire. A joint approach with Bradford police and licensing colleagues resulted in a warning letter being served on the DPS by LCC ELS. The website advertising the erroneous times was removed.
- 3.27 Complaint about a city centre bar causing anti-social behaviour and nuisance. Agency engagement is taking place with the premises' management.
- 3.28 Complaints received for a hot food takeaway alleged to be providing hot food beyond its permitted hours. A series of late night visits were carried out by the ELS who gathered evidence of licensing offences on three separate occasions. Suspects are currently being formally questioned which could lead to formal prosecution proceedings.
- 3.29 Complaints received from Ward Members and residents in Leeds 6 concerning an event which took place without a TEN causing nuisance and anti-social behaviour. Investigations are underway by the appropriate agencies.
- 3.30 Again in Leeds 6, with the assistance of partners including Environmental Protection a counter notice was served on the prospective TEN user prohibiting the event from going ahead in order to prevent nuisance to residents.

4.0 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.1 Entertainment Licensing holds monthly Licensing Enforcement Group (LEG) meetings with all responsible authorities and other partners to discuss issues relating to the licensing objectives and licence compliance.

4.1.2 Actions to address areas of regulatory and enforcement concerns are agreed, utilising all available partner agency resources, where appropriate, to secure compliance by the most effective and efficient means.

4.2 Equality and Diversity / Cohesion and Integration

4.2.1 There are no matters which specifically relate to equality and diversity issues. All Entertainment Licensing activities are subject to an equality, diversity, cohesion and integration impact assessment which is undertaken every three years. The last impact assessment was carried out in 2010.

4.3 Council Policies and City Priorities

4.3.1 The work of the section's Enforcement Team is underpinned by the Licensing Act 2003 and Gambling Act 2005 Statement of Licensing Policies. All partner agencies have entered into a Responsible Authority Joint Enforcement Protocol which agrees enforcement action and the responsibilities of each partner agency.

4.3.2 The licensing regime contributes to the following aims:

Best Council Plan 2013-17:

- Improve the quality of life for our residents, particular those who are vulnerable or in poverty;
- Make it easier for people to do business with us; and
- Achieve the savings and efficiencies required to continue to deliver frontline services.

Best Council Objectives:

- Building a child friendly city – improving outcomes for children and families
- Promoting sustainable and inclusive economic growth – improving the economic wellbeing of local people and businesses
- Ensuring high quality public services – improving quality, efficiency and involving people in shaping their city

4.4 Resources and Value for Money

4.4.1 Licence compliance underpins the licensing regime and the Entertainment Licensing Liaison and Enforcement Team ensures compliance through liaison with licensed premises and multi-agency partners.

4.5 Legal Implications, Access to Information and Call In

4.5.1 All information provided in this report is publicly accessible and there is no legal implication to the recommendations of this report.

4.6 Risk Management

4.6.1 As this is an advisory report there are no risks associated.

5.0 Conclusions

- 5.1 Entertainment Licensing's Liaison and Enforcement Team provide specialist liaison and advice to premises licensed under the Licensing and Gambling Acts as well as numerous other areas of legislation appertaining to various licensing regimes. An overview of the Teams activities over the last reporting period have been described in this report for Members information and discussion.

6.0 Recommendations

- 6.1 That members note the contents of the report.

Background Papers

Leeds Responsible Authority Liaison and Joint Enforcement Protocol (June 2010)

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LICENSING COMMITTEE WORK PROGRAMME 2013/14- LAST UPDATED 11/07/13 (hg)

ITEM	DESCRIPTION	NOTES	TYPE OF ITEM
Items Currently Unscheduled			
TPHL Policy Review – ongoing review of the policies/conditions	Review timetable was agreed February 2011. Policies have been split into Groups 1, 2 and 3 and will return to Committee at the conclusion of the necessary consultation period (Group 1 Oct '12. Group 2 Jan '13)	D Broster	DP

ITEM	DESCRIPTION	Officer	TYPE OF ITEM
Meeting date: TUESDAY 4 JUNE 2013. HELD. Annual Governance arrangements, Annual Report			
Meeting date: 25 JUNE 2013. HELD. SEV policy, Law Commission interim statement, Executive PH policies			
Meeting date: 23 JULY 2013.			
Update on Enforcement Activity	To receive a report providing an update on the enforcement activity undertaken by the Entertainment Licensing Enforcement & Liaison Team Jan – June 2013	S Kennedy	PM
Trike PH application	To consider an application to license a motorised tricycle as a novelty private hire vehicle	D Broster	PM
Update on Applications - ELS	To receive an update report on the applications received by the Entertainment Licensing Section under the LA2003 and GA 2005 for the period Jan to June 2013	S Holder	PM
Site Allocation Plan	To consider and approve a response to the consultation on the Leeds Site Allocation Plan	S Holden	SC
Late Night Levy	To receive a report on the Late Night Levy, following consultation with West Yorkshire Police	S Holden	B
Meeting date: 13 AUGUST 2013			
Decision Making process suspensions/revocations	To receive a six monthly update on the decision making process in respect of suspensions and revocations undertaken by the Taxi and Private Hire Licensing Section	D Broster	PM
The Leeds Festival	To note a report outlining the preparations for the Leeds Festival 2013	S Holder	B
TPHL monitoring proposals	To receive a report considering proposals for data collection in respect of HC and PH applicants and licence holders	D Broster	PM

LICENSING COMMITTEE WORK PROGRAMME 2013/14- LAST UPDATED 11/07/13 (hg)

ITEM	DESCRIPTION	Officer	TYPE OF ITEM
Meeting date: 10 SEPTEMBER 2013			
Scrap Metal Dealers Act 2013	To receive a report setting out the implications of the Scrap Metal Dealers Act 2013 on the work of the Licensing Committee s	S Holden	PM
Meeting date: 15 OCTOBER 2013			
WYP Presentation	Policing and the Night time Economy		B
Meeting date: 12 NOVEMBER 2013			
Meeting date: 17 DECEMBER 2013			
Disclosure and Barring Service	To receive an update	D Broster	B
Three Yearly Licences	To receive a report on the findings of the Working Group established by the Committee	D Broster	PM/DP
Meeting date: 14 JANUARY 2014			
Decision Making process suspensions/revocations	To receive a six monthly update on the decision making process in respect of suspensions and revocations undertaken by the Taxi and Private Hire Licensing Section for the period June to November 2013	D Broster	PM
Update on Enforcement Activity	To receive a report providing an update on the enforcement activity undertaken by the Entertainment Licensing Enforcement & Liaison Team for the period June – November 2013	S Kennedy	PM
Meeting date: 11 FEBRUARY 2014			

LICENSING COMMITTEE WORK PROGRAMME 2013/14- LAST UPDATED 11/07/13 (hg)

ITEM	DESCRIPTION	Officer	TYPE OF ITEM
Meeting date: 11 MARCH 2014			
Meeting date: 8 APRIL 2014			
Meeting date: 13 MAY 2014			

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

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