

# Licensing

## Annual Report 2018



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## Foreword

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

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

In the past year Entertainment Licensing has seen major reviews to both Licensing and Gambling Policies, with a full review of the areas which are suffering from the accumulation of licensed premises. An announcement has been made about the new Northern Gambling Clinic which will significantly increase the support given to people who are suffering from gambling addiction. More partnership working has secured the renewal of the Purple Flag status for the city centre for the evening and night time economy, and secured a more joined up approach with the Cleaner Neighbourhoods Team on Scrap Metal.

More enforcement activity has taken place in 2018 with steps taken to maintain passengers safety and public confidence. This is shown in the successful reassessment of Purple Flag status in December 2018. Also 2018 saw the successful completion of DBS checks with all 6,300 licence holders signing up to the national DBS update service and attending safeguarding training.

It's fair to say people will be aware that taxi & private hire issues have featured prominently in regional and national news coverage. We are more confident than ever that new national minimum standards will be introduced and Leeds city Council is already well placed to deliver these new standards with strong policies and a robust decision making process. The report also shows the progress made by Taxi & Private Hire Licensing in replacing high polluting diesel vehicles with low emission alternatives, ahead of the Leeds Clean Air Zone due to come in to effect in January 2020.

This report provides a summary of the work undertaken in 2018 by Entertainment Licensing and Taxi and Private Hire Licensing. Between them these two small teams administrate and enforce in excess of 10,000 licences.



CLlr James Lewis  
Executive Member for Licensing



CLlr Mary Harland  
Chair of Licensing Committee

## Introduction

The Leeds metropolitan district extends over 217 square miles and has a population of just over 784,000. It includes the City Centre and the urban areas that surround it, the more rural outer suburbs and several towns, all with their very different identities. Two-thirds of the district is greenbelt (open land with restrictive building), and there is beautiful countryside within easy reach of the city.

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

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

Entertainment Licensing deals with a variety of licences and registrations under a number of different laws. The main functions of the section are:

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

In the wider Leeds district the section licences 2,891 individual premises under the Licensing Act. These include public houses, registered members clubs, late night bars, nightclubs, off licence, late night takeaways and restaurants. Also caught under this legislation are village halls, community centres, school halls and major outdoor events.

The section also administrates 2,175 temporary events, around 425 personal licences and processes a large number of permissions to site gaming machines in alcohol licensed premises each year.

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

There are around 130 premises licensed under the Gambling Act including 104 betting shops and 3 casino premises.

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

**Scrap Metal Dealers Act 2013** - Registration of mobile collectors and scrap yards. The section currently has around 76 licensed scrap metal dealers.



**Police, Factories etc. (Miscellaneous Provisions) Act 1916 and House to House Collections Act 1939**  
- Charitable street and house to house collections.

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

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

## Licensing Policy

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

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

## Governance

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

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

Applications under the Scrap Metal Dealers Act are determined by officers. If an applicant is considered to be unsuitable they will have the opportunity to attend a meeting before a panel of officers. The applicant then has a further avenue of appeal to the magistrates court. Scrap metal applications are not considered before a licensing subcommittee.

## Evening and Night Time Economy

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

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

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

## Licensing Act 2003

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

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

The Act places a responsibility on licensing authorities to establish a Statement of Licensing Policy which must set out how the authority intends to promote these objectives. The Statement of Licensing Policy must be reviewed every three years, and was reviewed in 2018. The main change was to the cumulative impact policy section.

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

The council undertook a full assessment of all the existing cumulative impact areas in 2018, including the city centre, Headingley and Hyde Park, Woodhouse, Chapel Allerton, Horsforth and Armley. Due to the change in the required level of evidence the areas designated as Woodhouse, Chapel Allerton and Horsforth were removed, but a new area, Harehills was introduced and the Headingley/Hyde Park area was split into two separate areas with a different scope.

Therefore, Leeds has five areas to which the cumulative impact policy applies:

- City Centre
- Hyde Park
- Headingley
- Armley
- Harehills

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

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

### Strategy and Policy

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

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

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

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

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

**Leeds Purple Flag Task Force** - Purple Flag is an accreditation process similar to the Green Flag award for parks and the Blue Flag for beaches. It leads to Purple Flag status for town & city centres that meet or surpass the standards of excellence in managing the evening and night-time economy. The Purple Flag status for the city was originally awarded in 2017 and renewed in January 2019.

### **Leeds Licensing Enforcement Group (LEG) –**

Chaired by Entertainment Licensing, this is a six weekly meeting between all bodies designated as responsible authorities under the Licensing and Gambling Acts as well as other groups such as Leeds Antisocial Behaviour Team, British Transport Police, and the council's Safer Leeds, and HM Revenues and Customs where a common and consistent approach is agreed in respect of specific 'problem premises' in all areas of the city.

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

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

**Strategic Safety Advisory Group (SSAG)** - It is the policy of the Leeds City Council to uphold reasonable standards of public safety at outdoor events and to encourage the wellbeing of the public, officials, event organisers and performers. It is not within the remit of this group to advise organisers on licensing and other technical issues relating to their public event. This function will continue to be implemented at an event planning level, through Safety Advisory Groups. The SSAG exists to ensure that the relevant SAGs are effective and address any key points of concern.

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

### **Proactive Work**

The LA03 Act prescribes responsible authorities that must be consulted and may submit representation against a licence application, such authorities include the police, environmental health, planning, and the licensing authority. For the purpose of Leeds, Entertainment Licensing is the licensing authority. In the capacity as a responsible authority, Entertainment Licensing assesses all applications and may make representations in liaison with responsible authorities. In the last 12 months Entertainment Licensing has made representations to the following applications in cumulative impact areas:

- Krakus Stores, Harehills—refused
- Grocery Store, Armley—refused
- Hotel on Duncan Street—granted with conditions
- Space to Eat, Hirst's Yard—granted
- Corn Exchange—withdrawn
- Krol, Armley—refused
- Turtle Bay, Albion Street—granted with conditions

### **Night-time Economy Training and Interventions**

Night-time Vulnerability Awareness Training has been developed by the city centre's Purple Flag partners. In addition the evening and night time economy premises have access to drug and alcohol training commissioned by Public Health and delivered by Forward Leeds.

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

Joint operations with Trading Standards and HM Revenues and Customs also take place to identify and address under-age and counterfeit goods, illegal drinking dens, and unlicensed late night takeaways.

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

## Reactive Work

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

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

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

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

Entertainment Licensing has not brought any prosecutions to court in 2018 which demonstrates that liaison and support to licence holders and by the same token with residents is a successful tool.

## Complaints

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

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

Nature of complaint	2017	2018
<b>Licensing Act 2003</b>		
Conditions Breach	1	1
Unlicensed Activity	33	34
Breach of Condition and Noise	34	63
Unlicensed Activity and Noise	8	5
<b>Gambling Act 2005</b>		
Conditions Breach	1	1
Unlicensed Activity	4	1
<b>Sex Establishments</b>		
Conditions Breach	1	2
Unlicensed Activity	2	1
<b>Scrap Metal Dealers</b>		
Conditions Breach	5	0
Unlicensed Activity	32	18
<b>Charity Collections</b>		
Unlicensed Activity	5	4
<b>General</b>		
Noise/ASB	15	16
Equality Issues	5	8
Uncategorised	1	2
<b>Total</b>	<b>181</b>	<b>203</b>

## Reviews of Licences

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

Over the past 12 months there have been 3 reviews brought before the Licensing Committee:

**Convenience Store, LS12.** Review brought by West Yorkshire Trading Standards on the grounds of crime and disorder due to the sale of illegal cigarettes. The licence was revoked. The premises licence holder appealed but withdrew the appeal before it was heard. Costs were awarded to the Council of £2,750.

**Takeaway, LS21.** Review brought by the Licensing Authority on the grounds of crime and disorder due to the premises operating beyond their permitted hours. The licence was revoked. This was subsequently appealed and the Magistrate's Court found in the favour of the Council and issued a costs order of £6,349.

**Nightclub, LS20.** Review brought by West Yorkshire Police on the grounds of serious crime or disorder. The licence was modified with additional conditions after an initial suspension.

## **Legislation Changes in 2018**

The Policing and Crime Act 2017 brought a number of changes to the Licensing Act 2003. The most significant of these was an amendment to the Late Night Levy which will allow the council to specify the area to which it applies. This will enable the council to set a levy only in those areas that require additional night time economy funding rather than apply it to the entire metropolitan district. This has not been commenced yet, but is expected in April 2019.

Cumulative impact policies have been inserted into the Licensing Act 2003. This brought additional responsibilities around consultation and the review of existing cumulative impact areas.

The Government review on gaming machines concluded with a public consultation in 2017, including the stakes and prizes for fixed odds betting terminals. The outcome of this review is that the stake allowed to be played on FOBT machines (B2 machines in betting offices) will be reduced from £100 to £2 per play from April 2019. Time will tell about the impact this will have.

## **Future Changes**

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



## Entertainment Licensing

### Application Statistics

This table shows the number of new and variation premises licence applications received under the Licensing Act 2003. For comparison purposes the figure for the previous year has been included. Due to the length of time the licensing process takes (60—90 days) the numbers of applications received and the determinations may not match.

Premises Licence applications and variations (excluding CIP areas)	2017	2018
Total number of applications received	129	129
Of which:		
Had no representations	63	45
Had control measures agreed and/or the representation withdrawn prior to a hearing	38	52
The application was withdrawn	6	7
Was granted at hearing	13	22
Was refused at hearing	3	1
Still pending determination	4	2
Appeals	0	0

### Cumulative Impact Policy Areas

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

Area 1 City Centre	Red Zone		Amber Zone		Green Zone		Total	
	2017	2018	2017	2018	2017	2018	2017	2018
Total number of applications received	13	6	35	37	7	8	55	51
Of which:								
Applications with no reps	1	0	18	13	3	2	22	15
Applications with control measures agreed/rep withdrawn prior to a hearing	6	2	18	23	3	5	27	30
Applications withdrawn	2	2	1	1	1	0	4	3
Granted at hearing	2	2	2	0	0	1	4	3
Refused at hearing	2	0	0	0	0	0	2	0
Pending determination	0	0	0	0	0	0	0	0
Appeals	0	0	0	0	0	0	0	0

## Entertainment Licensing

### Other Cumulative Impact Policy Areas

This table sets out the applications and variations determined for cumulative impact areas 2 and 3

	Area 2 Headingley		Area 3 Woodhouse	
Year	2017	2018	2017	2018
Total number of applications received	9	3	1	1
Of which:				
Applications with no reps	4	1	0	0
Applications with control measures agreed/rep withdrawn prior to a hearing	1	2	1	1
Applications withdrawn	2	0	0	0
Granted at hearing	0	0	0	0
Refused at hearing	0	0	0	0
Pending determination	0	0	0	0
Appeals	1	0	0	0

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

	Area 4 Chapel Allerton		Area 5 Horsforth		Area 6 Armley	
Year	2017	2018	2017	2018	2017	2018
Total number of applications received	5	2	1	3	0	2
Of which:						
Applications with no reps	2	1	2	2	0	0
Applications with control measures agreed/rep withdrawn prior to a hearing	2	1	0	0	1	0
Applications withdrawn	0	0	0	0	0	0
Granted at hearing	0	0	0	1	0	0
Refused at hearing	0	0	0	0	0	2
Pending Determination	0	0	0	0	0	0
Appeals	0	0	0	0	0	0

### Temporary Event Notices

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

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

Temporary Event Notices were served on the Authority as follows:

Normal Temporary Event Notices:	Jan - Dec 2017	Jan - Dec 2018
Total Number Received:	1530	1643
Accepted:	1529	1600
Objections/ Withdrawn:	0	19
Hearings	0	0
Counter Notice issued by the authority preventing the event	41	24

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

Late Temporary Event Notices:	Jan - Dec 2017	Jan - Dec 2018
Total Number Received:	647	692
Accepted:	646	618

## Gambling Statistics

In 2018 the Section dealt with 2 gambling applications as follows:

### Betting shops

1 application for a new Betting Shop in Morley.

### Bingo

1 application to vary an existing bingo premises to extend the hours.

Both applications were granted.

### Large Casino

Following a bid to HM Government, Leeds City Council was awarded the right to issue a large casino licence, being one of the 8 licensing authorities in the country able to do so.

The large casino licence is held by GGV (Leeds) Ltd, for their site at Victoria Gate.

A legal agreement between the council and GGV Ltd sets out 38 benefits that will accrue from the operation of the licence. These benefits include funding projects that seek to mitigate potential harmful social effects of gambling and more general social inclusion priorities across the city through funding a social inclusion fund.

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

In November 2018 Gambleaware announced funding for the establishment of a Leeds based Northern NHS clinic led by Leeds and York Partnership Foundation Trust, and a Leeds Problem Gambling Support Hub led by Gamcare.

The intention is for the services to be delivered from April/May 2019, with up to £1.2 million being invested on an annual basis for the next three years.

### Northern Gambling Clinic:

The Northern Gambling Clinic will serve the whole of the north of England and is likely to have satellite bases in Manchester and Newcastle. The clinic will treat people with the most serious and complex needs in terms of problem Gambling.

The service will be clinically led by a Consultant Psychologist, with a team consisting of mental health nurses, a psychologist, a psychiatrist, and a carers support worker. There will also be a research element within the service to evaluate the interventions and potentially develop future treatment models.

### Leeds Problem Gambling Support Hub:

The Leeds Problem Gambling Support Hub will be delivered by Gamcare and will work across the Leeds area to identify, screen and treat problem gamblers and affected others.

The support Hub will take an integrated, pathways-based approach, from training and support of tier 1 services, through to identification and access into treatment, alongside a clearly defined partnership with the Leeds and York Partnership Foundation Trust clinic, with a shared approach to case management.



## Sex Establishments

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

There are presently two licensed adult shops in the city centre, with one further shop at LS12.

In addition to the shops, there are four sexual entertainment venues in the City Centre.

## Outdoor Events

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

The council's Resilience and Emergencies Team coordinate the Safety Advisory Groups and populate a calendar of events with a risk scoring matrix. This ensures that all agencies have a full picture of events, both licensed and unlicensed taking place and have an opportunity to feed in to the planning and debrief processes.

This has enabled officers to be more targeted in their approach to events, visiting 11 medium to high risk events during the year.

In August the Leeds Festival took place at Bramham Park. A debrief report was brought before Members of the Licensing committee by the organiser in November.

Looking ahead 2019 has a busy events calendar. In addition to the Leeds Festival, and the Leeds Black Music Festival/Carnival, major events are scheduled to be held at Roundhay Park, Temple Newsam and Elland Road.



## Introduction

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

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

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

We recognise that the drivers, vehicles and operators who we license are the biggest providers of transport in the evening and night time economy in Leeds. The safe licensing and monitoring of licensed drivers and vehicles contributes significantly to the safety of the travelling public.

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

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

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



### Fit and Proper

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

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

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

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

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

# Taxi and Private Hire Licensing

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## Enforcement

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

Enforcement Officers will issue rectification notices and suspension notices for minor and major faults respectively.

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

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

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

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

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

- Drive without valid insurance
- Fail to wear or prominently display their badge
- Do not initiate the meter at the start of every journey

- Obstruct or fail to comply with a request made by authorised officers or the police
- Fail to carry guide dogs
- Fail to report accidents to the licensing service
- Fail to report convictions and other associated matters



## Plying for Hire Operations 2018

Plying for hire detection operations have continued during 2018, assisted by Enforcement Officers from other licensing authorities posing as passengers. This has resulted in 17 drivers being reported on suspicion of unlawfully plying for hire. As of December 2018, 7 of these drivers had been successfully prosecuted.

The service also conducts a number of operations with West Yorkshire Police and funding has been secured by them to provide two Road Policing Traffic Officers to work alongside our enforcement team. The officers have been conducting compliance checks on out of town drivers and vehicles who are observed in the Leeds district. This funding is due to continue for the several months into 2019.

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

## Taxi and Private Hire Licensing

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

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

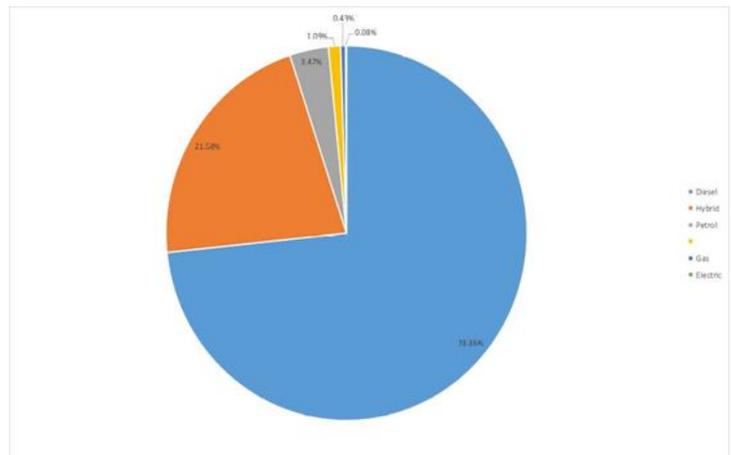
Since additional safeguarding measures were introduced in 2016, the service has been in a much stronger position to concentrate on overall service improvements and efficiencies. A brief summary of the work the service has been undertaking includes:

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

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



**Clean air zone** - The council's Executive Board met in October 2018 to finalise plans for a Clean Air Zone (CAZ) for the city starting in January 2020, following several months of debate and discussion about a Clean Air Zone. The council has opted for a CAZ B, which will charge £12.50 per day for taxi and private hire vehicles entering the CAZ area.



The current licensed fleet in Leeds is around 75% diesel, and diesels of all types are the most polluting vehicles.

The CAZ charge will be exempt initially for wheelchair accessible and the largest private hire vehicles, and those vehicles licensed before October 2018, and with outstanding finance at January 2020. In the long term, vehicles will need to be electric, petrol hybrid or LPG to avoid the CAZ charge.

The council recognises that replacing diesel and petrol vehicles with low emission and low pollution vehicles will involve a significant change to the local taxi and private hire trade. So the council is making available in 2019 packages of grants (non-repayable) and loans (interest-free, repayable) for eligible licence holders.

## Taxi and Private Hire Licensing

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**Customer contact** – while the number of new licence applications has fallen slightly (by around 5%), the team has experienced an increase in customer contact – of around 20% increase in phone calls and 16% in emails., and 13% in complaints.



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

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

**Compulsory safeguarding training**—all applicants must undertake safeguarding training before they are licensed to work. In 2018, the service completed the safeguarding training for 6000 existing licence holders. The training course was designed for all existing licence holders by Leeds Children’s Safeguarding Board, and is delivered by Carolyn Eyre, Safeguarding Consultant.

**Training contract** – the service has consulted on proposals to bring together each of the driver training courses and contract them out to a number of suppliers, to increase training capacity and reduce the time taken to train.

There is some evidence that differences in time to train and get a licence are a motivating factor in drivers applying to be trained and licenced in one area and working predominantly in another. This work will also explore the possibility of developing a common training standard across the West Yorkshire and City of York authorities.

**Legal and regulatory framework** – the Transport Minister set up a task and finish group to investigate the need for legislative changes following the implementation of the Deregulation Act in 2015. The task and finish group reported in October 2018, making 34 wide reaching recommendations for new legislation, national guidelines and local licensing. It is possible that this review and any private members’ bills in Parliament may lead to legal and regulatory changes, such as national databases of drivers and vehicles, and national minimum standards.

The Institute of Licensing issued guidance during 2018 for local authorities on the suitability of applicants and current licence holders (on application to renew an existing licence), following consultation across the UK. The council is currently consulting on whether to adopt the guidance, which, if implemented, would increase the length of time which an applicant with a conviction would be refused before being issued a licence.

**Information governance and modernisation** – the team are partway through a large document scanning programme to move from paper-based to digital-based casework, and comply with the new GDPR standards. Scanning is planned to be complete by September 2019, and full integration with the licensing system by December 2019.

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**Partnership working** – enforcement officers have been working alongside two police officers, in an initiative funded by West Yorkshire Police and Crime Commissioner. Special constables also regularly work with the team on plying for hire operations. The team continues to work closely with Guide Dogs for the Blind, Leeds Access Committee, and with neighbouring authorities, including several operations a year where enforcement officers from Leeds work alongside officers from another authority.

### Licensing Statistics

Leeds currently has the following number of licences in place;

- 943 Hackney carriage drivers
- 534 Hackney carriage vehicles
- 5456 Private hire drivers
- 4358 private hire vehicles
- 52 Private hire operators

### Decisions Taken

The application, renewal, refusal, suspension and revocation of licence figures for 1<sup>st</sup> January to 31<sup>st</sup> December 2017 and 2018 are set out in the table below

When considering the above information it is important to note that there is no direct correlation between the number of suspensions and revocations in any period. For example, the number of licences revoked (final decision to end a licence) in the last six months will include a proportion which were suspended in the previous six months.

	Applications	Refusals	Suspensions	Revocations
2016	919	10	110	24
2017	751	12	143	16
2018	742	16	168	23



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### Refusal and Revocation Decisions

The application, renewal, refusal, suspension and revocation of licence figures for 1<sup>st</sup> January to 31<sup>st</sup> December 2018 are set out in the table below:

- Between 1<sup>st</sup> January – 31<sup>st</sup> December 2018, 16 licences were refused and 23 licences were revoked.
- Between 1<sup>st</sup> January – 31<sup>st</sup> December 2017, 12 licences were refused and 16 licences were revoked.

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

Reason for suspension	2016		2017		2018	
	Refusal	Revocation	Refusal	Revocation	Refusal	Revocation
Dishonesty	5	1	4	2	3	0
Drugs	1	0	6	1	3	0
Violence	3	3	2	3	5	3
Sexual offences	1	9	0	3	3	4
Safeguarding concerns	0	0	0	0	0	0
Motoring offence	0	0	0	0	0	0
Driving disqualification	0	3	0	0	0	1
Plying for hire	0	3	0	5	0	8
Fail to comply with conditions	0	0	0	0	2	1
Disability offences	0	0	0	0	0	0
Inappropriate behaviour	0	1 *	0	0	0	6
No right to work in UK	0	1	0	0	0	0
Medical reason	0	0	0	0	0	0
DVLA licence expired	0	0	0	0	0	0
Non-completion of DBS	0	3	0	0	0	0
Unable to pass seminar	0	0	0	2	0	0
<b>TOTAL</b>	<b>10</b>	<b>24</b>	<b>12</b>	<b>16</b>	<b>16</b>	<b>23</b>

### Suspension Decisions

In relation to suspensions, 168 licence holders were suspended between 1<sup>st</sup> January – 31<sup>st</sup> December 2018. 143 licence holders were suspended between 1<sup>st</sup> January – 31<sup>st</sup> December 2017. The largest category of suspensions in both 2017 and 2018 relate to a medical reason and plying for hire. The number of suspensions relating to allegations of a sexual nature directly relate to the 'fit and proper person' test and touch on the key aspect of the licensing scheme namely the safety of the travelling public.

Reason for suspension (allegations)	2016	2017	2018
Dishonesty	1	2	0
Drug offence	1	2	0
Violent offence	9	8	2
Sexual offence	13	19	10
Safeguarding concerns	3	2	2
Motoring offence	12	8	15
Driving disqualification	1	4	1
Plying for Hire	20	28	19
Fail to comply with conditions	0	2	23
Disability Offence	0	1	0
Inappropriate behaviour	3	10	14
No right to work in UK	4	4	1
Medical reason	33	31	57
DVLA licence expired	1	0	1
Non completion of DBS/ Not attended safeguarding training	8	22	24
Unable to pass seminar	1	0	0
<b>Total</b>	<b>110</b>	<b>143</b>	<b>168</b>

## Taxi and Private Hire Licensing

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### Complaints Received

In total, 755 complaints made against the licensed trade were received in 2018. In total 658 were received in 2017 and 576 were received in 2016.

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

Complaints regarding the standard of driving most commonly relate to the use of mobile phones whilst driving, and speeding. In the majority of cases, licensed drivers are given verbal warnings, a record of which is placed on their licensing file.

Each complaint is dealt with on its own merits however complaints regarding racial, sexual or disability discrimination directly relate to the 'fit and proper person' test and touch on the key aspect of the licensing scheme namely the safety of the travelling public.



## Taxi and Private Hire Licensing

Complaint Category		2016	2017	2018
Driver behaviour	Rudeness/ Verbal Abuse	16	33	29
	Driver Conduct	92	136	199
	Property	7	8	7
	Disability	14	11	16
	Over Charging	36	24	48
	Standard of driving	149	174	147
	Inappropriate Sexual Behaviour	29	22	20
	Lateness	1	0	1
	Smoking	14	6	9
	Race Discrimination	0	5	13
	Refuse to carry	2	8	10
	Sex Discrimination	0	3	10
Environmental	Parking nuisance	49	50	60
	Noise nuisance	8	1	2
	Littering	11	0	0
No Insurance		0	0	0
Plying for hire		41	46	33
Breach of licensing conditions		30	44	59
Criminal complaint		34	18	26
Defective vehicle		19	13	18
Failure to comply with operator conditions		17	38	35
Unlicensed vehicle		5	0	4
Unlicensed driver		2	8	5
Permit vehicle		0	0	2
Uncategorised		0	10	2
<b>Total</b>		<b>576</b>	<b>658</b>	<b>755</b>

## Taxi and Private Hire Licensing

### Appeals Received

In total, 17 appeals were received in 2018 in comparison to the 8 appeals received in 2017 and 14 appeals in 2016. The reason for the appeal and outcome are set out below:

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

2017—Type of Appeal	Volume	Court	Result
Against refusal to grant	0	n/a	n/a
Against revocation	1	Leeds Magistrates Court	Dismissed x 1
Against suspension	6	Leeds Magistrates Court	Dismissed x 1 Withdrawn x 5
LCC Appeal against a Magistrates decision	1	Crown Court	Upheld x 1
Total	8		Dismissed x 2 Withdrawn x 5 Upheld x 1

2018—Type of Appeal	Volume	Court	Result
Against refusal to grant	4 1	Leeds Magistrates Court Crown Court	Dismissed x 2 Withdrawn x 2 Dismissed
Against revocation	3	Leeds Magistrates Court	Dismissed x 3
Against suspension	9	Leeds Magistrates Court	Dismissed x 9
Total	17		Dismissed x 15 Withdrawn x 2

### Consultation and Engagement

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

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

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

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

### Equality and Diversity / Cohesion and Integration

The council's licensing policies are developed with matters of equality, diversity and human rights taken into consideration. Policies are regularly reviewed in line with the legislation.

The council has completed equality, diversity, cohesion screening and impact assessments with regards to the consultation process undertaken during the review of each policy

### Council Policies and City Priorities

When determining applications the licensing authority must have regard for governing legislation and will be assisted by any guidance issued by the Department for Transport, Home Office or Gambling Commission. In addition where there is an associated statement of licensing policy this will set out the principles the council will use to exercise its functions under that policy, and in making a decision the council will have regard to that policy.

The licensing regime contributes to the following Best Council Plan 2015-20 outcomes:

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

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

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

### Resources and Value for Money

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





Leeds  
CITY COUNCIL

