

# Licensing

## Annual Report 2019



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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.

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 2020.

More enforcement activity has taken place in 2019 with steps taken to maintain passengers safety and public confidence. This is shown in the successful reassessment of Purple Flag status in December 2019. Also 2019 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.

This report provides a summary of the work undertaken in 2019 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 Ben Garner  
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 licences, late night takeaways and restaurants. Also caught under this legislation are village halls, community centres, school halls and major outdoor events.

The section also administrates 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 areas (CIAs) 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,/Woodhouse Lane where it is considered that these areas cannot support any more licensed premises. The City Centre is reviewed on an annual basis.

The review in 2019 showed that crime has continued to drop on Albion Street and Licensing Committee determined to remove this area from the red zone to encourage development following the closure of three large premises.

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), Leeds BID, 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:

**Pub Watch 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.

**Leeds BID Steering Group**—Leeds BID 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 Licensing Act 2003 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:

- Heron Stores, Armley—withdrawn during the hearing
- Pizza Cano, Hyde Park—granted
- Oodles Chinese, City Centre—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 and unlicensed 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 (on effective inspection and enforcement, published in 2005) in its enforcement concordat. Formal enforcement will be a last resort and proportionate to the degree of risk. To this end the key principles of consistency, transparency and proportionality will be maintained.

Entertainment Licensing has not brought any prosecutions to court in 2019 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 a 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.

### Reviews of Licences

Nature of complaint	2018	2019
<b>Licensing Act 2003</b>		
Conditions Breach	1	31
Unlicensed Activity	34	39
Breach of Condition and Noise	63	89
Unlicensed Activity and Noise	5	2
<b>Gambling Act 2005</b>		
Conditions Breach	1	2
Unlicensed Activity	1	3
<b>Sex Establishments</b>		
Conditions Breach	2	5
Unlicensed Activity	1	0
<b>Scrap Metal Dealers</b>		
Conditions Breach	0	1
Unlicensed Activity	18	3
<b>Charity Collections</b>		
Unlicensed Activity	4	1
<b>General</b>		
Noise/ASB	16	22
Equality Issues	8	6
Uncategorised	2	2
<b>Total</b>	<b>203</b>	<b>206</b>

The Licensing Act 2003 provides for an application to review a licence which can be brought by a responsible authority or any other person where a premises is undermining one or more of the licensing objectives. Once again, liaison is often the key to resolving problems before they reach the need for a review.

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

**Bar, LS1.** Summary review brought by West Yorkshire Police on the grounds of serious crime and serious disorder. The licence was amended to include new conditions. The bar was subsequently sold to another operator and continues without complaint.

**Bar, LS7.** Summary review brought by West Yorkshire Police on the grounds of serious crime and serious disorder. The licence was revoked.

**Off licence, LS27.** Review brought by West Yorkshire Trading Standards due to the sale of illegal tobacco. The licence was revoked.

**Bar, LS9.** Summary review brought by West Yorkshire Police on the grounds of serious crime or disorder. The licence was revoked.

### Legislation Changes in 2019



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 change has not been commenced yet. It was expected in April 2019 however due to Britain's exit from the European Union this did not happen.

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 Fixed Odds Betting Terminals 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.

### 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)		
Total number of applications received		146
Of which:		
	Had no representations	67
	Had control measures agreed and/or the representation withdrawn prior to a hearing	52
	The application was withdrawn	6
	Was granted at hearing	13
	Was refused at hearing	0
	Still pending determination	8
	Appeals	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	Green Zone	Total	
Total number of applications received	6	36	42	
Of which:				
	Applications with no reps	2	16	18
	Applications with control measures agreed/rep withdrawn prior to a hearing	1	18	19
	Applications withdrawn	0	2	2
	Granted at hearing	1	0	1
	Refused at hearing	0	0	0
	Pending determination	2	0	2
	Appeals	0	0	0

## Entertainment Licensing

### Other Cumulative Impact Policy Areas

This table sets out the applications and variations determined for the Headingley and Hyde Park cumulative impact areas.

	Headingley	Hyde Park
Total number of applications received	7	4
Of which:		
Applications with no reps	4	2
Applications with control measures agreed/rep withdrawn prior to a hearing	2	1
Applications withdrawn	0	0
Granted at hearing	0	1
Refused at hearing	0	0
Pending determination	1	0
Appeals	0	0

This table sets out the applications and variations determined for the Harehills and Armley cumulative impact areas.

	Harehills	Armley
Total number of applications received	2	1
Of which:		
Applications with no reps	0	0
Applications with control measures agreed/rep withdrawn prior to a hearing	1	0
Applications withdrawn	0	1
Granted at hearing	1	0
Refused at hearing	0	0
Pending determination	0	0
Appeals	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 2018	Jan - Dec 2019
Total Number Received:	1643	1716
Accepted:	1600 (97%)	1671 (97%)
Objections/ Withdrawn:	19	0
Hearings	0	2
Counter Notice issued by the authority preventing the event	24	38

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 2018	Jan - Dec 2019
Total Number Received:	692	639
Accepted:	618 (89%)	636 (99%)

## Gambling Statistics

In 2019 the Section dealt with a number of gambling applications as follows:

### Adult Gaming Centre

1 application for a new adult gaming centre premises.

5 applications to transfer adult gaming centre licences.

### Betting Shops

17 applications to transfer a betting premises licence.

20 betting premises licences were surrendered,

### Casino

1 application to vary a casino licence.

### 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.

### Northern Gambling Clinic:

The Northern Gambling Clinic was formally opened in Leeds in October 2019 with satellite offices in Salford and Sunderland opening early 2020. 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 2020 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. Taxi and private hire vehicles are used by almost everyone, but they are used regularly by particularly vulnerable groups: children; the elderly; disabled people; and the intoxicated. A taxi driver has significant power over a passenger who places themselves, and their personal safety, in the driver's hands.

We recognise that the drivers, vehicles and operators who we licence 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 West Yorkshire Police, with local agencies and with 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

We pay particular attention 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, and the council repeats DBS checks every year for all licence holders. Applicants must pass an English comprehension test, a safeguarding seminar and assessment, 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.

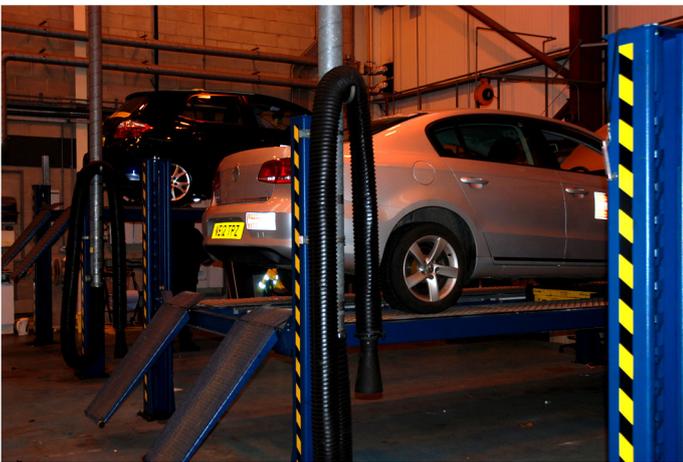
## Taxi and Private Hire Licensing

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Following consultation, in October 2019 the council approved a new Suitability and Convictions policy, which aligns more closely the period for which a licence would be refused for certain offences. The policy allows for each case to be treated on its own merits.

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

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



### Enforcement

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

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 or Hackney carriage vehicles who:

- Unlawfully ply for hire (private hire only)
- 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 carry or charge extra to passengers using wheelchairs
- Fail to report accidents to the licensing service
- Fail to report convictions and other associated matters

In 2019, our officers inspected 2302 Leeds vehicles on street and/or checked driver details:

- 170 Suspension (7%)
- 137 Rectification (6%)
- 286 Warnings (12%)
- 133 Pass and advise (6%)
- 1596 Satisfactory (69%)

## Taxi and Private Hire Licensing

Our officers also checked 130 vehicles from outside Leeds on street, often in a joint operation with West Yorkshire Police. 49 warnings, tickets or suspensions were issued as a result.

### Plying for Hire Operations 2019

Plying for hire detection operations have continued during 2019, assisted by Enforcement Officers from other licensing authorities posing as passengers. This has resulted in 19 drivers being reported on suspicion of unlawfully plying for hire. As of January 2020, 7 of these drivers had been successfully prosecuted.

The service also conducts a number of operations with West Yorkshire Police, although Operation Control, which funded two Road Policing Traffic Officers to work alongside our enforcement team, ended in July 2019. 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

### Licensing and enforcement improvements

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 takes place to check if there are any areas of concern revealed that have not been reported in another way. The council is exploring the possibility of conducting DBS checks every six months, rather than annually.

**CCTV in vehicles** - the council is strongly supportive of CCTV in taxi and private hire vehicles.

A working group formed from members of Licensing Committee, officers, trade representatives, passenger representatives and CCTV installers met several times in 2019, and the council plans to consult on new CCTV policy.

The council will also explore the possibility of extending the subsidy which eases the cost of installing CCTV equipment.

**Clean air zone** - The city Clean Air Zone (CAZ) takes effect later in 2020, following detailed debate and discussion about a Clean Air Zone. Following consultation, the council has opted for a CAZ B, which will charge £12.50 per day for taxi and private hire vehicles entering the Leeds CAZ area. The CAZ charge will be exempt initially for wheelchair accessible and the largest private hire vehicles (5-8 passengers), and those vehicles licensed before October 2018, and with outstanding finance. In the long term, vehicles will need to be electric, petrol hybrid or LPG (Liquid Petroleum Gas) to avoid the CAZ charge.

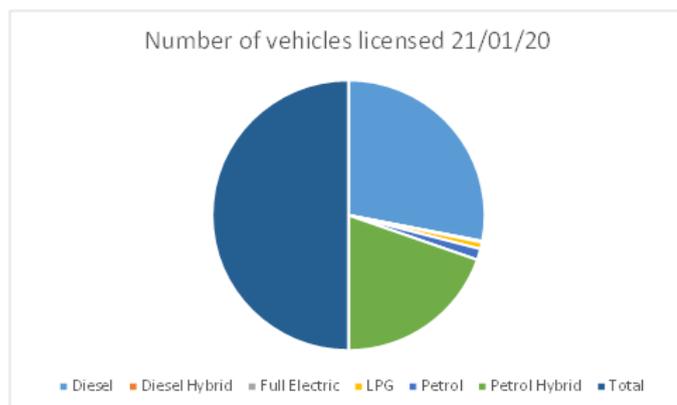


## Taxi and Private Hire Licensing

All UK licensing authorities are required to share information about taxi and private hire vehicles, which will enable those vehicles to be identified by CAZ cameras in towns and cities where a CAZ is put in place.

The current licensed fleet in Leeds is around 56% diesel, and diesels of all types are the most polluting vehicles. This figure has fallen from 75% diesel at the end of 2018. Ultra low emission (electric, LPG and petrol hybrid) vehicles now account for just over 40% of all taxi and private hire licensed vehicles in Leeds.

Fuel Type	Number licensed 21/01/20	%
Diesel	2837	56.2%
Diesel Hybrid	5	0.1%
Full Electric	11	0.2%
LPG	80	1.6%
Petrol	134	2.7%
Petrol Hybrid	1985	39.3%
<b>Total</b>	<b>5052</b>	



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 in 2020 the council is making available packages of grants (non-repayable) and loans (interest-free, repayable) for eligible licence holders.

**Compulsory safeguarding training**—all applicants must undertake safeguarding training before they are licensed to work. In 2018, the service completed the safeguarding training for all existing licence holders. The training course was designed for all existing licence holders by Leeds Children’s Safeguarding Board, and is delivered by a safeguarding consultant. The safeguarding training indicates the actions licence holders should take if they have concerns about a vulnerable passenger.

**Customer contact** – while the number of new licence applications has fallen slightly, the team has experienced an increase in customer contact and 7% in complaints. The team are adding a Licensing Customer Services Officer to the team structure, and this officer will handle phone calls and emails.

**ICT system procurement and development** – the core licensing ICT system contract has been renewed until 2025. There are a number of improvements which are planned to the licensing system, including self service/e-forms and mobile working.

**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 General Data Protection Standards (GDPR) standards. Scanning of vehicle files is 90% complete, and the team are planning the digitisation of driver files.

**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 Department for Transport (DfT) consulted on statutory guidance in February 2019. The DfT has yet to issue the final guidance, however it is likely to have implications for local licensing and national minimum standards.

## Taxi and Private Hire Licensing

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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 until July 2019. This has been succeeded by Operation Nightsafe, a multi-agency operation based on Leeds city centre. 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.

**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 evidence that differences in time to train and get a licence are a motivating factor in drivers applying to be trained and licensed in one area and working predominantly in another. This work will develop a common training standard across the West Yorkshire and City of York authorities. The training contract will also include new and refresher training for wheelchair accessible vehicles.

### Licensing Statistics

Leeds currently has the following number of licences in place (1 Jan 2020)

<b>Hackney Carriage Drivers</b>	899
<b>Hackney Carriage Vehicles</b>	533
<b>Private Hire Drivers</b>	5601
<b>Private Hire Vehicles</b>	4523
<b>Private Hire Operators</b>	64

### Decisions Taken

The application, renewal, refusal, suspension and revocation of licence figures for 1<sup>st</sup> January to 31<sup>st</sup> December 2019 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.

	<b>Applications</b>	<b>Refusals</b>	<b>Revocations</b>	<b>Suspensions</b>
2017	751	12	16	143
2018	742	16	23	168
2019	570	18	30	202

## Taxi and Private Hire Licensing

### Refusal and Revocation Decisions

The application, renewal, refusal, suspension and revocation of licence figures for 1<sup>st</sup> January to 31<sup>st</sup> December 2019 are set out in the table below:

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

Reason for suspension	2017		2018		2019	
	Refusal	Revocation	Refusal	Revocation	Refusal	Revocation
Dishonesty	4	2	3	0	2	0
Drugs	6	1	3	0	7	0
Violence	2	3	5	3	3	3
Sexual offences	0	3	3	4	0	0
Safeguarding concerns	0	0	0	0	2	0
Motoring offence	0	0	0	0	0	0
Driving disqualification	0	0	0	1	0	0
Plying for hire	0	5	0	8	1	20
Fail to comply with conditions	0	0	2	1	0	0
Disability offences	0	0	0	0	0	0
Inappropriate behaviour	0	0	0	6	2	7
No right to work in UK	0	0	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	0	0	0	0	0
Unable to pass seminar	0	2	0	0	0	0
Firearms	0	0	0	0	1	0
<b>TOTAL</b>	<b>12</b>	<b>16</b>	<b>16</b>	<b>23</b>	<b>18</b>	<b>30</b>

### Suspension Decisions

In relation to suspensions, 202 licence holders were suspended between 1<sup>st</sup> January – 31<sup>st</sup> December 2019. This is an increase from 168 licence holders suspended in 2018, and 143 licence holders in 2017. The largest category of suspensions in 2019 relate to a medical reason (accounting for almost half of licences suspended) and plying for hire.

Reason for suspension (allegations)	2017	2018	2019
Dishonesty	2	0	1
Drug offence	2	0	9
Violent offence	8	2	12
Sexual offence	19	10	11
Safeguarding concerns	2	2	1
Motoring offence	8	15	12
Driving disqualification	4	1	10
Plying for Hire	28	19	26
Fail to comply with conditions	2	23	1
Disability Offence	1	0	0
Inappropriate behaviour	10	14	16
No right to work in UK	4	1	0
Medical reason	31	57	96
DVLA licence expired	0	1	0
Non completion of DBS/ Not attended safeguarding training	22	24	6
Unable to pass seminar	0	0	1
Firearms	0	0	0
Other	0	0	12
<b>Total</b>	<b>143</b>	<b>168</b>	<b>202</b>

### Complaints Received

In total, 828 complaints were made to the council about the licensed trade in 2019. In total 755 were received in 2018, and 658 in 2017.

The Independent Inquiry into Child Sexual Exploitation in Rotherham led by Alexis Jay, 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 in Leeds has worked proactively to raise awareness and encouraged the reporting of such inappropriate behaviours, whether people 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.

The largest number of complaints reported to the council relate to the driver conduct, standard of driving, parking and charging. In the majority of such cases, licensed drivers are given verbal or written 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.

Category of Complaint	2017	2018	2019
Criminal Complaint	18	26	20
Defective Vehicle	13	18	14
Driver Behaviour - Disability Complaint	11	16	14
Driver Behaviour - Driver Conduct	136	199	354
Driver Behaviour - Driving Standard	174	147	154
Driver Behaviour - Drugs Allegation	0	0	13
Driver Behaviour - Overcharging	24	48	39
Driver Behaviour - Property	8	7	5
Driver Behaviour - Race Discrimination	5	13	12
Driver Behaviour - Refusal to Carry	8	10	9
Driver Behaviour - Rudeness	33	29	21
Driver Behaviour - Sex Discrimination	3	10	4
Driver Behaviour - Sexual	22	20	24
Driver Behaviour - Smoking	6	9	11
Environmental - Noise Nuisance	1	2	1
Environmental - Parking Nuisance	50	60	52
Licence breach	44	59	37
Operator - Operator	38	35	31
Ply for Hire - Ply for Hire	46	33	10
Ply for Hire - Unlicensed Driver	8	5	2
Uncategorised	10	2	1
<b>Total</b>	<b>658</b>	<b>755</b>	<b>828</b>

## Taxi and Private Hire Licensing

### Appeals Received

In total, 13 appeals were received in 2019 in comparison to the 17 appeals received in 2018 and 8 appeals in 2017. The reason for the appeal and outcome are set out below:

2019	Volume	Court	Result
Against refusal to grant	4	Leeds Magistrates Court	2 dismissed 2 withdrawn
Against revocation	4	Leeds Magistrates Court	3 dismissed 1 withdrawn
Against suspension	4	Leeds Magistrates Court	1 dismissed 1 upheld 2 withdrawn
LCC Appeal to Leeds Crown Court following a Magistrates decision	1	Crown Court	1 withdrawn
<b>Total</b>	<b>13</b>		6 dismissed 6 withdrawn 1 upheld

2018	Volume	Court	Result
Against refusal to grant	4	Leeds Magistrates Court	2 dismissed 2 withdrawn
	1	Crown Court	1 dismissed
Against revocation	3	Leeds Magistrates Court	3 dismissed
Against suspension	9	Leeds Magistrates Court	9 dismissed
<b>Total</b>	<b>17</b>		15 dismissed 2 withdrawn

2017	Volume	Court	Result
Against refusal to grant	0	n/a	n/a
Against revocation	1	Leeds Magistrates Court	1 dismissed
Against suspension	6	Leeds Magistrates Court	1 dismissed 5 withdrawn
LCC appeal to Leeds Crown Court following a Magistrates decision	1	Crown Court	1 upheld
<b>Total</b>	<b>8</b>		2 dismissed 5 withdrawn 1 upheld

### Consultation and Engagement

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

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

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

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

### Equality 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 Priorities and Best Council Plan

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

