



Elections and Regulatory Services

Entertainment Licensing and Taxi and Private Hire Licensing

Annual Report 2020

Contents

- Contents 2
- Foreword..... 3
- Entertainment Licensing 4
 - Introduction 4
 - Coronavirus Pandemic 5
 - Licence Processing 7
 - Gambling Statistics..... 10
 - Large Casino 10
 - Sex Establishments..... 11
 - Outdoor and Large Events 11
 - Enforcement and Liaison 12
 - Future Projects..... 16
- Taxi and Private Hire Licensing 18
 - Introduction 18
 - 2020 The year of the pandemic 18
 - Communications 19
 - Vehicle emissions and Free Licensing Grant 19
 - Enforcement and Compliance..... 21
 - Licensing Statistics 22
 - The year ahead..... 26
- Corporate Considerations 27
 - Consultation and engagement..... 27
 - Equality and diversity / cohesion and integration 27
 - Council policies and Best Council Plan 27
 - Resources, procurement and value for money 27

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 operator's 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 offices on York Road, and by Entertainment Licensing in the city centre.

In the past year licensing and licensed businesses have been impacted by the coronavirus pandemic. The hospitality industry, which includes alcohol licensed premises, have been forced to close for many months and have been forced to radically alter their operating procedures to ensure they are COVID secure.

Transport services, including taxi and private hire, have also seen a major impact due to the reduction in people working in offices, non-essential retail closing, and a general fear of public transport. Drivers have been on the frontline and have provided vital services while remaining at risk of infection.

Both licensing services have altered their practices to adapt to the new way of working, including rapidly moving all services online and with most staff working remotely. Enforcement officers have incorporated COVID related work into their duties. Both services have continued to support the trade in every way possible, including guidance and support.

This report provides a summary of the work undertaken in 2020 by Entertainment Licensing and Taxi and Private Hire Licensing. Between them these two small teams administrate and enforce in excess of 10,000 licences but this year under the backdrop of a global pandemic.



CLlr James Lewis
Executive Member for Licensing



CLlr Ben Garner
Chair of Licensing Committee

Entertainment Licensing

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 7 licensing officers.

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

The section also administrates circa 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.

Coronavirus Pandemic

In the past year the coronavirus pandemic has had a dramatic impact on the events industry and hospitality sector.

For pubs, bars and restaurants it has been a changing position; for a duration being able to operate subject to COVID secure measures and providing a table service only which later became alcohol only being served with a substantial table meal. Operators have needed to invest in their business for it to survive by installing screens to counters and tables, employment of additional staff, PPE and enhanced cleaning regimes. This, set against a reduction in customer capacity, left some businesses with no other option but to remain closed.

In addition there were restrictions placed on gambling premises, including casinos, which required them to close for the majority of the year and for certain premises, including nightclubs and sex establishments, to remain closed since March 2020.

The outdoor event industry was also severely impacted during 2020 and all major events in Leeds were cancelled, despite having started their preparations before the pandemic took hold. Similarly a number of organisers who had submitted Temporary Event Notices for smaller scale events had to be contacted to revisit their plans or even cancel their events. The Leeds Safety Advisory Group has been instrumental in identifying events that cannot proceed due to COVID restrictions including providing the appropriate advice.

Business Support

Entertainment Licensing has maintained liaison with the hospitality sector by providing frequent bulletins and supporting virtual meetings with industry representatives. Between March and December the Section sent 17 bulletins to the licensed trade, providing licensed premises specific information regarding restrictions, but also links to the Government guidance for the sector, and to the council's own webpages where operators could access financial support. The same information has been published on Leeds PubWatch websites.

In the lead-up to the re-opening of the sector on 4th July 2020 engagement took place with partner services and industry representatives to aid smooth transition, which included surveying operators on their re-opening plans which in turn informed the deployment of agencies resources. The re-opening on the 4th July was monitored by officers and passed with no significant issues.

Lately the section has utilised the council's newsletter function via GovDelivery to set up a mailing list that businesses are being encouraged to sign up to. This should ensure that information is sent to the most relevant people and should become a useful communications channel in the future.

Legislation prevents the council from having the ability to discount or disregard annual fee payments, but wherever possible the section has delayed the collection of annual fees and suspension of licences and has put in place a payment plan scheme.

In order to assist the hospitality sector, during the first lockdown a number of licensed premises moved their business online, to allow customers to 'click and collect' orders. This enabled operators to sell their existing stock and to maintain their customer base. In order to facilitate this the council encouraged operators to apply for minor variations to add off sales to their existing on licences. Minor variations were also accepted which allowed the operators to extend their licensed area outside during the pandemic. This was superseded by the Government making a national relaxation to licensing to allow all on licensed premises to provide off sales, and for a new, fast track pavement licence to be put in place. However the council has continued to support operators by allowing time limited minor variations to licences which enables the businesses to amend their business model to suit the new restrictions. This process is quick, cheap and is in consultation with the Police and Environmental Health.

Office Arrangements

The pandemic has forced the Section to alter working practices at very short notice. Just before the first lockdown in March, the section pre-empted the Prime Ministers 'stay at home' order by sending all staff to work from home. In order to facilitate this, a number of working practices had to be altered, including moving to paperless applications, either through the GOV.UK website or utilising email applications. Staff adapted well and flexible working practices put in place over the preceding years stood up to the test.

Arrangements were put in place for post to be collected and cheques processed although officers continue to encourage online and telephone payments to reduce the amount of post handling required.

As the length of the first lockdown increased, the council had to ensure that the officers' health and wellbeing were catered for. The section ensured staff had the appropriate equipment, undertook wellbeing conversations, identified clinically extremely vulnerable and clinically vulnerable staff and put risk assessments in place.

Four licensing officers volunteered for the COVID Support Line between April and July. They were able to assist those considered clinically extremely vulnerable to access food and medications. Often though, the support they gave was a friendly voice to speak to.

In addition to this work Entertainment Licensing has been able to assist other council departments in their COVID response work. On top of the work undertaken by the enforcement team, licensing officers have joined with enforcement agencies in undertaking COVID related liaison visits, providing specific guidance to businesses in the high traffic areas.

The section is providing ongoing technical support to Environmental Health to assist in the processing and issuing of fixed penalty notices. As these change on an almost weekly basis, this is a large commitment undertaken by one member of staff in particular who is working very closely with the Environmental Health managers.

Licence Processing

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

Applications made under the Licensing and Gambling Acts must be granted in the absence of representations. However any application that receives a relevant representation is determined by a licensing sub-committee. In March, at the announcement of the national lockdown, all council meetings were suspended. By August all licensing sub-committee meetings had moved online utilising Zoom and YouTube and all outstanding committee meetings were re-scheduled. Between August and December a total of 30 remote licensing hearings took place online, including a licence review hearing.

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

Responsible Authority and Public Consultation

The Licensing Act 2003 and Gambling Act 2005 prescribe responsible authorities that must be consulted and may submit representation against a licence application. Such authorities include the police, environmental health, planning, and the licensing authority. Applicants must also place notices on site and advertise the application in the local paper. The pandemic and the national lockdowns brought additional challenges to ensure that this consultation process was fair. In order to ensure that the public had access to new applications, back office systems were altered and all applications are now advertised on the council's website with links through to Public Access. Advertisement restrictions were relaxed to allow people to advertise more effectively, through online publications, newsletters and so on. Officers have continued to assist applicants in finding ways to advertise in a cost effective and efficient way.

In addition applicants now have the choice to advertise their application through an online publication or newsletter as opposed to a physical newspaper which is more cost effective and relevant to the local area. For the purpose of Leeds, Entertainment Licensing acts as the licensing authority for making representations to licence applications, especially in cumulative impact areas. In the capacity as a responsible authority, Entertainment Licensing assesses all applications and may make representations in liaison with responsible authorities and ward members. In the last 12 months Entertainment Licensing has made representations to the following applications:

Cumulative Impact Areas

- Zuber Mini Market, Harehills—Refused
- Dangote Restaurant, Harehills – Agreements reached prior to hearing
- Fat Hippo Restaurant, Headingley – Granted as applied for
- Lyceum Petrol station, Hyde Park – Agreements reached prior to hearing

Gambling Premises

- Merkur Slots, Harehills, Granted with conditions

Licensing Act 2003 Applications

The Licensing Act 2003 applications represent around 93% of the sections workload. This table shows the number of new and variation premises licence applications received under the Licensing Act 2003. For comparison purposes the figure for the previous year has been included. Due to the length of time the licensing process takes (60—90 days) the numbers of applications received and the determinations may not match.

	2019	2020
Total number of applications received (excluding CIP areas)	146	144
Of which:		
Applications with no reps	67	57
Applications with control measures agreed/ rep withdrawn prior to a hearing	52	61
Applications withdrawn	6	9
Granted at hearing	13	16
Refused at hearing	0	1
Pending determination	8	0
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	Green Zone	Total
Total number of applications received	3	21	24
Of which:			
Applications with no reps	2	7	9
Applications with control measures agreed/ rep withdrawn prior to a hearing	1	12	13
Applications withdrawn	0	0	0
Granted at hearing	0	1	1
Refused at hearing	0	1	1
Pending determination	0	0	0
Appeals	0	0	0

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

	Headingley	Hyde Park	Harehills	Armley
Total number of applications received	1	2	8	0
Of which:				
Applications with no reps	0	0	1	0
Applications with control measures agreed/ rep withdrawn prior to a hearing	0	2	3	0
Applications withdrawn	0	0	2	0
Granted at hearing	1	0	1	0
Refused at hearing	0	0	1	0
Pending determination	0	0	0	0
Appeals	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.

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.

Temporary Event Notices were served on the Authority as follows:

Normal Temporary Event Notices:	Jan - Dec 2019	Jan - Dec 2020
Total Number Received:	1716	367
Accepted:	1671 (97%)	352
Objections/ Withdrawn:	0	0
Hearings	2	0
Counter Notice issued by the authority preventing the event	38	15

Late Temporary Event Notices:	Jan - Dec 2019	Jan - Dec 2020
Total Number Received:	639	193
Accepted:	636 (99%)	193 (100%)

Transfers, Designated Premises Supervisor Changes and Personal Licences

The normal day to day work has continued albeit at a lower level than usual as can be seen in the table below:

	Jan - Dec 2019	Jan - Dec 2020
Transfers	191	161
Variation of Designated Premises Supervisor	564	386
Personal Licences	463	275

Gambling Statistics

In 2020 the Section dealt with two applications. One application was for a new bingo premises in Harehills. This received a lot of representation and was taken to a licensing sub-committee in November. The committee determined to grant the licence but imposed a large number of conditions, most of which were volunteered by the applicant, but four further conditions relating to opening, single manning and liaison with local partners were imposed following recommendation from objectors.

One application has been received to vary a casino licence to move it to a holding site. This is the casino licence currently located at New Dock but which hasn't operated for a number of years. As this is a converted casino licence, and there is no ability to apply for a new licence, the licence holder has applied to move the licence to a holding property in case it wishes to open a new site in Leeds in the future.

Large Casino

Following a bid to HM Government, Leeds City Council was awarded the right to issue a large casino licence, being one of the 8 licensing authorities in the country able to do so. The large casino licence is held by GGV (Leeds) Ltd, for their site at Victoria Gate. A legal agreement between the council and GGV Ltd sets out 38 benefits that will accrue from the operation of the licence. These benefits include funding projects that seek to mitigate potential harmful social effects of gambling and more general social inclusion priorities across the city through funding a social inclusion fund. A wide range of projects have been supported through the Social Inclusion Fund including Healthy Holiday Initiatives, projects to support Food Aid providers and initiatives run through Leeds Credit Union. In addition the fund has helped support the work to address gambling related harm in the city.

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

In November 2018 Gamble Aware announced funding for the establishment of a Leeds based Northern NHS clinic led by Leeds and York Partnership Foundation Trust, and a Leeds Community Gambling Service led by GamCare.

Northern Gambling Clinic

The Northern Gambling Clinic was formally opened in Leeds in October 2019 with satellite offices in Salford and Sunderland opening in early 2020. The clinic treats people with the most serious and complex needs in terms of problem Gambling.

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

Leeds Community Gambling Service

Gamcare's Leeds Community Gambling Service works across the Leeds area to identify, screen and treat problem gamblers and affected others. The support service takes an integrated, pathways-based approach, from training and engagement with services and organisations to raise awareness of gambling related harm, all the way through to support and treatment.

The pandemic has impacted on the face to face services both organisations have been able to provide in 2020. Most services are operating remotely via video and telephone calls.

The pandemic has also impacted directly on the Victoria Gate Casino, as it has been closed for long periods of 2020, which has impacted on the ability to contribute to the Social Inclusion Fund. Good communication remains in place between the Council and the Casino.

Sex Establishments

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

All sexual entertainment venues have remained closed since March 2020.

Outdoor and Large 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. Normally this enables officers to be more targeted in their approach to events, visiting 10 medium to high risk events during the year. However, as expected, all large events were cancelled, including Leeds Festival.

Looking ahead to 2021, operators are still optimistic about holding events over the summer and preparing their event management plans with COVID secure measures whilst keeping a careful eye on the guidance being published by the Government.

Enforcement and Liaison

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 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.

Multi-agency Liaison

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

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

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

Business against Crime in Leeds (BACIL) 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 steering group in supporting its aims and objectives.

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

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.

Safety Advisory Group (SAG) - It is the policy of the Leeds City Council to uphold reasonable standards of public safety at outdoor events and to encourage the wellbeing of the public, officials, event organisers and performers. The SAG acts as a conduit for organisers to submit their event plans and to receive agency feedback. The SAG sits under the Strategic Safety Advisory Group (SSAG). The SSAG exists to ensure that the relevant SAGs are effective and address any key points of concern.

Leeds Licensing Enforcement Group (LEG) – The purpose of the LEG is to facilitate closer partnership working between agencies in the promotion of the Licensing Act and the four mandatory licensing objectives. Chaired by Entertainment Licensing, the LEG is a six weekly meeting involving various agencies, including those designated as responsible authorities under the Licensing Act. It provides for partners to discuss concerns and to agree a course of action, using all available powers/resources available to address any particular premises or areas of concern. Members include West Yorkshire Police, British Transport Police, West Yorkshire Joint Services – Trading Standards, West Yorkshire Fire & Rescue.

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.

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

Enforcement COVID Response

Over the summer of 2020, Entertainment licensing officers joined with environmental health and police officers to carry out visits to all licensed and non-licensed businesses to provide one to one advice, and hand out information packs, including posters for public display on COVID safety measures.

This piece of work was complimented in December 2020 by the employment of a team of COVID marshals for a temporary four month period, working under the direction of City Centre Management, Environmental Health and Entertainment Licensing. The marshals provide an on street presence within the City and outlying areas, engaging with the public and businesses ensuring compliance with guidance and restrictions. Overall, the visits have been well received by businesses and members of the public.

Although Environmental Health are the lead authority for enforcement of the Health regulations, the pandemic response has enhanced partnership working between Environmental Health, Entertainment Licensing, West Yorkshire Police and Public Health. In the main Entertainment Licensing are focussing on complaints and referrals associated with licensed premises, and all services meet on a weekly basis to share information.

All other joint licensing operations have concentrated on COVID restriction compliance, and providing engagement, encouragement, education and enforcement but only as a final step.

When the licensed premises have been able to open, especially during the summer, Operation Capital, West Yorkshire Police's night time operation, recommenced with an emphasis on COVID compliance.

Engagement with West Yorkshire Joint Services - Trading Standards and HM Revenues and Customs has continued to take place, especially where there is suspicion of counterfeit or non-duty paid alcohol and cigarette sales.

Entertainment Licensing has not brought any new prosecutions matters to court in 2020 which demonstrates that liaison and support to licence holders and by the same token with residents is a successful tool. The Enforcement Team did however bring a premises licence review resulting in the licence being revoked (see below 'Reviews of Licences').

Complaint handling

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

For the period January 2020 to January 2021 133 complaints have been reported to the Section requiring investigation by the Enforcement Team. In addition to COVID compliance complaints have included illegal drinking dens, excessive noise, unauthorised provision of late night refreshment, 'lock-ins' (alcohol served beyond permitted hours of licence), and other matters.

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

Type of complaint	2018	2019	2020
LA03 - Breach of Condition and Noise	64	22	60
LA03 - Unlicensed Activity	34	2	32
Noise/ASB	17	0	14
LA03 - Conditions Breach	48	89	7
Equality Issues	8	3	5
LA03 - Unlicensed Activity and Noise	5	5	5
Charity Collection - Unlicensed Activity	4	2	3
SEVs - Conditions Breach	2	1	3
Charity Collection - Unlicensed Activity	1	3	3
Not Specified	4	32	3
GA05 - Unlicensed Activity	1	39	1
GA05 - Conditions Breach	1	32	0
SEVs - Unlicensed Activity	1	3	0
Scrap Metal - Conditions Breach	0	2	0
Scrap Metal - Unlicensed Activity	18	2	0
Total	204	207	133

Type of complainant	2018	2019	2020
Member of the Public	37	67	55
Anonymous no name given	138	109	53
Responsible Authority	14	20	17
Entertainment Licensing	11	8	10
Councillor	11	5	7
City Centre Management	0	0	1
Department Staff	0	0	1
Town or Parish Councillor	0	2	1
Anonymous no name given	1	0	0
Other Agency	1	2	0

COVID related Actions

The Licensing enforcement team have dealt with 37 COVID related complaints, approximately 30% of all complaints handled by the section this year.

Although Environmental Health is the lead authority for COVID compliance, enforcement officers have been supporting Environmental Health in complaint handling. This table shows the council wide action taken by officers in relation to COVID related complaints.

Type of response	City Centre	Rest of city	Total
Complaint	23	123	146
Fixed Penalty Notice	1	10	11
Prohibition Notice	1	3	4

Reviews of Licences

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

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

- New Middleton, LS10. Review brought by Entertainment Licensing due to persistent licence condition breaches, poor management control, anti-social behaviour, noise. The licence was revoked.
- Neil's Superstore, LS7. Review brought by West Yorkshire Police due to poor management, underage sales. The licence was revoked.
- Taag, LS1. Review brought by West Yorkshire Police due to poor management, breaches to COVID regulations. The review is still ongoing.

Future Projects

Online Applications

The Government Digital Service have announced a removal of online applications from GOV.UK, which has prompted Leeds CC to develop an alternative in-house solution that will work with the backend databases to find efficiencies and aid the continuation of remote working.

Gambling Act 2005 Statement of Licensing Policy Review

The Gambling Act 2005 requires licensing authorities to establish a statement of the principles it will apply in licence determinations under that Act. The Statement of Licensing Policy has a three year review timetable and is due for review in 2021. This will be undertaken with partners such as Financial Inclusion, Public Health, treatment services and will also include input from Licensing Committee members. The reviewed policy will be presented to Council for adoption in November 2021.

Licensing Act 2003 Statement of Licensing Policy

The Act places a responsibility on licensing authorities to establish a Statement of Licensing Policy which must set out how the authority intends to promote the licensing objectives. The Statement of Licensing Policy must be reviewed every five years, and was reviewed in 2018. It is not due to be reviewed again until 2022. However, depending on the review of the Cumulative Impact assessment, there may be a need to review and update the policy earlier.

Cumulative Impact Assessments

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

However due to the coronavirus pandemic leading to the temporary closure of licensed premises, and severely restricted trading, the number of applications for new licences and variations has dropped. Similarly footfall in the city centre has been a fraction of its usual level. As such crime and disorder has dramatically reduced in the city centre red zone. For this reason the CIA has not been enforced, and each application has been evaluated on a case by case basis.

Place Shaping and the City Centre

The coronavirus pandemic has provided a rare opportunity to review the existing areas of cumulative impact. These are the areas which are most affected by the accumulation of predominantly late night wet led businesses. The sheer numbers of people traversing the streets during the evening and night time, has led to areas of high crime, especially acquisitive crime such as theft from person, and assault. However the national lockdowns and the wholesale closure of late night premises has reset some areas. The crime rate has fallen dramatically and this provides the opportunity of reshaping these areas to reduce the crime hot spots in the longer term.

It is likely that a number of businesses will become insolvent and not survive the restrictions placed on businesses during this time. It is important to provide new businesses taking over these premises with guidance and an expectation in regards to the look and feel of the city centre to encourage different styles of operation than those that attracted a criminal element. For example spreading late night wet led businesses across the city centre, to reduce the accumulation of customers on the street, and to intersperse daytime operators, such as retail, into these concentrated areas may reduce the crime created by large crowds of people who are in drink.

Part of this process would be in a major reworking of the council's Statement of Licensing Policy and the accompanying cumulative impact assessment. The CIA is due to be reviewed in 2021, so that it is in place for 2022. The Statement of Licensing Policy is due to be reviewed in 2022 to be in place for 2023. Both of these documents can be instrumental in providing such direction to new licensees.

Legislation Changes in 2020

There have been significant legislative changes in 2020, mostly related to the restrictions placed on premises by the coronavirus pandemic. These include closure, restrictions to trading, and the requirement to serve food, social distancing and restrictions on the numbers in groups. The legislation has been passed through the Houses with little consultation and with little warning, which has meant that both the trade and enforcement agencies have had to adjust quickly to the changes. Fortunately the Section has been assisted by Legal Services, communication and the Web Team in producing guidance for operators.

Taxi and Private Hire Licensing

Introduction

The aim of local authority licensing of the taxi and private hire trades is to protect the travelling public.

Legislation places a duty on the council for the licensing of Hackney Carriages ('taxis') and private hire vehicles, drivers of those vehicles and operators of those vehicles. The council understands the importance and responsibility it has to ensure that licensed vehicles in the district are safe, comfortable, properly insured and available where and when required, and that those involved in the trade are fit and proper to undertake the role.

2020 The year of the pandemic

There are currently 6328 people licensed, and many more supporting the trade, across Leeds. Whilst some are part-time workers, most are self-employed, working in a full time capacity. A half of the licensees are from the BAME population of Leeds, Bradford and surrounding towns. The effects of last year and this year's pandemic have had obvious effects on the wellbeing of many. The loss of loved ones, the closure of the Leeds night-time economy and reduction of travellers using the airport and railway station have all taken effect.

Contracts with companies, the local authority, hospitals and ambulance service have provided reassurance to some drivers and operators who have worked tirelessly to maintain their vehicles, abide by lock down rules and provide key services. Their commitment has to be congratulated.

The staff of the taxi and private hire service, to meet the licensing responsibilities of the Council, have transformed their way of working. The licensing office was closed to customers with staff who were able to attend the premises adhering to strict rules to maintain their own health and reduce all risk of infection. Others worked patiently from home.

To keep licensed vehicles safe and on the road, alternative and temporary processes were put in place during those times vehicle examiners were unable to inspect vehicles through 'national lockdown' or 'shielding'. Licensing staff managed applications differently by email and telephone. Enforcement officers supported other essential council security services whilst continuing to ensure compliance of taxi and private hire legislation, local conditions and byelaws.



Communications

The usual relationship between the service and the council's Licensing Committee has suffered this year because of the pandemic. There has been an element of disappointment in that development work from previous the year temporarily ceased. The CCTV working group was unable to conclude its work to finalise recommendations to the full committee, and the decision concerning the implementation of the remaining Suitability and Convictions policy clause still requires resolving.

To maintain our transparency and contribution to provide a safe and high quality transport service, we are determined to work with representatives of the community and those from particularly vulnerable groups: children, elderly, and disabled people.

This last year has made consultation with these and members of the trade problematic, but we are determined to find ways to overcome this.

To pass information directly to all licensees but especially drivers has been paramount in our strategy to maintain business as near normal. The use of GovDelivery, an email platform has allowed us to circulate our *Bulletin* to over 6000 recipients, sometimes twice a week providing not only trade information but changes in the way that we process applications, links to places where support for drivers unable to work can be obtained, locations for COVID testing and much more.

The same method has been used to pass information to the travelling public, especially when the Government introduced the statutory wearing of face coverings in taxis and private hire vehicles.

Vehicle emissions and Free Licensing Grant

The absence of motorised traffic on the roads of Leeds during the year affected the air quality to such extent that a joint review by the council and central Government concluded that the Leeds Clean Air Zone was no longer required.

The council are determined that the air quality improves further and will encourage owners of diesel and petrol taxi and private hire vehicles to replace these with ultra-low emission (electric, LPG and petrol hybrid) vehicles when they have ceased to be licensed.

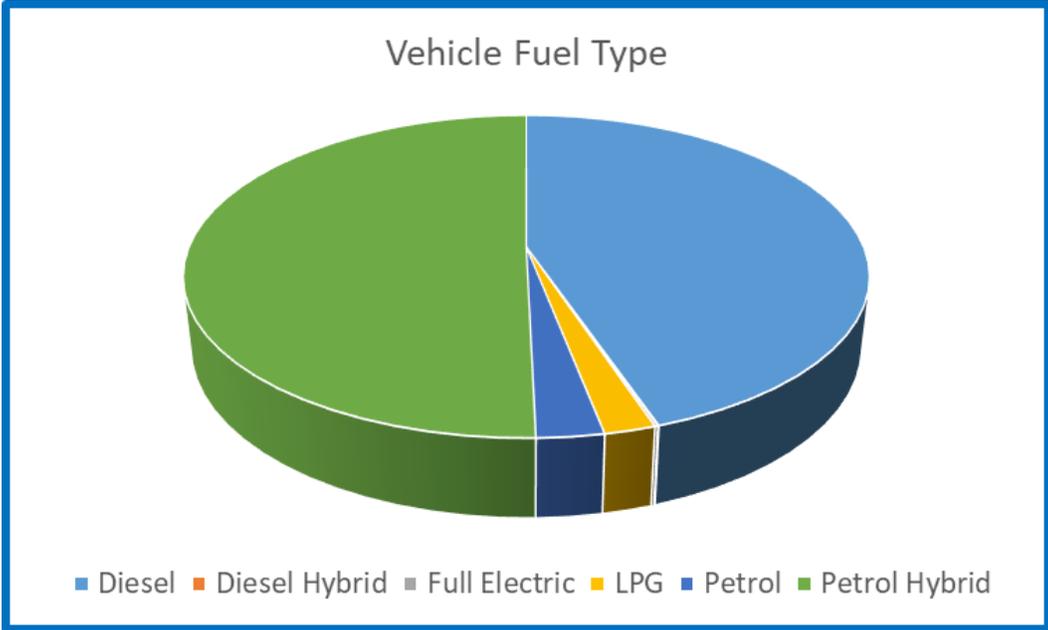


Those vehicle proprietors who obtained a grant from the council to purchase a ULEV and supported the Council in the clean air objective are to benefit from further financial support with a Free Vehicle Licensing Grant for their vehicles for the next three years. The decision also affects owners of ULEVs, wheelchair accessible vehicles and vehicles with seats for 5-7 passengers. The council is exploring ways in which self-employed licence holders can access funds from the council's Additional Restrictions Grant (ARG).

The service continues to support this strategy by working with the Leeds City Council’s Electric Vehicle Trial Centre. A fleet of Nissan Leaf cars are now licensed for use as private hire vehicles and will be loaned to drivers for evaluation.

The current licensed fleet in Leeds is around 45% 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 52.4% of all taxi and private hire licensed vehicles in Leeds.

Fuel Type	Number licensed 19/01/2021	%
Diesel	2176	44.8%
Diesel Hybrid	2	0.1%
Full Electric	6	0.1%
LPG	99	2.0%
Petrol	130	2.7%
Petrol Hybrid	2447	50.3%
Total	4860	



Enforcement and Compliance

Vehicle compliance is paramount to the safety not of just passengers but drivers too. Our team of vehicle examiners are regularly trained and updated with developments in the motor industry. Whilst the majority of vehicles are submitted for inspection in a clean and well maintained condition occasions have occurred this year when this was not the case. On one occasion, a dangerously unsafe vehicle was removed from the premises on a low loader.

An authority from the council Executive allowed temporary changes to our processes due to the unavailability of our own staff on the premises due to national lockdown and related pandemic difficulties many older vehicles were examined by the Vehicle Standards Agency registered MOT stations. This ensured vehicle licences were maintained, and those vehicles could be kept on the road and working.

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 2020, our officers inspected 428 Leeds vehicles on street and/or checked driver details:

26 **Suspension**
21 **Rectification**
23 **Pass and advise**
358 **Satisfactory**

Our officers also checked 35 vehicles from outside Leeds on street, often in a joint operation with West Yorkshire Police. 13 warnings, tickets or suspensions were issued as a result.

In a normal year, unaffected by restrictions on working and proximity, we would expect these figures to be much higher, probably totalling more than 2000 vehicles inspected on street.

Licensing Statistics

Leeds currently has the following number of licences in place

	As at 1 st January 2019	As at 1 st January 2020	As at 9 th February 2021
Hackney Carriage Drivers	943	899	835
Hackney Carriage Vehicles	534	533	534
Private Hire Drivers	5456	5601	5356
Private Hire Vehicles	4358	4523	4129
Private Hire Operators	52	64	57

The COVID pandemic has affected both the number of licences – reduced the number of new licences, and affected the number of licences temporarily and voluntarily suspended. More than 700 hackney carriage and private hire drivers have reported to the council that they were not working, predominantly for reasons of COVID.

Decisions Taken

The application, renewal, refusal, suspension and revocation of driver licence figures for 1 January to 31 December 2020 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.

Year	Applications	Refusals	Revocations	Suspensions
2018	742	16	23	168
2019	570	18	30	202
2020	160	2	16	116

Licensing Income

The much lower level of new drivers and a smaller but still significant fall in the number of new vehicles has led to a significant fall of more than £500,000 in the council's licensing income. The council is claiming for such lost income from central government and will learn the value of the payment from central government in March 2021.

Refusal and Revocation Decisions

The refusal and revocation of licence figures for 1 January to 31 December 2020 are set out in the table below.

1 January – 31 December 2019, 18 licences were refused and 30 licences were revoked.

1 January – 31 December 2018, 16 licences were refused and 23 licences were revoked.

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

Reason	2018		2019		2020	
	Refusal	Revocation	Refusal	Revocation	Refusal	Revocation
Dishonesty	3	0	2	0	1	1
Drugs	3	0	7	0	0	1
Violence	5	3	3	3	1	1
Sexual offences	3	4	0	0	0	1
Safeguarding concerns	0	0	2	0	0	0
Motoring offence	0	0	0	0	0	3
Driving disqualification	0	1	0	0	0	0
Plying for hire	0	8	1	20	0	2
Fail to comply with conditions	2	1	0	0	0	0
Disability offences	0	0	0	0	0	0
Inappropriate behaviour	0	6	2	7	0	6
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	0	0	0	0	0
Firearms	0	0	1	0	0	0
TOTAL	16	23	18	30	2	15

Suspensions

In relation to suspensions, 106 licence holders were suspended between 1 January and 31 December 2020. This is a reduction from 202 licence holders suspended in 2019, and 168 licence holders in 2018. The largest category of suspensions in 2020 relate to a medical reason (accounting for almost half of licences suspended) and plying for hire.

Reason/Allegation	2018	2019	2020
Dishonesty	0	1	0
Drugs	0	9	6
Violence	2	12	8
Sexual offences	10	11	16
Safeguarding concerns	2	1	0
Motoring offences	15	12	13
Driving disqualification	1	10	0
Plying for hire	19	26	3
Fail to comply with conditions	23	1	2
Disability offences	0	0	0
Inappropriate behaviour	14	16	5
No right to work in the UK	1	0	0
Medical reason	57	96	45
DVLA licence expired	1	0	0
Non completion of DBS	24	6	4
Unable to pass seminar	0	1	0
Firearms	0	0	0
Other	0	12	4
Total	169	202	106

Complaints Received

In total, 582 complaints were made to the council about the taxi and private hire trade in 2020. In total 828 were received in 2019, and 755 in 2018.

The number of complaints is lower this year, which is not surprising, given that fewer journeys that have been made. The night-time economy has been shut down for most of the year; the pub and restaurant trades have faced severe restrictions day and night. What is surprising is the high number of complaints received given the reduction in journeys.

The largest number of complaints reported to the council in 2020 relate to driver conduct, standard of driving, licence breaches and parking. Licence breaches relate to the failing to report accidents, working for more than one operator, failing to notify change of operator, failing to display the correct vehicle livery. In the majority of such cases, licensed drivers are given verbal or written warnings, a record of which is placed on their licensing file. If a driver continues to receive complaints they may be referred for additional training.

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

Category of Complaint	2018	2019	2020
Criminal Complaint	26	20	28
Defective Vehicle	18	14	1
Driver Behaviour - Disability Complaint	16	14	10
Driver Behaviour - Driver Conduct	199	354	229
Driver Behaviour - Driving Standard	147	154	93
Driver Behaviour - Drugs Allegation	0	13	5
Driver Behaviour - Overcharging	48	39	18
Driver Behaviour - Property	7	5	0
Driver Behaviour - Race Discrimination	13	12	11
Driver Behaviour - Refusal to Carry	10	9	5
Driver Behaviour - Rudeness	29	21	15
Driver Behaviour - Sex Discrimination	10	4	2
Driver Behaviour - Sexual	20	24	7
Driver Behaviour - Smoking	9	11	7
Environmental - Noise Nuisance	2	1	0
Environmental - Parking Nuisance	60	52	51
Licence breach	59	37	59
Operator - Operator	35	31	21
Ply for Hire - Ply for Hire	33	10	6
Ply for Hire - Unlicensed Driver	5	2	5
Uncategorised	2	1	9
Total	755	828	582

Appeals received

In total, 4 appeals were made against licensing decisions in 2020, compared to 13 appeals in 2019 and 17 appeals in 2018. The reason for the appeal and outcome are set out below:

2020	Number	Court	Result
Against suspension	4	Leeds Magistrates Court	1 dismissed 3 withdrawn

2019	Number	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
--	---	-------------	-------------

2018	Number	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

The year ahead

New guidance relating to taxi and private hire licensing was issued by the Department of Transport in July of this year to all local licensing authorities. The majority of the objectives set within the guidance have previously been implemented over the years by the Licensing Committee and few major changes are foreseen as a result of the guidance. These include a consolidation of all our policies into one summary document, and the reviewing of officer delegated powers. Even closer cooperation with the police and our neighbouring authorities is also advised.

The forced implementation during 2020 of digital working brought many frustrations to members of the trade and staff alike. Drivers who for decades had become reliant on personal face to face help and understanding from staff at a counter service suddenly had to contend with a new technical age.

Patience became the key word. Many lacked necessary equipment, more really on younger family members to manage applications on line. Aspirations are for a digital transformation of services, and we are pleased to say processes are in advanced stage to develop enhanced online forms.



Corporate Considerations

Consultation and engagement

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

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

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

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

Equality 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 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 Best Council Priorities 2019/20:

- Culture
- Safe, strong communities
- Inclusive Growth

Resources, procurement and value for money

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