



Elections and Regulatory Services

Entertainment Licensing and Taxi and Private Hire Licensing

Annual Report 2021

Contents

- Contents 2

- Foreword..... 3

- Entertainment Licensing 4
 - Introduction 4
 - Coronavirus Pandemic 5
 - Licence Processing 7
 - Gambling Statistics..... 10
 - Sex Establishments..... 11
 - Outdoor and Large Events 11
 - Enforcement and Liaison 12
 - Future Projects..... 16

- Taxi and Private Hire Licensing 18
 - Introduction 18
 - 2021, more ‘Hands, Face and Space’ 18
 - Statutory Taxi and Private Hire Vehicle Standards 19
 - Vehicle emissions and Free Licensing Grant 19
 - Vehicle Inspections 20
 - Enforcement and Compliance..... 21
 - Communications 22
 - 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 several pieces of legislation. To run a pub, a business owner must hold a personal licence, a premises licence, be registered as a food premises and be signed up to Performing Rights Society so royalties are paid to musicians. A taxi or private hire driver will need a driver licence, a vehicle licence and a sole trader, an operator’s licence as well as insurance, road tax and a valid MOT. A business that is profitable above a certain threshold will have to be registered with HMRC and to employ people there is a whole raft of health and safety and employment legislation to have regard to. Businesses may have to speak to several different departments within the council and this fragmented approach to regulation proves to be challenging for most new businesses.

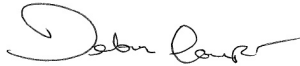
In respect of business licensing, Elections and Regulatory Services seek to make this process as easy as possible, with comprehensive guidance on the web, web based application routes for most application processes and face to face assistance available. Although the council seeks to promote self-service,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

In the past year licensing and licensed businesses have been impacted by the ongoing coronavirus pandemic. The hospitality industry, which includes alcohol licensed premises, have been forced to close for many months and have needed 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, closure and restrictions in the night-time economy, 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 2021 by Entertainment Licensing and Taxi and Private Hire Licensing. Between them these two small teams administrate and enforce more than 10,000 licences but this year under the backdrop of a global pandemic.



Cllr Debra Coupar
Executive Member for Licensing



Cllr Paul Wray
Chair of Licensing Committee

Entertainment Licensing

Introduction

Entertainment Licensing is a section based within Communities, Housing and Environment under the Elections and Regulatory Service. The section comprises of a section head, 5 principal officers, 4 enforcement officers and 7 licensing officers.

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.

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

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

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

The section also administrates approximately 2,175 temporary events, 425 personal licences and processes many permissions to site gaming machines in alcohol licensed premises each year.

Gambling Act 2005 - Gambling facilities including bookmakers, bingo halls, amusement arcades, casinos but also permits and permissions such as lotteries. There are around 130 premises licensed under the Gambling Act including 104 betting shops and 3 casino premises.

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

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

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

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

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

Coronavirus Pandemic

For the second 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, protective equipment, 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 much of the year and for certain premises, including nightclubs and sex establishments, to remain closed from March 2020 to July 2021.

The outdoor event industry was also severely impacted during 2020 and 2021 and many major events in Leeds were cancelled, despite having started their preparations before the pandemic took hold. Similarly, several 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 and providing the appropriate advice.

Business Support

There have been significant legislative changes in 2021, 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.

Entertainment Licensing, Environmental Health and the West Yorkshire Police Licensing Team established regular dialogue and were guided by Legal Services on the implementation of the regulations. This in turn ensured that businesses were offered consistent advice and provided a joined-up response to enforcement and complaint referrals.

Entertainment Licensing maintained liaison with the hospitality sector supporting virtual meetings with industry representatives. A newsletter function via GovDelivery has been a success with over 1000 people signed up to receive ad-hoc information using this facility. This has included information on grants, specific promotions, and schemes such as Ask for Angela and Eat Leeds, as well as changes to the COVID restrictions.

Legislation prevents the council from having the ability to discount or disregard annual licence fee payments, but wherever possible the section has delayed the collection of annual fees and has put in place a payment plan scheme. As business reopened fully, most operators paid their annual fees, including those from the previous year.

A system of fixed penalty notices was introduced for Covid specific offences the responsibility of which was designated to Environmental Health Officers. Technical resource from Entertainment Licensing was provided to this piece of work, which again was subject to regular change. In addition to this resource other staff volunteered to support the Covid helpline and undertook front-line visits to businesses to foster relationships and check that they were operating to the health regulations and guidelines.

Demands on the Entertainment Licensing service has been exceptionally high as licence holders sought one-to-one advice on how to re-model their business to keep it viable throughout the restrictions. Temporary new operating models were achieved through minor variation applications allowing businesses to turn to online and click and collect sales and use of outdoor areas by the addition of off-sales to the licences. This was superseded by the Government making a national relaxation so that all on-licensed premises could provide off sales, and for a new fast track pavement licence to be put in place. This did not come without problems however, as the increased use of outdoor areas brought the added problem of nuisance complaints which were provided attention on a case-by-case basis.

Office Arrangements

The pandemic forced the Section to alter working practices at very short notice. Just before the first lockdown in March 2020, the section pre-empted the Prime Ministers 'stay at home' order and staff started to work from home. Several working practices had to be altered, including moving to paperless applications, either through the GOV.UK website or utilising email. Staff adapted well and business continuity plans stood up to the test.

Hearings before the Licensing Subcommittee were postponed for a short time in 2020 whilst the logistics for remote licence application hearings were agreed, but once established the remote hearings ran with success and were proven to be convenient for parties, saving the time and expense from travelling into the City Centre. In-person Subcommittee meetings resumed in May 2021 upon expiration of the regulations that allowed remote hearings to take place.

The Section is no longer located at Enterprise House, St Pauls Street and now has a designated workspace in the Civic Hall. The past two years have shown that arrangements have worked particularly well for staff and the service, and a hybrid arrangement is now in place to allow flexibility to continue.

Licence Processing

Regardless of the regime, all licences are processed in a similar manner. The application is received, checked and a consultation held. As a rule, any new application that attracts relevant adverse representation will be heard before a licensing sub-committee, except for lap-dancing clubs and events exceeding 30,000 capacity which are brought before a full committee. Sub-committee meetings resumed face-to-face in May 2021.

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

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

Responsible Authority and Public Consultation

The Licensing Act 2003 and Gambling Act 2005 prescribe responsible authorities that must be consulted and may submit representation against a licence application. Such authorities include the police, environmental health, planning, and the licensing authority. Applicants must also place notices on site and advertise the application in the local paper. The pandemic and the national lockdowns brought additional challenges to ensure that this consultation process was fair, and especially during the 'stay at home' guidance when newspapers were not easily accessible. Instead, applicants were encouraged to use online publications to advertise their applications which were more publicly accessible during this period. The provision to advertise in online publications was subsequently removed and advice reverted to pre-Covid arrangements, as per the legislation.

For Leeds, Entertainment Licensing acts as the licensing authority for making representations to licence applications, especially in cumulative impact areas. In the capacity as a responsible authority, Entertainment Licensing assesses all applications and may make representations as necessary in liaison with responsible authorities and ward members. In the last 12 months Entertainment Licensing has made just one representation:

Armley CIA:

- Lietuvaite, Armley – Licence refused at hearing

Licensing Act 2003 Applications

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

	2019	2020	2021
Total number of applications received (excluding CIP areas)	146	144	146
Of which:			
Applications with no reps	67	57	58
Applications with control measures agreed/ rep withdrawn prior to a hearing	52	61	58
Applications withdrawn	6	9	9
Granted at hearing	13	16	13
Refused at hearing	-	1	1
Pending determination	8	-	7
Appeals	-	-	4*

*2 appeals withdrawn, 1 appeal allowed, 1 appeal dismissed

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	4	39	43
Of which:			
Applications with no reps	2	24	26
Applications with control measures agreed/ rep withdrawn prior to a hearing	2	12	14
Applications withdrawn	-	-	-
Granted at hearing	-	1	1
Refused at hearing	-	-	-
Pending determination	-	2	2
Appeals	-	-	-

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	2	-	2	1
Of which:				
Applications with no reps	-	-	1	-
Applications with control measures agreed/ rep withdrawn prior to a hearing	2	-	1	-
Applications withdrawn	-	-	-	-
Granted at hearing	-	-	-	-
Refused at hearing	-	-	-	1
Pending determination	-	-	-	-
Appeals	-	-	-	-

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 subcommittee.

Temporary Event Notices were served on the Authority as follows:

Normal Temporary Event Notices:	2019	2020	2021
Total Number Received:	1716	367	661
Accepted:	1671 (97%)	352 (96%)	624 (94%)
Objections/ Withdrawn:	-	-	-
Hearings	2	-	2
Counter Notice issued by the authority preventing the event	38	15	35

Late Temporary Event Notices:	2019	2020	2021
Total Number Received:	639	193	336
Accepted:	636 (99%)	193 (100%)	336 (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:

	2019	2020	2021
Transfers	191	161	127
Variation of Designated Premises Supervisor	564	386	516
Personal Licences	463	275	364

Gambling Statistics

In 2021 the Section dealt with 2 applications. One application was for the transfer of an adult gaming centre, one for the grant of a new betting shop in Crossgates which did not attract any representations and was granted.

Large Casino

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

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

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

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 shop 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.

Sexual entertainment venues were allowed to reopen in July 2021. Only three of the four premises chose to renew their licence in 2021.

Outdoor and Large Events

Premises Licences are required for most 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 Emergency Team coordinate the Safety Advisory Groups and populate a calendar of events with a risk scoring matrix. This ensures that all agencies have a full picture of events, both licensed and unlicensed taking place and have an opportunity to feed into the planning and debrief processes. This also informs event attendance by the Entertainment Licensing Liaison & Compliance Team. Large events made a hesitant return in 2021, including Leeds Festival.

Looking ahead to 2022, organisers are now making their plans and we are already seeing a busy summer event season ahead.

Enforcement and Liaison

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

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

The council has adopted the principles of the Hampton Report (on effective inspection and enforcement, published in 2005) in its enforcement concordat. Formal enforcement will be a last resort and proportionate to the degree of risk. To this end the key principles of consistency, transparency and proportionality will be maintained. The enforcement Team has regard to the Regulators' Code when setting standards or giving guidance, which includes basing regulatory activities on risk.

Multi-agency Liaison

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

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

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

Business Against Crime in Leeds (BACIL) - BACIL supports daytime and night-time retailers in fighting retail crime across the city centre through closer partnership working with retailers, agencies, and other stakeholders. 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.

Leeds Safety Advisory Group (for events) (SAG) - It is the policy of the Leeds City Council to uphold reasonable standards of public safety at outdoor events and to encourage the wellbeing of the public, officials, event organisers and performers. The SAG acts as a conduit for organisers to share their event plans and to receive agency feedback. The SAG sits under the Strategic Safety Advisory Group (SSAG). 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, pre-COVID the LEG met six weekly 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 premises or areas of concern. Members include West Yorkshire Police, British Transport Police, West Yorkshire Joint Services – Trading Standards, West Yorkshire Fire & Rescue.

Due to Covid Government restrictions the six weekly in-person meetings were suspended but on a positive note more efficient means for real-time communication and new partnership arrangements were established that cross over with the LEG, which replace the need for the 6 weekly meetings.

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

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

Enforcement COVID Response

Over the summer of 2020, Entertainment licensing officers joined with environmental health and police officers to carry out visits to 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. These were incorporated into routine visits in 2021.

This piece of work was complemented between December 2020 and March 2021 by the employment of a team of dedicated COVID marshals for a temporary four month period, working under the direction of City Centre Management, Environmental Health and Entertainment Licensing. The marshals provided 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 focussed on complaints and referrals associated with licensed premises, and all services meet on a regular 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.

In addition, Nightsafe Leeds, an initiative designed to promote public safety in Leeds city centre and its evening and night-time economy has taken place involving police and a wide range of partner agencies including the Entertainment Licensing Enforcement team and volunteer groups (e.g., Street Angels Leeds, and Angels of Freedom (the latter providing visible support for the LGBT+ community). The initiative is led by the City’s community safety partnership - Safer Leeds and tackles crime and anti-social behaviour. The initiative was embedded pre-Covid and continues to take place regularly.

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 in licensed premises

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.

Category	2019	2020	2021
Charity Collection - Unlicensed Activity	1	3	3
Equality Issues	6	5	5
GA05 - Conditions Breach	2	-	-
GA05 - Unlicensed Activity	3	1	-
LA03 - Conditions Breach	32	7	23
LA03 - Unlicensed Activity	39	32	38
LA03 Breach of Condition and Noise	89	60	54
LA03 Unlicensed Activity and Noise	2	5	10
Noise/ASB	22	14	40
SEVs - Conditions Breach	5	3	-
SEVs - Unlicensed Activity	-	-	1
Scrap Metal - Conditions Breach	1	-	3
Scrap Metal - Unlicensed Activity	3	-	5
Uncategorised	2	3	1

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

In 2020, the Enforcement Team did however bring a premises licence review resulting in the licence being revoked (see below ‘Reviews of Licences’).

Further in 2021, after a business operator failed to heed guidance and warnings, Entertainment Licensing brought a successful prosecution for unauthorised licensable activities at one business, for providing late night refreshment without the relevant licence.

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	Environmental Health Total	
	2020	2021
Complaints	2608	835
Fixed Penalty Notice	26	5
Prohibition Notice	31	4
Direction Order	5	
Immediate Restriction Notice	1	

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:

- Harehills Lane, Harehills. Review brought by West Yorkshire Trading Standards due to sale of illegal tobacco products. The licence was revoked.
- Branch Road, Armley. Review brought by West Yorkshire Police due to drugs offences, sale of illegal tobacco and alcohol products. The licence was revoked.
- Sheepscar, LS7. Review brought by the Licensing Authority COVID restriction breaches and licence breaches. The licence was revoked.

Future Projects

Online Applications & Mobile Working Solution

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

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

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 was reviewed in 2021. The reviewed policy was presented to Council for adoption in November 2021 and came into effect in January 2022.

Licensing Act 2003 Statement of Licensing Policy

The Act places a responsibility on licensing authorities to establish a Statement of Licensing Policy which must set out how the authority intends to promote the licensing objectives. The Statement of Licensing Policy must be reviewed every five years and was last reviewed in 2018. A review so that the new policy is ready for January 2023 will commence autumn 2022.

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.

The cumulative impact assessment was due for review in 2020 to bring a new assessment into effect early in 2021. At the time the review was due to take place England had entered another lockdown situation where hospitality businesses were closed and so this review was delayed. Over the summer

West Yorkshire Police produced crime reports for the period covering the pandemic closures to establish the impact on the crime rate. The crime reports showed a reduction in crime and disorder. However, it also showed that the crime and disorder rates increased in all areas once restrictions were lifted. The true picture would not be known until such time the evening and night-time economy had returned to normality for a period. Consultation with hospitality businesses affected by the cumulative impact assessment will now take place in early 2022 on the recommendation to leave the cumulative impact areas unchanged until the impact of the pandemic is known.

Place Shaping and the City Centre

The coronavirus pandemic has provided 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 several 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 regarding 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 Statement of Licensing Policy is due to be reviewed in 2022 to be in place for 2023 and the cumulative impact assessment could be reviewed at the same time. Both documents can be instrumental in providing such direction to new licensees.

Prepare and Protect Duty

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

Taxi and Private Hire Licensing

Introduction

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

We licence all the Leeds Taxi (Hackney carriage) drivers and vehicles, private hire operators, drivers, and vehicles. We also work closely with the taxi and private hire trades, the West Yorkshire Police, British Transport Police, and many passenger groups to ensure the safety of passengers.

The council's Licensing Committee approves, and the council's Executive sets the local requirements and conditions for licensing the trade, which the service apply.

2021, more 'Hands, Face and Space'

Our 2021 Annual Report is a testament to our team's efforts and achievements over the last year, the second year of Covid-19, and shows the work we have done to keep the taxi and private hire trade in Leeds moving during the global pandemic.

Funding provided to support the trade during the year was no easy task to distribute. Our team managed almost £1.3 million in 2021 to provide free licensing grants to owners of approximately 2200 vehicles. We also administered almost £2 million of Additional Restriction Grants in 2021 to cover 5000 drivers on the renewal of licences. The team switched from a primarily face to face in person service to one focused on email and phone calls, and visits by appointment. Demands for changes in vehicle standards and specifications, the further consultation on one aspect of the Suitability and Convictions policy have all combined into a challenging period.

It would be remiss to fail to also recognise the efforts and determination of those drivers and operators working with us, remaining patient at a time they experienced the economic pressures caused by the national lock downs and restricted working practices. Especially those who normally rely on the city's night-time economy for their income.

Whilst the renewal of driver licences has shown a decrease of 145, we recognise that many drivers are supplementing their income by taking the opportunity to work in other markets, such as home deliveries. A new and 'up and coming' opportunity, albeit which may be temporary. The result of this being hundreds of licensed drivers have left the trade or are working shorter hours. Some vehicles are standing idle, and consequently operators and taxi associations are unable to provide a once dependable service for their customer.

Restrictions on gatherings and social distancing have caused the process of accepting new licence applications and the training of new drivers impossible, not only here in Leeds but across all authorities.

Statutory Taxi and Private Hire Vehicle Standards

Commonly referred to as the Statutory Guidance, issued by the Department for Transport in July 2020, for which the council are required to take regard. We are confident that our processes and standards meet the requirements, albeit some areas require a review.

Our policies, conditions and procedures are now contained in one single policy document which was published on the council's website early in 2022. This document introduces nothing new other than a clearer and more transparent appearance of our standards, and easy to follow guide when referring to policies, conditions, code of practice and byelaws.

The Licensing Committee have indicated a desire to review licensing conditions as part of an ongoing commitment and consultation is a theme used throughout the Statutory Guidance, and we look forward to the council involving passenger/stakeholder groups and trade representatives to this end.

Vehicle emissions and Free Licensing Grant

The removal of the plans for the Leeds Clean Air Zone, an initiative devised with an introduction of financial penalties for vehicles which emit higher toxic levels of CO2 or particulates has not replaced the councils' aspiration to reduce air quality.

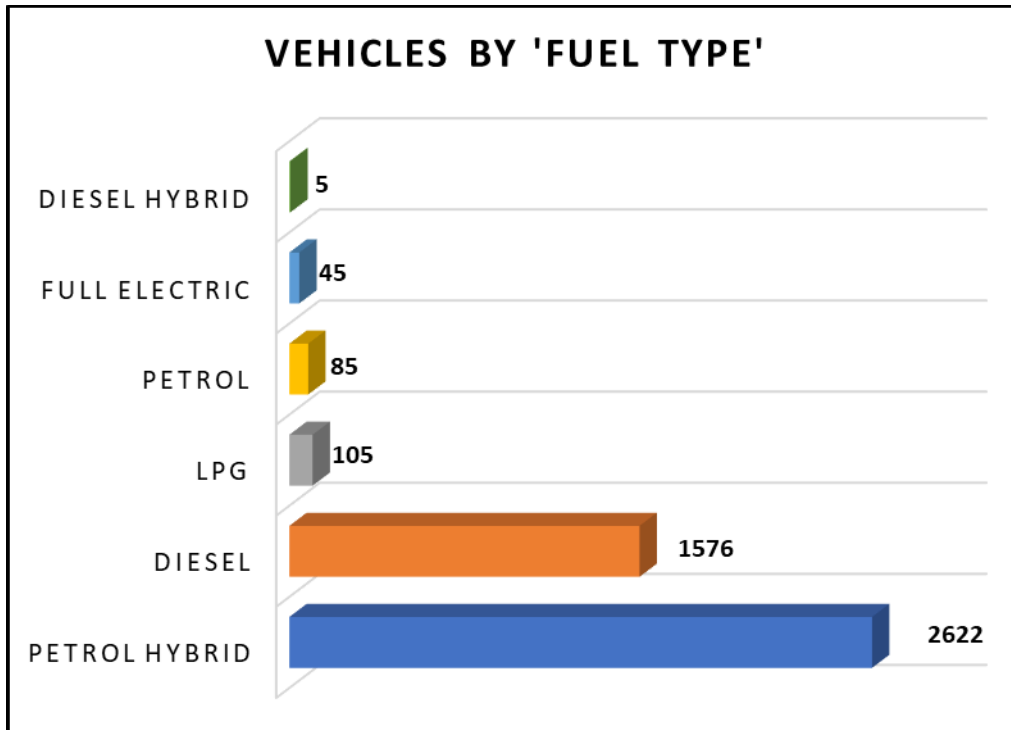
Our service therefore is tasked to encourage proprietors of taxi and private hire vehicles to replace existing diesel or petrol engine vehicles with cleaner ones. To this end we have worked this year with the Energy Saving Trust which ran courses and presentations for those proprietors and drivers keen to learn more about ultra-low emission vehicles when the time comes for them to consider options.



In addition, the service has licensed five electric Nissan Leafs to loan out to proprietors for a free trial allowing them to experience the benefits of such vehicles first-hand and whilst working.

This table indicates the number of Leeds City Council licensed vehicles by fuel type:

Fuel Type	Number licensed 01/02/2022	Number licensed 19/01/2021
Petrol Hybrid	2622	2447
Diesel	1576	2176
LPG	105	99
Petrol	85	130
Full Electric	45	6
Diesel Hybrid	5	2
Total	4438	4860



Vehicle Inspections

In our garage, vehicle examiners conducted 1709 full inspections during 2021, and in addition to this there have been 1025 re-tests carried out, these being vehicles found to be unsatisfactory when they were first inspected.

Inspection Type	Number
Age extension	1093
New Vehicle Applications	456
Re-tests (chargeable)	464
Retest (free of charge)	561
Accidents	145
Other, (complaints, transfers)	26
Total	2745

Of the 2745 inspections there were only 53 vehicles which failed to meet the minimum standard set out in the current vehicle conditions, this amounts to 5 % of the total number of inspections.

Vehicle Licence Type	Number
Private Hire Vehicles	45
Hackney Carriage Vehicles	8
Total	53

Enforcement and Compliance

The safety of those working within the trade is as equally important as that of the passengers. To this end £10,000 was distributed during 2021 which subsidised the purchase of safety screens to be fitted into taxi and private hire vehicles. Whilst initially the fitting of screen was intended to protect drivers from violent passengers, this was latterly seen as a solution to protect them from the air borne Covid-19 virus.

We are always sorry to hear of drivers licensed by this authority who are attacked or injured whilst working. Drivers are forewarned of the dangers of carrying passengers who are seen as potentially, or who may become violent during a journey. This is stressed during a driver's introductory training and advice is given on what preventative measures can be taken.

The regular inspection of licensed vehicles is an integral part of the services work. Vehicles which carry fare paying customers are legally required to be safe, comfortable, and fit for purpose. It is recognised that many of the vehicles are driven on the road for 24 hours a day and by different drivers who are not necessarily the owners. These are not family cared for vehicles. These vehicles require first class maintenance and regular attention.

During the year, new members of staff have joined the vehicle inspection team, enhancing the skills and knowledge of those existing and past members. Our experienced vehicle examiners can advise and encourage proprietors of the required safety standards and maintenance of their vehicles, pointing out shoddy workmanship or substandard parts which are not always evident to the untrained.

The vehicle examiners have also worked alongside colleagues of our enforcement team and West Yorkshire Police officers and undertaking 1172 roadside vehicle inspections. Whilst most licensed taxi and private hire vehicles during these checks were found to be in good order, several were seen to fall short of requirements, and 60 were immediately suspended from service for being in a dangerous condition.

A tyre with exposed cords and tread below the legal limit found on a licensed vehicle carrying a fare paying passenger stopped in a joint operation with West Yorkshire Police in November 2021



- 60 vehicles were suspended at the roadside immediately
- 82 issued with rectification notices
- 46 drivers advise about the vehicles condition
- 984 Found to be satisfactory

Our officers also checked 34 vehicles licensed by neighbouring authorities

- 2 were suspended immediately
- 3 issued with rectification notices
- 1 driver advised about the vehicles condition
- 28 found to be satisfactory

Communications

The usual meetings, discussions and consultations with the trade and councillors have notably waned during the pandemic, which is evident across all sectors.

The recommendations made pre-pandemic from the CCTV working group, temporarily stalled but can be resumed as part of the vehicle conditions reviews. However, the recommendations did progress from the Minor Motoring and Vehicles Convictions Working Group which met via Zoom meetings. Giving its findings to the both the council's Licensing Committee and Executive Board, a second public survey was carried out, the results of which and a final decision reviewing the policy are expected during 2022.



The Taxi and Private Hire Licensing service continue to circulate the Bulletin to over 6000 licensees on a regular basis. This proves extremely useful by providing a quick and economic means of communication directly to drivers and other members of the trade. We continue to improve the content to make this relevant but are reliant on other services and organisation to feed in timely news and information.

Access to on-line licensing forms remain a popular method of downloading from the Bulletin. But news of grants and financial support streams have also proved useful to recipients this year. Public health information, access to covid testing and vaccinations sites were regularly posted and particularly thought to be useful to those licensees not resident in Leeds but working in the city.

Messages from the Department for Transport in several languages circulated via the Bulletin ensured important messages relating to drivers and passengers' protection against Covid-19 were clearly understood.

Licensing Statistics

Leeds currently has the following number of licences in place

	January 2020	February 2021	January 2022
Hackney Carriage Drivers	899	835	800
Hackney Carriage Vehicles	533	534	517
Private Hire Drivers	5601	5356	5246
Private Hire Vehicles	4523	4129	3808
Private Hire Operators	64	57	56

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 650 hackney carriage and private hire drivers have reported to the council that they were not working as licensed drivers, although they had retained their licence and may, in the long run, return to the trade.

Decisions Taken

The application, renewal, refusal, suspension, and revocation of driver licence figures for 1 January to 31 December 2021 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
2019	570	18	30	202
2020	160	2	16	116
2021	48	2	13	63

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 £300,000 in the council's licensing income.

Refusal and Revocation Decisions

The refusal and revocation of licence figures for 1 January to 31 December 2021 are set out in the table below.

1 January – 31 December 2020, 2 licences were refused, and 15 licences were revoked.

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

The reasons for refusal and revocation are set out in the table below. The council continues to review the numbers and patterns of licence refusals at renewal and when a revocation decision is made. The numbers of licences refused or revoked in 2021 was very similar to 2020, and significantly below 2019.

Reason	2019		2020		2021	
	Refusal	Revocation	Refusal	Revocation	Refusal	Revocation
Dishonesty	2	-	1	1	-	-
Drugs	7	-	-	1	-	1
Violence	3	3	1	1	1	-
Sexual offences	-	-	-	1	-	-
Safeguarding concerns	2	-	-	-	-	-
Motoring offence *	-	-	-	3	-	7
Driving disqualification	-	-	-	-	1	-
Plying for hire	1	20	-	2	-	5
Fail to comply with conditions	-	-	-	-	-	-
Disability offences	-	-	-	-	-	-
Inappropriate behaviour	2	7	-	6	-	1
No right to work in UK	-	-	-	-	-	-
Medical reason	-	-	-	-	-	-
DVLA licence expired	-	-	-	-	-	-
Non-completion of DBS	-	-	-	-	-	-
Unable to pass seminar	-	-	-	-	-	-
Firearms	1	-	-	-	-	-
TOTAL	18	30	2	15	2	14

*Motoring offence revocations have increased from 2019 and 2020. The 7 revocations in 2021 were for major motoring offences - 3 convictions for driving over the legal limit for drugs or alcohol, 4 for driving without due care and attention, and 1 for driving whilst using a mobile phone.

Suspensions

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

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

Complaints Received

In total, 794 complaints were made to the council about the taxi and private hire trade in 2021. In total 828 were received in 2019, and 582 in 2020. The number of complaints is higher for 2021 than in 2020, which is not surprising, given the reopening of the day and night-time economy.

The largest number of complaints reported to the council relate to driver conduct, licence breaches and private hire drivers parking on hackney carriage ranks. In most of these 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 a persons protected characteristics such as racial, sexual and disability discrimination are investigated and processed by way of Equality legislation.

Category of Complaint	2019	2020	2021
Criminal Complaint	20	28	24
Defective Vehicle	14	1	13
Driver Behaviour - Disability Complaint	14	10	16
Driver Behaviour - Driver Conduct	354	229	259
Driver Behaviour - Driving Standard	154	93	94
Driver Behaviour - Drugs Allegation	13	5	14
Driver Behaviour - Overcharging	39	18	30
Driver Behaviour - Property	5	-	4
Driver Behaviour - Race Discrimination	12	11	6
Driver Behaviour - Refusal to Carry	9	5	9
Driver Behaviour - Rudeness	21	15	10
Driver Behaviour - Sex Discrimination	4	2	2
Driver Behaviour - Sexual	24	7	11
Driver Behaviour - Smoking	11	7	5
Environmental - Noise Nuisance	1	-	-
Environmental - Parking Nuisance	52	51	73
Licence breach	37	59	166
Operator - Operator	31	21	27
Ply for Hire - Ply for Hire	10	6	17
Ply for Hire - Unlicensed Driver	2	5	14
Uncategorised	1	9	-
Total	828	582	794

Appeals received

In total, 4 appeals were heard against licensing decisions in 2021, there were 4 appeals in the year before, and 13 appeals in 2019. Reasons for appeals and outcomes are set out below:

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

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

The year ahead

In 2022, the service will resume a wider range of taxi and private hire licensing transactions, and will increase the number of visits in person, focusing on new driver applications, training, and assessment, while retaining and developing online, email and telephone channels. The support schemes for Free Licensing Grant (vehicles) and Additional Restrictions Grant (drivers) end in February and March 2022 respectively. On street enforcement and joint operations will be fully operational throughout the year, including mystery shopping.

The council will report on the findings of the additional consultation on minor motoring convictions and will also commence a vehicle conditions review.

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 deciding the council will have regard to that policy.

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

- Culture
- Safe, Strong communities
- Inclusive Growth

Resources, procurement, and value for money

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