
LICENSING COMMITTEE

**MEETING TO BE HELD IN CIVIC HALL, LEEDS ON
TUESDAY, 2ND JULY, 2019 AT 10.00 AM**

MEMBERSHIP

N Buckley - Alwoodley;
R Downes - Otley and Yeadon;
B Flynn - Adel and Wharfedale;
G Wilkinson - Wetherby;
A Garthwaite - Headingley and Hyde Park;
H Bithell - Kirkstall;
P Drinkwater - Killingbeck and Seacroft;
B Garner (Chair) - Ardsley and Robin Hood;
C Knight - Weetwood;
A Hutchison - Morley North;
P Latty - Guiseley and Rawdon;
J Lennox - Cross Gates and Whinmoor;
A Marshall-Katung - Little London and Woodhouse;
A Wenham - Roundhay;
P Wray - Hunslet and Riverside;

A G E N D A

Item No	Ward/Equal Opportunities	Item Not Open		Page No
1			APPEALS AGAINST REFUSAL OF INSPECTION OF DOCUMENTS To consider any appeals in accordance with Procedure Rule 15.2 of the Access to Information Procedure Rules (in the event of an Appeal the press and public will be excluded) (*In accordance with Procedure Rule 15.2, written notice of an appeal must be received by the Head of Governance Services at least 24 hours before the meeting)	
2			EXEMPT INFORMATION - POSSIBLE EXCLUSION OF THE PRESS AND PUBLIC 1 To highlight reports or appendices which officers have identified as containing exempt information, and where officers consider that the public interest in maintaining the exemption outweighs the public interest in disclosing the information, for the reasons outlined in the report. 2 To consider whether or not to accept the officers recommendation in respect of the above information. 3 If so, to formally pass the following resolution:- RESOLVED – That the press and public be excluded from the meeting during consideration of those parts of the agenda designated as containing exempt information on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the press and public were present there would be disclosure to them of exempt information	

Item No	Ward/Equal Opportunities	Item Not Open		Page No
3			LATE ITEMS To identify items which have been admitted to the agenda by the Chair for consideration (The special circumstances shall be specified in the minutes)	
4			DECLARATION OF DISCLOSABLE PECUNIARY INTERESTS To disclose or draw attention to any disclosable pecuniary interests for the purposes of Section 31 of the Localism Act 2011 and paragraphs 13-16 of the Members' Code of Conduct.	
5			APOLOGIES FOR ABSENCE To receive apologies for absence (If any)	
6			MINUTES OF THE PREVIOUS MEETING To consider and approve the minutes of the two previous meetings held on 21 st and 24 th May 2019. (Copies attached)	1 - 10
7			MATTERS ARISING FROM THE MINUTES To consider any Matters Arising from the Minutes.	
8	Hunslet and Riverside		REVIEW OF THE CITY CENTRE CUMULATIVE IMPACT AREA To consider a report by the Chief Officer, Elections and Regulatory which presents the annual review of the city centre cumulative impact area, the consultation and recommendations for approval. (Report attached)	11 - 44

Item No	Ward/Equal Opportunities	Item Not Open		Page No
9			TAXI & PRIVATE HIRE LICENSING - PROPOSED SUITABILITY POLICY AND UPDATE ON POLICY HARMONISATION WITH WEST YORKSHIRE & YORK AUTHORITIES To consider a report by the Chief Officer, Elections and Regulatory which draws to the attention of Members the results of a recent consultation in Leeds, and consultations and engagement exercises in neighbouring authorities, about the suitability of people to hold a licence to work as a taxi or private hire driver. The report also highlights the areas where the council's proposed policy relating to the suitability of licence holders could be revised following the consultation and discussion with the other West Yorkshire and York authorities and the areas where the council and other licensing authorities, professional bodies have suggested that the suitability policy could be further refined and developed and to note the progress made by the West Yorkshire and York authorities on the other areas of harmonisation. (Report attached)	45 - 72
10			LICENSING COMMITTEE WORK PROGRAMME To note the contents of the Licensing Committee Work Programme for 2019/20 (Report attached)	73 - 76
11			DATE AND TIME OF NEXT MEETING To note that the next meeting will take place on Tuesday, 13th August 2019 at 10.00am in the Civic Hall, Leeds.	

Item No	Ward/Equal Opportunities	Item Not Open		Page No
			Third Party Recording Recording of this meeting is allowed to enable those not present to see or hear the proceedings either as they take place (or later) and to enable the reporting of those proceedings. A copy of the recording protocol is available from the contacts named on the front of this agenda. Use of Recordings by Third Parties– code of practice a) Any published recording should be accompanied by a statement of when and where the recording was made, the context of the discussion that took place, and a clear identification of the main speakers and their role or title. b) Those making recordings must not edit the recording in a way that could lead to misinterpretation or misrepresentation of the proceedings or comments made by attendees. In particular there should be no internal editing of published extracts; recordings may start at any point and end at any point but the material between those points must be complete.	
2				
a)				
b)				

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Licensing Committee

Tuesday, 21st May, 2019

PRESENT: Councillor M Harland in the Chair

Councillors N Buckley, R Downes, B Flynn,
A Garthwaite, H Bithell, P Drinkwater,
B Garner and J Heselwood

113 Appeals Against Refusal of Inspection of Documents

There were no appeals against the refusal of inspection of documents.

114 Exempt Information - Possible Exclusion of the Press and Public

There were no items identified where it was considered necessary to exclude the press or public from the meeting due to the nature of the business to be considered.

115 Late Items

Although there were no formal late items of business, the Chair did accept the inclusion of two items of supplementary information: the first was a letter from the Parks and Countryside Service which addressed a number of concerns from local residents. The second item was from a member of the public who provided extra information in response to supplementary information provided by the operator (Minute No. 118 referred)

116 Declaration of Disclosable Pecuniary Interests

There were no declarations of disclosable pecuniary interests made at the meeting.

117 Apologies for Absence

Apologies for absence were received from Councillors; B Gettings, K Groves, C Knight and G Wilkinson.

118 Application to Vary a Premises Licence held by Roundhay Park, Princess Avenue, Roundhay, Leeds 8

The Chief Officer Elections and Regulatory submitted a report which set out details of an application which sought a variation to increase the capacity of the existing premises licence of 19,999 to a capacity of 79,999 at Roundhay Park, Princess Avenue, Roundhay, Leeds 8.

Members considered supplementary information in respect of a letter from the Parks and Countryside Service which addressed a number of concerns from local residents. A second letter was received from a local resident responding to information provided by the operator.

Draft minutes to be approved at the meeting
to be held on Friday, 24th May, 2019

It was reported that twenty individual letters had been received opposing the application concerned about the negative impact of large scale events on the local area. One letter was received in support of the application.

Members heard from two local resident about their concerns of anti-social behaviour and disturbance while the event was ongoing and the negative impact to wildlife within the park

Members were informed that the Licensing Authority and the Planning Authority had raised concerns about public safety, but following discussions with the operator, two additional conditions had been included on the operating schedule which addressed those concerns.

Officers confirmed that there were no further large scale events planned for the park

Members expressed concern that the application was being considered less than three months before this large event was due to take place with ticket sales already in excess of 100,000.

The Committee were of the view that should similar future applications be made, they should be considered earlier.

At this point the Committee went into closed session to allow a full and frank discussion of the application

The meeting returned to open session

RESOLVED – That, subject to the inclusion of two additional conditions (as agreed with the Licensing Authority and Planning Authority), the application to vary the premises license increasing the capacity of the venue from 19,999 to 79,999 be granted.

119 Licensing Committee Work Programme

Members considered the contents of the Licensing Committee Work Programme for 2019/20.

Members noted that the following items had been scheduled for the next meeting:

- Licensing Procedure Rules, the Code of Practice for Determining Licensing Matters and Prescribed Licensing Training
- Licensing Committee – Annual Governance Arrangements
- Leeds response to DfT Consultation on Statutory Guidance for Licensing Authorities

RESOLVED – That the contents of the Licensing Committee Work Programme for 2019/20 be approved.

120 Date and Time of Next Meeting

Draft minutes to be approved at the meeting
to be held on Friday, 24th May, 2019

RESOLVED – To note that the next meeting will take place on Friday, 24th May 2019 at 10.30am in the Civic Hall, Leeds.

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Licensing Committee

Friday, 24th May, 2019

PRESENT: Councillor B Garner in the Chair

Councillors N Buckley, B Flynn,
G Wilkinson, A Garthwaite, P Drinkwater,
B Garner, C Knight, A Hutchison, J Lennox,
A Marshall-Katung, A Wenham and P Wray

1 Chair's Opening Remarks

The Chair paid tribute to former Licensing Committee Chair, Councillor Mary Harland, commenting that it would be a "tough act to follow"

The Chair introduced and welcomed Councillors: Andy Hutchinson, Jess Lennox, Paul Wray, Angela Wenham and Abigail Marshall-Katung as new Members to the Licensing Committee.

2 Appeals Against Refusal of Inspection of Documents

There were no appeals against the refusal of inspection of documents.

3 Exempt Information - Possible Exclusion of the Press and Public

There were no late items identified where it was considered necessary to exclude the press or public from the meeting due to the nature of the business to be considered.

4 Late Items

The Chair accepted the inclusion of a late Item of business onto the Committee, "Taxi & Private Hire Licensing - Response to Department for Transport consultation on Statutory Guidance" (Minute No. 11 referred. Members were informed that it was in the best interests of the Council and other parties concerned that the matter be considered without delay.

5 Declaration of Disclosable Pecuniary Interests

There were no declarations of disclosable pecuniary interests made at the meeting.

6 Apologies for Absence

Apologies for absence were received for Councillors: R Downes and P Latty

7 Minutes of the Previous Meeting

RESOLVED – That the minutes of the previous meeting held on 2nd April 2019, were accepted as a true and correct record.

8 Matters Arising from the Minutes

There were no issues raised under Matters Arising.

9 Licensing Committee - Annual Governance Arrangements

The City Solicitor submitted a report which sought to establish the governance arrangements for the Licensing Committee for the 2019/20 Municipal Year, namely:

- To note the terms of reference of the Licensing Committee as agreed at the annual Council meeting on 22nd May 2019.
- To appoint the five Licensing Sub-Committees for the 2019/20 Municipal year.
- To approve the Membership of each Sub Committee as set out in Appendix 2 of the submitted report
- To approve terms of reference for the Licensing Sub-Committees as set out in Appendix 3 of the submitted report.
- To approve the delegation of licensing functions to the Director of Communities and Environment as set out in Appendix 4 of the submitted report.

Appended to the report were copies of the following documents:

- Licensing Committee Terms of Reference (Appendix 1 refers)
- Membership of each Licensing Sub Committee (Appendix 2 refers)
- Licensing Sub Committee Terms of Reference (Appendix 3 refers)
- The delegation of Licensing functions to the Director of Communities and Environment (Appendix 4 refers)

The Section Head, Legal Services, presented the report providing a brief overview of its contents

RESOLVED –

- (i) To note the terms of reference of the Licensing Committee as approved by full Council on 22nd May 2019 as shown at Appendix 1
- (ii) That the five Licensing Sub-Committees hearings required under the 2003 and 2005 Acts be established with the following Memberships:
 - A Councillors: R Downes, P Latty and C knight
 - B Councillors: N Buckley, A Marshall-Katung and B Garner
 - C Councillors: Wilkinson, Drinkwater and J Lennox

- D Councillors: H Bithell, P Wray and A Hutchison
E Councillors: B Flynn, A Wenham and A Garthwaite

- (iii) That approval be given to the terms of reference for the Licensing Sub-Committees as set out in Appendix 3 of the report
- (iv) To approve the delegation of Licensing functions to the Director of Communities and Environment as shown in Appendix 4 of the report.

10 Licensing Procedure Rules, the Code of Practice for Determining Licensing Matters and Prescribed Licensing Training

The City Solicitor submitted a report which set out draft procedure rules relating to meetings and hearings of the Licensing Committee and sub-committees and sought the approval of Members to the adoption of these to govern committee procedure.

The report also requested consideration of the Code of Practice for the Determination of Licensing Matters and sought agreement of the Committee to approve and a resolution to follow the Code.

Reference was made to meetings of the Licensing Sub Committee with one Member querying if there was any guidance for Members when; acquaintances, friends and neighbours unexpectedly attended. Should Members acknowledge their presence or should Members remain silent.

Officers were unaware of any formal guidance on such issues and offered to make the necessary enquiries. It was confirmed that Members would not sit on a Licensing Sub Committee where any applications for their own wards were being considered in order to avoid such situations.

RESOLVED –

- (i) That the Licensing Procedure Rules as set out as Appendix 1 of the report be approved
- (ii) To approve and follow the contents of the Code of Practice for the Determination of Licensing Matters as set out in Appendix 2 of the submitted report
- (iii) To note the arrangements for the prescribed training programme.
- (iv) To note that once approved “the Code of Practice for the determination of Licensing Matters” will be brought to the attention of all Elected Members

11 Taxi & Private Hire Licensing - Response to Department for Transport consultation on Statutory Guidance

The Chief Officer, Elections and Regulatory submitted a report which drew to the attention of Members the results of the Council's response to a recent consultation of Licensing Authorities by the Department for Transport (DfT)

The Taxi & Private Hire Licensing Manager, Communities & Environment explained the background to the report and the response to the consultation.

Members were informed that the City Council's response, as set out in Appendix 1 of the submitted report was broadly very supportive of the recommendations, and in many areas of the guidance, the Council already had policies and measures in place. Members noted that with some further changes, the Council could also implement the majority of the recommendations.

Members were informed that in some areas of the draft guidance, the Council had suggested either an alternative way of addressing the area of risk, or suggested that revised guidance would need to be developed. These areas included;

- Administration of the licensing framework and decision making, including officer and Member roles
- Oversees Convictions
- Conviction Policy
- Suspension and revocation of driver licences
- In vehicle visual and audio recording – CCTV
- Convictions guidance

Commenting on the administration of the licensing framework and decision making, reference was made to the complaints procedure, although Members were supportive of the public safety issues, they queried if the timescale for processing malicious complaints could be reduced?

It was understood by Members that often a driver's licence may be suspended whilst an investigation was being carried out, leading to financial hardship for the driver if the investigation was to continue for some time.

In responding the Taxi & Private Hire Licensing Manager said if the complaint was of a serious nature, it may be referred to the Police for further investigation. In such cases evidence would be required; witness statements, inspection of CCTV footage, all of which was a time consuming process.

Reference was made to "oversees convictions" Members recognised that Leeds had strong practices and procedures in place but other authorities did not apply the same standards and would often issue licenses to drivers who could then operate outside their own districts.

Members were informed that the decision of an authority to issue a vehicle license could be challenged "Was this person fit and proper to have a licence" but a successful challenge was rare with only 3 been overturned nationally in the past three years.

One Member commented that the checks and standards implemented in the District of Rotherham were far stricter than in Leeds.

The Taxi & Private Hire Licensing Manager said Members will be aware that in the recent past Rotherham had being the subject of some public safety issues in respect of vehicle licensing and as a direct consequence strong Licensing Policies had been introduced.

One Member suggested that foreign nationals, fleeing their own country and seeking asylum in the UK may find it difficult to obtain the necessary documentation due to their circumstances.

It was suggested that in such instances the applicant be advised about obtaining a Statutory Declaration.

A discussion ensued on the use of “In vehicle visual and audio recording – CCTV”

Members heard from trade representatives that they were supportive of the use of CCTV in licenced vehicles following concerns from their Members about driver safety. It was suggested the use of such equipment may provide the necessary evidence when investigating a complaint. Members were made aware that a CCTV system could now be purchased for less than £100 but Council approved systems (sealed systems) were in excess of £500.

In responding Taxi & Private Hire Licensing Manager said the control and management of a mandatory CCTV system was a significant undertaking. The equipment needs to meet all necessary standards, access and control arrangements requires further consideration and concerns around surveillance and privacy also requires further clarification.

The majority of Members were supportive of the use of CCTV in licenced vehicles, also accepting that further clarification and statutory guidance were required.

Members suggested the establishment of a CCTV Member Working Group to develop a policy around CCTV systems in Licenced Vehicles, the Working Group to include representation from the Taxi and Private Hire Trade and any other partners considered necessary.

Members were supportive of the suggestion.

The Chair thanked everyone for their participation and contributions commenting that further clarification and guidance was required. He said it was the view of Members that the use of CCTV systems in Licenced Vehicles was a priority and officers should seek to progress this issue.

RESOLVED –

- (i) To note the purpose and content of the information contained within the submitted report

- (ii) To note the Council's response to the consultation, in particular the responses where the Council suggests the approach recommended in the Statutory Guidance may not work effectively in Leeds.
- (iii) That a Working Group be established to develop a policy around CCTV systems in Licenced Vehicles

12 Licensing Committee Work Programme

Members considered the contents of the Licensing Committee Work Programme for 2019/20.

Following discussion of an earlier item on Taxi and Private Hire Licensing, Members requested if an update report on the "West Yorkshire Combined Authority Project to Harmonise Taxi & Private Hire Vehicle and Driver Conditions across West Yorkshire and York" could be submitted to the next meeting of the Committee.

RESOLVED – That with the inclusion of the above, to approve the contents of the Licensing Committee Work Programme for 2019/20

13 Date and Time of Next Meeting

RESOLVED – To note that the next meeting will take place on Tuesday, 2nd July 2019 at 10.00am in the Civic Hall, Leeds.

Report of Chief Officer Elections and Regulatory

Report to Licensing Committee

Date: 2nd July 2019

Subject: Review of the City Centre Cumulative Impact Area

Are specific electoral Wards affected?	☒ Yes	☐ No
If relevant, name(s) of Ward(s): City and Hunslet		
Are there implications for equality and diversity and cohesion and integration?	☐ Yes	☒ No
Is the decision eligible for Call-In?	☐ Yes	☒ No
Does the report contain confidential or exempt information?	☐ Yes	☒ No
If relevant, Access to Information Procedure Rule number:		
Appendix number:		

Summary of main issues

1. The Council adopted the first Licensing Act 2003 Statement of Licensing Policy in 2005 and this policy has been reviewed in line with the requirements of the legislation every three years until 2012 when it was moved onto a five year schedule.
2. In December 2013, Licensing Committee approved a change to the city centre cumulative impact policy, which forms part of the Statement of Licensing Policy, to enable the areas that relate to this particular policy to be reviewed annually.
3. This report provides details of this year's review of the city centre cumulative impact area, the consultation and recommendations.

Recommendations

4. That Licensing Committee reviews the proposed cumulative impact areas for the city centre and approves the attached interim review of the city centre cumulative impact area.

1 Purpose of this report

- 1.1 To present to Members the annual review of the city centre cumulative impact area, the consultation and recommendations for approval.

2 Background information

- 2.1 Section 5 of the Licensing Act 2003 requires licensing authorities to prepare and publish a Statement of Licensing Policy every three years. The council's first Statement of Licensing Policy was adopted by Council on 12th January 2005 and has been reviewed every three years since then.
- 2.2 In April 2012 the Police Reform and Social Responsibility Act (2011) changed the length of the lifetime of a policy from three to five years. This necessitated a different approach to the City Centre CIP, which due to the dynamic nature of the night time economy would need to be reviewed more frequently than every five years.
- 2.3 Last year the Government introduced cumulative impact assessments into the Licensing Act 2003 providing a legal framework under which cumulative impact policies are developed and reviewed.

3 Main issues

- 3.1 The current CIP was adopted as part of the Licensing Act 2003 Statement of Licensing Policy 2019 to 2024 which was adopted by full Council in November 2018 and came into effect on 15th January 2019. The policy specifies that the city centre CIP evidence and map would be revised each year based on the most recent crime and disorder statistics supplied by West Yorkshire Police, although the scope and wording of the cumulative impact policy would remain the same. The review is scheduled for the latter part of the year so that it can take effect in January. This has been delayed this year, in part due to the full assessment of all the cumulative impact policies which took place during 2018 and culminated in the publication of the council's Cumulative Impact Assessment which provides a comprehensive review.
- 3.2 Due to the full Cumulative Impact Assessment being published so late in the year, this review was due to be light touch with a simple review of the latest crime statistics, focussing on the city centre hotspot areas. Officers met with West Yorkshire Police who have provided crime statistics for the preceding 12 months which is attached at **appendix 1** and referred to as the Police Report in this report.
- 3.3 From this information no amendment to the CIP boundaries is recommended, however the guidance document has been updated to provide the latest statistical evidence. The new guidance document is attached at **appendix 2**.
- 3.4 The change to bring cumulative impact within the legislative framework of the Licensing Act 2003 has brought an additional requirement to consult with those people affected on any review of the cumulative impact areas. As such, even though no change to the policy is recommended, the council must consult with business and people working and living in the area, and the responsible authorities.

- 3.5 A four week email consultation took place between 13th May 2019 and 9th June 2019 and included all premises licence holders in the city centre, all ward members who represent the local residents, members of parliament, and specialist licensing solicitors who may represent new licensees.
- 3.6 Only one response was received from a premises outside of the red zones complaining about street drinking and rubbish accumulation which is attached at **appendix 2**. This information has been passed to West Yorkshire Police for their attention as it is a matter for them to action rather than something that can be dealt with by way of the Cumulative Impact Assessment.
- 3.7 As such, no changes following the consultation are required. The final version of the cumulative impact assessment for the city centre is attached at **appendix 3**.
- 3.7 Should Licensing Committee decide not to approve the Cumulative Impact Assessment for the city centre, the one published in November 2018 would remain in place until a full review of the Statement of Licensing Policy, or any other action required by Licensing Committee takes place.

4 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.1 A consultation with those people affected by the proposals is required under the legislation. This took place between 13th May 2019 and 9th June 2019.

4.2 Equality and Diversity / Cohesion and Integration

- 4.2.1 Equality and diversity, cohesion and integration have been considered each time the policy is reviewed. At this time there are no implications for equality and diversity/cohesion and integration.

4.3 Council Priorities and Best Council Plan

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

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

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

- Supporting communities and tackling poverty, and
- Becoming a more efficient and enterprising council

4.4 Resources and value for money

- 4.4.1 Reviewing any policy has a cost associated with it. However, it is considered good value for money as a robust policy supports the decisions of the Licensing subcommittees and therefore reduces the risk of legal challenge.

- 4.4.2 Having a strong policy which is reviewed regularly, which consults with a wide range of people who are affected people and which is approved by Licensing Committee, ensures that the expansion and increase in licensed premises in violent crime hotspots is controlled, saving money not just for the council but for other authorities such as West Yorkshire Police and the NHS.

4.5 Legal Implications, Access to Information and Call In

- 4.5.1 It is good practice to ensure that the documents the council relies upon to inform licensing decisions are accurate and up to date as this reduces the risk of a successful legal challenge.

4.6 Risk Management

- 4.6.1 As previously stated the review of the city centre cumulative impact areas reduces the risk of legal challenge to the licensing subcommittee decisions.

5 Conclusions

- 5.1 The revised police evidence showed that no change is needed to the city centre cumulative impact area as the boundary of the red and green areas is still in the right place, even though the increase in violent crime is concerning.

6 Recommendations

- 6.1 That Licensing Committee reviews the proposed cumulative impact areas for the city centre and approves the attached interim review of the city centre cumulative impact area.

7 Background documents¹

- 7.1 There are no unpublished background documents that relate to this matter.

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



Leeds City Centre CIP Report

Date Range: 1 December 2015 – 30 November 2018

Date Produced: December 2018

Produced by the Leeds District Analytical Unit

Author	Emma Jennings, Intelligence Analyst, Leeds District Intelligence Unit, Safer Leeds
Date	Version 1.0 – 21/12/2018

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Introduction and Aims

The City Centre area forms part of Leeds City Councils Statement of Licensing Policy and is a Cumulative Impact area. The statistics are reviewed every three years. This report has been commissioned to analyse crimes and nuisance incidents both alcohol related and non-alcohol related to support the continuation of the CIP.

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Methodology

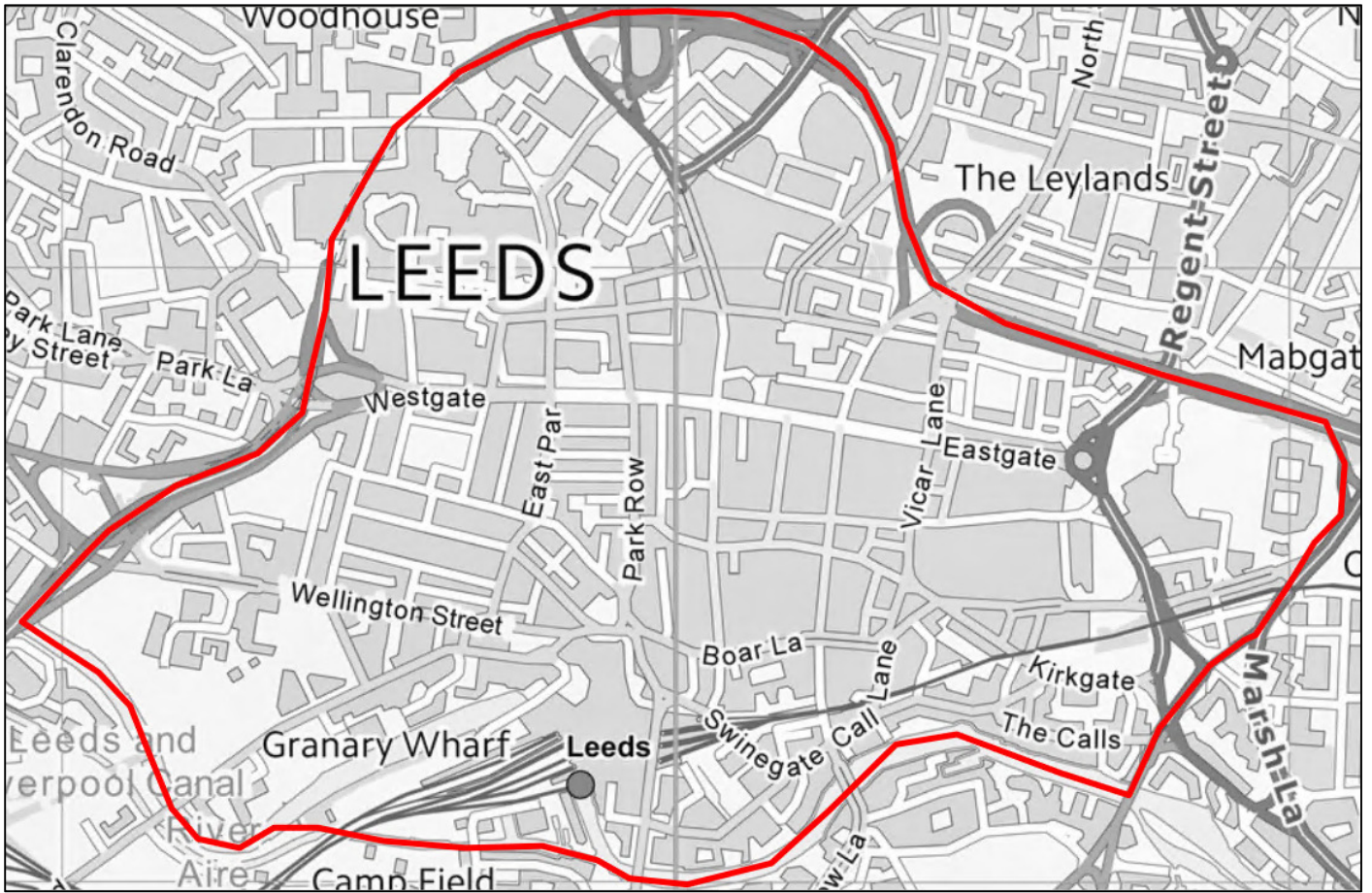
A Corvus search was used to extract the relevant crime and incidents in the subsequent analysis. The following general criteria were used:

- Date 1st Crimed: 1 December 2015.30 November 2018
- NPT area: LDT_City
- HO Classes used:

Category	HO Classes
Assault	002/00, 005/01/01, 008/01/01, 008/02, 008/06/01, 008/20, 008/57, 008/60, 104/23, 104/33, 105/01, 105/08, 105/09
Affray	066/01
Drunk & Disorderly	141/01
Other Violence	003/01, 008/30, 008/55, 008/56, 008/58, 066/23, 066/45, 066/91, 125/82, 195/12, 195/94
Public Order	065/00, 066/22, 125/09, 125/11, 125/12, 162/10, 182/00, 185/01
Robbery	034/01/01, 034/01/02
Sexual	017/13, 017/15, 019/07, 019/08, 019/10, 019/12, 019/16, 020/03, 020/05, 020/06, 021/05, 021/08, 021/10, 022/04, 022/11, 022/12, 022/24, 066/21, 088/09, 099/99
Theft From Person	039/00
Theft Other	049/10

Further examination was performed using MS excel. Map Modeller, the Force GIS was used for mapping purposes and analysis.

Map 1: The Cumulative Impact Area for Leeds City Centre.



Performance: Crime

The tables below reflect the total crime data over the last three years, irrespective of day or night economy. The percentage change for each crime type can be compared to show those which are continually increasing. Data shows there are six key points:

- There has been a slow decline in the level of theft offences.
- The continual increase of Public Order, Assault and Robbery.
- The increase in violent crimes has contributed to a continual rise in offences within the City Centre area over the last three years.
- Briggate has remained the top street for offences throughout the previous three years and the level of offending is still increasing.
- Call Lane and Albion Street, although remaining at the top of the table have both seen a small continual decrease in offences.
- There has been a continual increase in offending on Woodhouse Lane, Merrion Street and Great George Street.

All data

Category / Period	Dec 15 to Nov 16	Dec 16 to Nov 17	Dec 17 to Nov 18	% Change 15/16 & 16/17	% Change 16/17 & 17/18
Assault	1833	2007	2602	9.5	29.6
Theft Other	1862	1749	1632	-6.1	-6.7
Public Order	887	1031	1608	16.2	56.0
Theft From Person	1486	1450	1240	-2.4	-14.5
Other Violence	184	262	351	42.4	34.0
Robbery	145	190	350	31.0	84.2
Sexual	205	282	259	37.6	-8.2
Drunk & Disorderly	313	275	202	-12.1	-26.5
Affray	53	65	92	22.6	41.5
Total	6968	7311	8336	4.9	14.0

Figure 1 shows the breakdown of occurrence type 01/12/2015 – 30/11/2018

Top Streets

Street Name	Dec 15 to Nov 16	Dec 16 to Nov 17	Dec 17 to Nov 18	% Change 16-17 & 17/18
Briggate	839	921	1010	9.7
Call Lane	717	659	653	-0.9
Albion Street	697	686	574	-16.3
The Headrow	369	326	407	24.8
Woodhouse Lane	308	338	375	10.9
Boar Lane	296	288	369	28.1
New York Street	182	176	205	16.5
Kirkgate	163	148	204	37.8
Merrion Street	140	158	199	25.9
Great George Street	97	112	173	54.5
Merrion Way	164	162	147	-9.3

Figure 2 shows the breakdown of top streets 01/12/2015 – 30/11/2018

Crime: Day and Night Economies: Temporal analysis

Some offences have a period of time which spans many hours. Where there is a span of over 12 hours given for an offence taking place, these are not included in the temporal analysis below. The data below shows the most recent 12 month period.

The tables below examine the peak times for offences, broken down by street name. The following points can be drawn from the results:

- A calculation of the most common time for offences showed that some streets were more active during the night-time economy and some during daytime economy (more accurately, during the afternoon).
- There are negligible levels of offences between the period 05:00 – 10:00 when compared to other periods during the day.
- Briggate tops the offence levels during both the day and night economy. Offences on Briggate increase in the afternoon (17:00-06:00) and peak during the night (00:00 – 04:00). Call Lane also has a clear night economy peak which matches that of Briggate, though offence levels were low during the day.
- Albion Street and The Headrow show increased activity 13:00 – 17:00. These are two streets which have increased foot traffic during these periods with daily commuters.

Street Name	Day	Night	Sum	Street Name	Day	Night	Sum
Briggate	285	609	894	New Briggate	41	69	110
Call Lane	50	508	558	Cookridge Street	23	85	108
Albion Street	322	170	492	Clarendon Road	48	58	106
The Headrow	233	133	366	Park Row	57	33	90
Boar Lane	156	187	343	Lands Lane	72	7	79
Woodhouse Lane	43	284	327	George Street	59	11	70
New York Street	115	70	185	Eastgate	34	35	69
Kirkgate	141	40	181	Junction Street	51	4	55
Merrion Street	52	117	169	Hirsts Yard	1	53	54
Great George Street	78	64	142	Calverley Street	37	16	53
Merrion Way	99	27	126	Greek Street	3	49	52
Vicar Lane	74	44	118	Heatons Court	6	43	49
Duncan Street	20	92	112				

Fig 3 shows a comparison of streets during day and night economy.

Street Name	NTE												DTE											
	18:00	19:00	20:00	21:00	22:00	23:00	00:00	01:00	02:00	03:00	04:00	05:00	06:00	07:00	08:00	09:00	10:00	11:00	12:00	13:00	14:00	15:00	16:00	17:00
Briggate	20	33	29	37	34	44	61	79	84	98	73	37	34	14	9	7	8	17	23	31	24	28	37	33
Call Lane	10	11	16	7	25	50	72	81	100	96	36	14	4	0	1	3	3	1	2	4	2	4	13	3
Albion Street	28	14	9	9	15	18	25	24	17	17	20	2	0	12	4	8	13	18	22	43	39	53	44	38
The Headrow	27	24	18	21	19	14	7	11	10	4	5	0	1	4	3	6	8	8	20	22	33	33	31	37
Boar Lane	23	9	14	18	19	19	33	17	18	26	7	7	12	10	10	10	4	6	8	9	14	23	13	14
Woodhouse Lane	7	7	8	14	14	25	59	65	52	28	10	2	3	1	0	0	2	2	1	3	6	8	7	3
New York Street	15	5	12	13	10	11	7	3	3	2	2	2	4	1	3	6	17	8	17	9	13	9	6	7
Kirkgate	6	2	7	7	9	6	4	0	2	1	2	0	0	2	5	4	18	16	15	25	14	14	16	6
Merrion Street	10	5	5	12	5	6	14	16	21	20	9	4	1	0	1	3	0	0	3	3	11	3	2	15
Great George Street	13	4	9	9	6	11	17	0	2	3	3	0	0	5	0	6	8	11	15	8	2	6	2	2
Merrion Way	5	6	1	3	1	9	0	2	3	0	2	0	0	2	4	1	7	13	8	8	11	7	18	15
Vicar Lane	5	2	3	7	6	7	6	3	4	3	2	1	0	4	2	8	9	2	7	3	6	8	14	6
Duncan Street	2	4	3	5	3	10	16	15	10	17	8	1	3	0	0	0	2	0	3	4	2	0	2	2
New Briggate	5	5	3	5	5	7	8	10	6	10	8	2	0	1	0	0	0	2	7	2	1	2	10	11
Cookridge Street	1	3	4	6	9	9	15	18	13	7	1	0	0	2	1	0	0	3	2	2	3	2	5	2
Clarendon Road	4	3	4	1	7	6	9	4	3	5	13	3	2	5	5	5	0	2	3	6	3	4	4	5
Park Row	7	4	5	6	5	2	9	2	0	0	0	0	2	2	0	0	0	3	8	3	11	6	9	6
Lands Lane	7	0	0	4	1	0	0	1	1	0	0	0	0	0	2	1	1	2	4	3	17	12	13	10
George Street	3	2	3	2	2	0	0	1	0	0	1	0	0	0	2	3	3	2	6	6	11	9	8	6
Eastgate	3	2	4	6	6	5	2	1	6	1	1	1	1	1	0	1	2	2	1	4	2	4	2	11
Dyer Street	3	1	4	5	5	1	0	1	3	3	1	1	2	1	1	1	3	1	1	2	2	4	8	5
Regent Street	0	5	0	1	4	5	6	2	3	3	2	1	0	0	1	2	0	0	2	0	5	4	4	5
Junction Street	1	3	1	0	0	0	0	0	0	0	0	0	0	1	2	1	3	3	4	4	17	7	4	4
St Johns Centre	4	5	2	1	2	1	2	1	2	7	2	0	1	0	0	1	2	2	6	3	1	2	5	2

Fig 4 shows a temporal chart by top street (last 12 months)

Performance Nuisance: Top issues and streets

The tables below examine the levels of nuisance recorded in the city centre.

- There has been a continued increased in nuisance in the City CIP area, mainly attributed to non-alcohol related nuisance.
- Non-alcohol adult nuisance has increased dramatically over the last three years.
- Alcohol related nuisance has shown small increases over the previous three years.
- Youth nuisance has increased in the previous 12 months.
- A previous increase in begging / vagrancy during 2016/17 remained at that level during 2017/18.
- Briggate had the most nuisance reports during 2017/18 and also had the largest increase when compared to previous years (126%).

All Data

Nuisance Type	Dec 15 to Nov 16	Dec 16 to Nov 17	Dec 17 to Nov 18	% Change 15/06 & 16/17	% Change 16/17 & 17/18
Adult Nuisance - Non Alcohol	292	504	640	72.6	27.0
Alcohol	259	298	314	15.1	5.4
Begging/Vagrancy	197	256	254	29.9	-0.8
Youth Related	151	157	224	4.0	42.7
Neighbour Related	16	30	33	87.5	10.0
Littering/Drugs Paraphernalia	13	28	30	115.4	7.1
Fireworks/Snowballing	18	12	23	-33.3	91.7
Nuisance Car/Van	12	15	15	25.0	0.0
Nuisance Motorcycle/Quad	10	13	13	30.0	0.0
Traveller Related	0	2	2		0.0
Total	968	1315	1548	35.8	17.7

Figure 5 shows the breakdown of nuisance type 01/12/2015 – 30/11/2018

Street Name	Dec 15 to Nov 16	Dec 16 to Nov 17	Dec 17 to Nov 18	% Change 16-17 & 17/18
Briggate	90	76	172	126.3
Boar Ln	39	61	98	60.7
Albion St	39	75	92	22.7
St Johns Ctr	14	28	72	157.1
The Headrow	45	56	61	8.9
Great George St	55	64	50	-21.9
New Briggate	36	33	44	33.3
New York St	33	31	42	35.5
Dyer St	25	24	39	62.5
York St	13	28	33	17.9
Wellington St	24	34	30	-11.8

Figure 6 shows the top ten street locations between 01/12/2015 – 30/11/2018

Geo Spatial Analysis – 3 years comparison

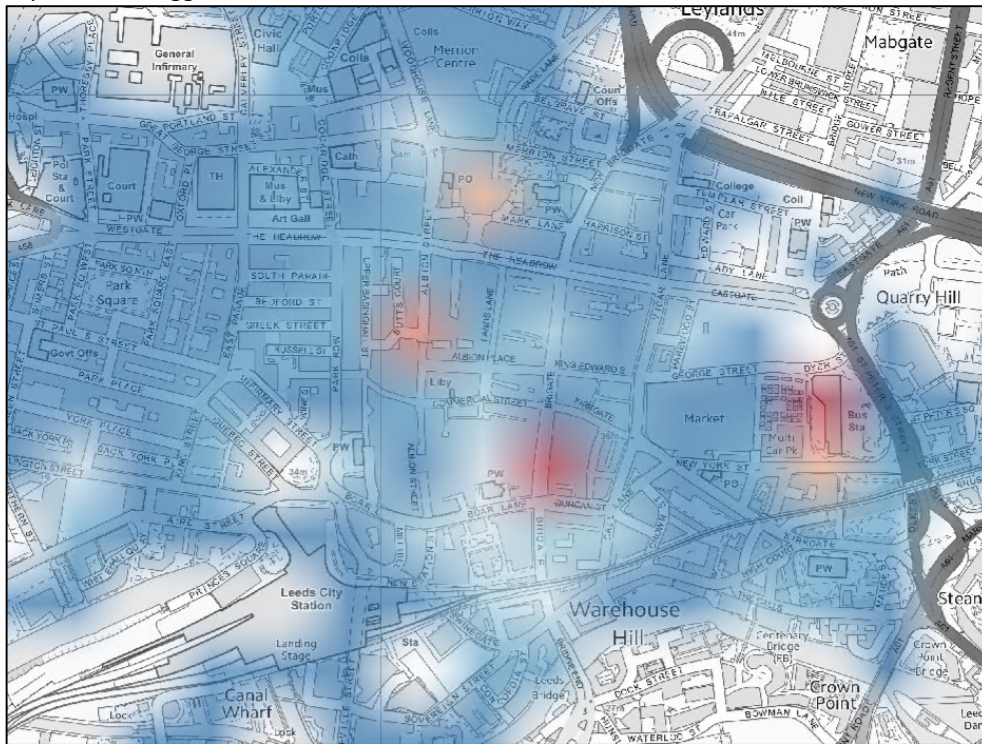
The hotspots are based on the volume and proximity of the location. The dark red denoting areas of greatest density and risk.

Dec 2015 – Nov 2018 - All Nuisance Incidents

Peak Time: 13:00 – 17:00

Risk days: Tuesday, Wednesday, Saturday

Top Streets: Briggate, Albion Street, Boar Lane

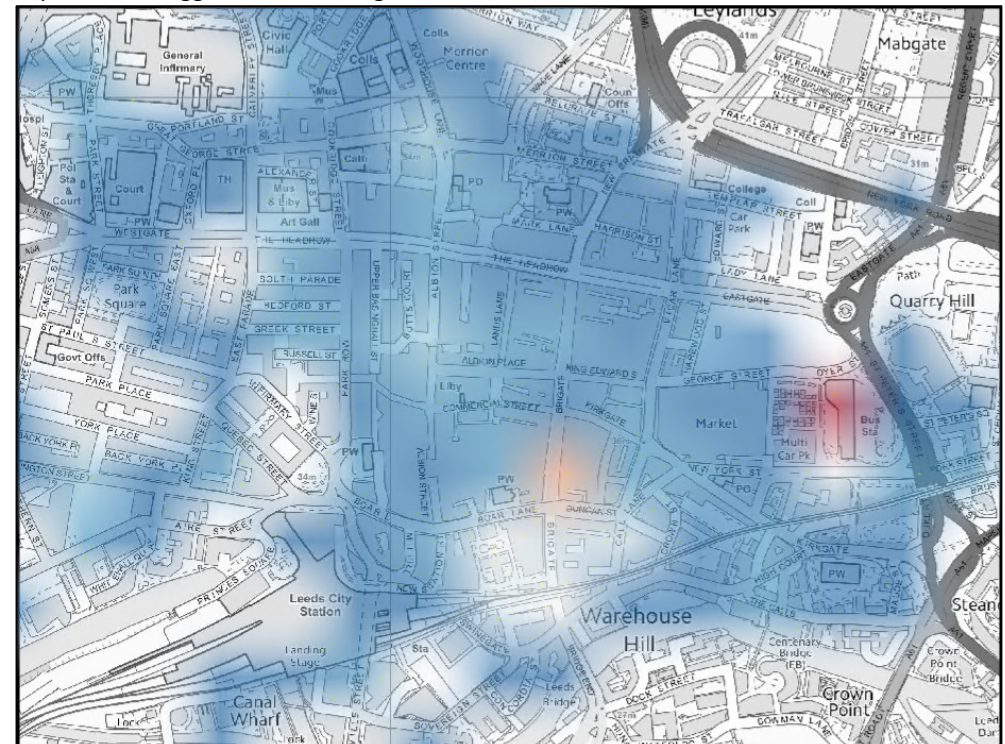


Dec 2015 – Nov 2018 – Alcohol Related Nuisance

Peak Time: 16:00-17:00 & 22:00 – 01:00

Risk days: Saturday

Top Streets: Briggate, Great George Street, Boar Lane

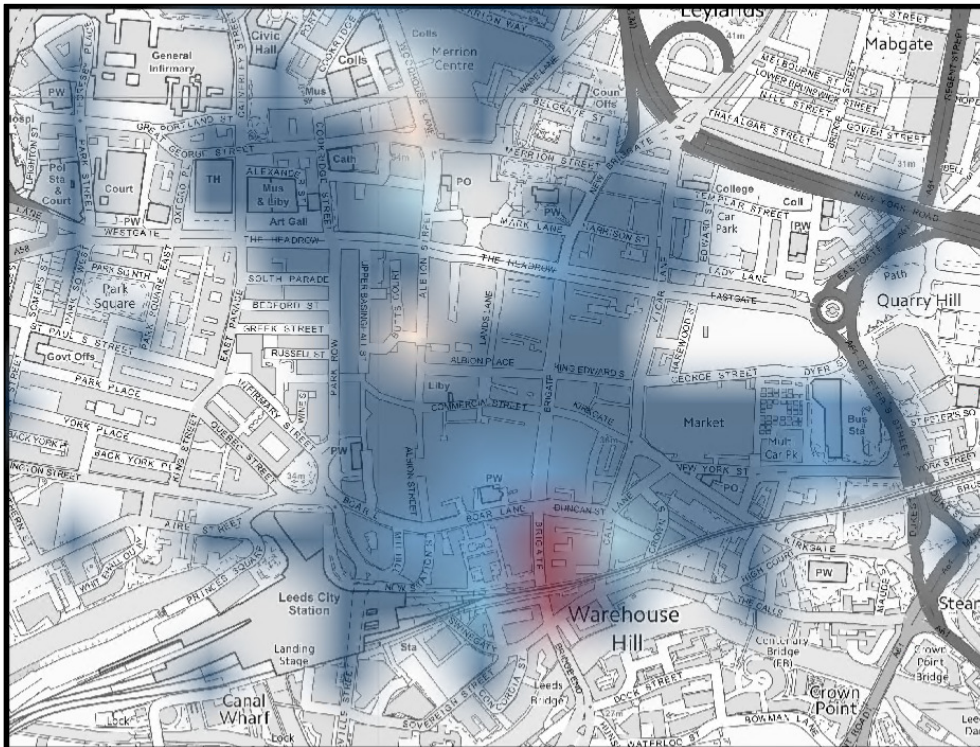


Dec 2015 – Nov 2018 – Drunk and Disorderly

Peak Time: 20:00 – 02:00

Risk days: Friday, Saturday

Top Streets: Briggate, Call Lane, Albion Street



Dec 2015 – Nov 2018 - Assaults

Peak Time: 19:00 – 21:00 & 00:00

Risk days: Friday, Saturday

Top Streets: Briggate. Call Lane, Albion Street



Alcohol Involved Nuisance

Dec 2015 – Nov 2016 - Alcohol Related Nuisance

Peak Time: 19:00 – 22:00 & 00:00 – 04:00

Risks days: Friday, Saturday

Top Streets: Great George Street, Briggate, New York Street

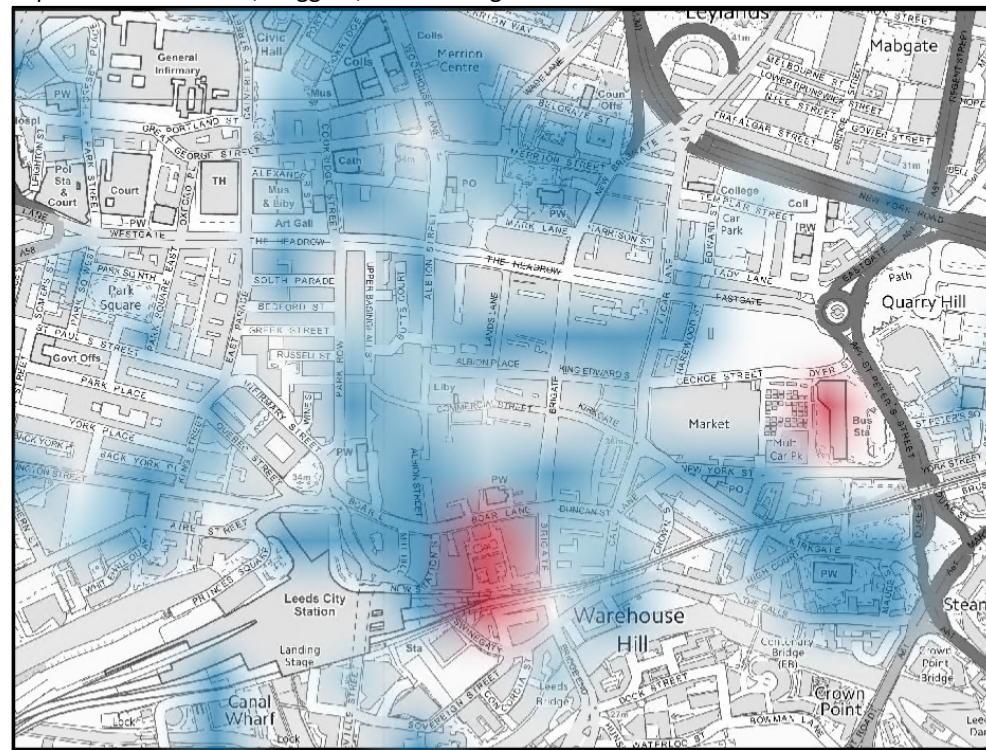


Dec 2016 – Nov 2017 - Alcohol Related Nuisance

Peak Time: 22:00-02:00

Risk days: Saturday, Sunday

Top Streets: Boar Lane, Briggate, Great George Street

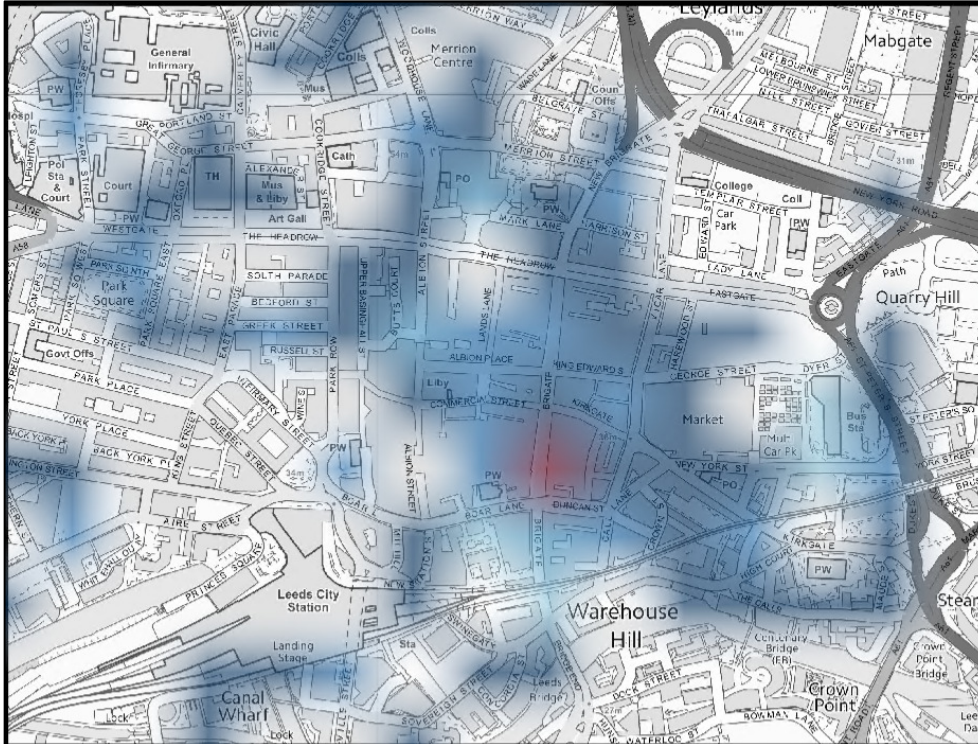


Dec 2017 – Nov 2018 - Alcohol Related Nuisance

Peak Time: 16:00-17:00

Risk days: Saturday, Sunday

Top Streets: Briggate, Boar Lane, Great George Street



Drunk and Disorderly Occurrences

Dec 2015 – Nov 2016 – Drunk & Disorderly

Peak Time: 20:00 – 03:00
Risk days: Wed, Fri & Sat
Top Streets: Briggate, Albion Street, Call Lane

Dec 2016 – Nov 2017 – Drunk & Disorderly

Peak Time: 22:00 – 23:00
Risk day: Thurs
Top Streets: Briggate, Albion Street, Call Lane

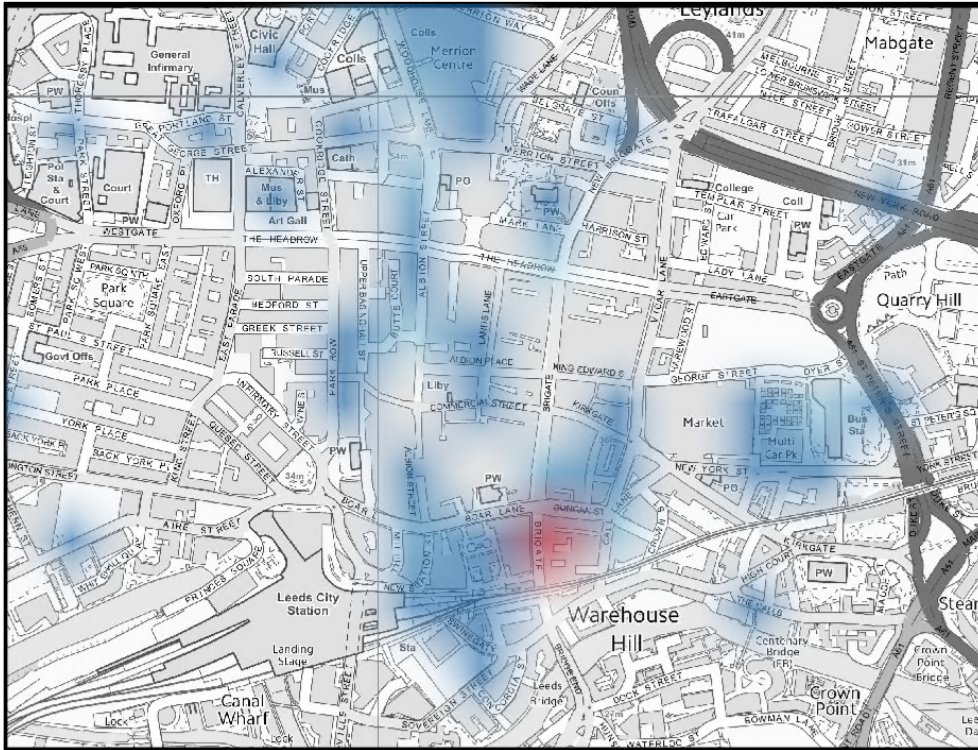


Dec 2017 – Nov 2018 – Drunk & Disorderly

Peak Time: 22:00 – 03:00

Risk day: Friday, Saturday

Top Streets: Briggate, Boar Lane, Call Lane



Assaults

Dec 2015 – Nov 2016 – Assaults

Peak Time: 19:00 – 03:00

Risk days: Fri & Sat

Top Streets: Briggate, Call Lane, Albion Street, Woodhouse Ln



Dec 2016 – Nov 2017 – Assaults

Peak Time: 22:00 – 03:00

Risk days: Sat & Sun

Top Streets: Briggate, Albion Street, Call Lane



Dec 2017 – Nov 2018 – Assaults

Peak Time: 16:00-18:00 & 22:00 – 02:00

Risk days: Sat

Top Streets: Briggate, Call Lane, Boar Lane, Woodhouse Lane



From:

Sent: 22 May 2019 23:18

To: Entertainment Licensing <Entertainment.Licen@leeds.gov.uk>

Cc:

Subject: City Centre Cumulative Impact

Dear Sir,

Thank you for inviting us to reflect our views in the city Centre cumulative impact.

Our restaurant is situated in the xxxxxxxxxx. We' ve been established in the present location for nearly 20 years. In recent years, we could witness the deterioration in the safety, cleanliness and hygiene of the road directly.

In the past months, an increasing number of homeless people cluttered at the back of the xxxxxxxx, directly opposite to our restaurant..They slept on the street, stained the road with their urine, took drugs, spoke loudly in flour languages, got drunk, and

even threw broken glasses onto the road recklessly, posing great danger to the innocent passersby and real threat to the road users, subsequently making the environment very unsafe and unpeaceful and negatively affecting the business of our restaurant.

We therefore strongly suggest that more police patrols be conducted in the Central Road area, particularly behind the House of Fraser, so that homeless people will not linger around and ruin the environment wilfully.

We would be willing to provide more information if required, please contact me at xxxxxx if necessary. Thank you for your attention.

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City Centre Cumulative Impact Assessment 2019

Licensing Act 2003



Background

The Licensing Act 2003 regulates the sale of alcohol, provision of entertainment and provision of late night refreshment (sale of hot food or drink after 11pm). Section 5 of the Licensing Act 2003 requires licensing authorities to prepare and publish a Statement of Licensing Policy every three years. The council's first Statement of Licensing Policy was adopted by council on 12th January 2005 and was initially reviewed every three years, however in April 2012, the Police Reform and Social Responsibility Act changed the length of the lifetime of a policy from three to five years.

The Statement of Licensing Policy was reviewed and consulted upon in 2018, and a new policy was put in place with effect from 15th January 2019. As part of this review the council reviewed and consulted upon a cumulative impact assessment of all the cumulative impact areas. This was published in November 2018.

This Assessment was undertaken in February 2019 and supersedes the part of the Cumulative Impact Assessment undertaken in 2018 which relates to the city centre.

The law

Prior to 2018, cumulative impact was a concept introduced in the Government's Section 182 Guidance issued under the Licensing Act 2003. It provided a rebuttable presumption for the refusal of licence applications in areas where the impact of an accumulation of licensed premises had a negative effect on the promotion of the licensing objectives. This is in contrast to the otherwise permissive regime under the Licensing Act 2003.

Many local authorities introduced cumulative impact policies and described areas in their policies as cumulative impact zones, stress zones or concentration zones. In Leeds, the cumulative impact policy was included in the Statement of Licensing Policy with six areas being described as falling under this policy. Nationally, cumulative impact policies are popular and well supported by Licensing Committees and, on appeal, by Magistrates Courts. However, until 2018, they were only a concept in the guidance and had no statutory basis. There were no guidelines on the level of evidence required. Local authorities called for cumulative impact policies to be introduced into the law so they have a legal footing.

In the Policing and Crime Act 2017, the Government took the step of doing just that. The legislation states that a licensing authority may publish a document ("a cumulative impact assessment") stating that it considers that the number of premises licences or club premises certificates is at such a level that it would be inconsistent with the promotion of the licensing objectives to grant any further licences or certificates in that area and restrict changes to licensable activities of existing licences.

A cumulative impact assessment must set out the evidence for the authority's opinion and before publishing it, the licensing authority must consult with people affected by the assessment, including the responsible authorities, businesses and the public. The assessment must be reconsidered every three years and any review must be consulted upon before deciding whether it remains or can be removed. A licensing authority must publish any revision of a cumulative impact assessment along with the evidence.

The impact of this step is to put cumulative impact policies within the primary legislation, with a prescribed method for implementing a cumulative impact assessments and to provide some guidance regarding the source and level of evidence required to put a policy in place. This part of the Policing and Crime Act 2017 was commenced in April 2018. Amended S182 Guidance was published at the same time.

In Practice

In publishing a cumulative impact assessment, the council is setting down a strong statement of intent about its approach to considering applications for the grant or variation of premises licences or club premises certificates in the areas described. The council must have regard to the assessment when determining or revising the Statement of Licensing Policy and must have regard to the policy and the section 182 guidance when making determinations.

The cumulative impact assessment does not change the fundamental way in which licensing decisions are made and it is open to the council to grant an application where it is appropriate and where the applicant can demonstrate through the operating schedule that they would not add to the cumulative impact. Applications in areas which are covered by a cumulative impact assessment should therefore give consideration to potential cumulative impact issues when setting out the steps that will be taken to promote the licensing objectives.

A cumulative impact policy does not lead to an automatic blanket ban on the grant of licences and the council can only consider using a cumulative impact assessment to refuse an application if relevant representations are made. Where no representation is received the council must grant the licence.

A cumulative impact assessment does not relieve responsible authorities, local residents or any other person of the need to make representations where they consider it appropriate so that the licensing objectives are promoted. Anyone making a representation can base it on the information provided in this assessment, or even just on the fact that an assessment has been published. It remains the responsibility of anyone making a representation to ensure it can withstand the scrutiny to which they will be subjected to at a hearing.

Review of the Cumulative Impact Assessment

It is the intention of the council to review all areas every three years. Because of the dynamic nature of the city centre, it may be necessary to review the city centre evidence frequently but not more than annually and to produce a separate cumulative impact assessment for that area.

Any review of the cumulative impact assessment will follow the same process:

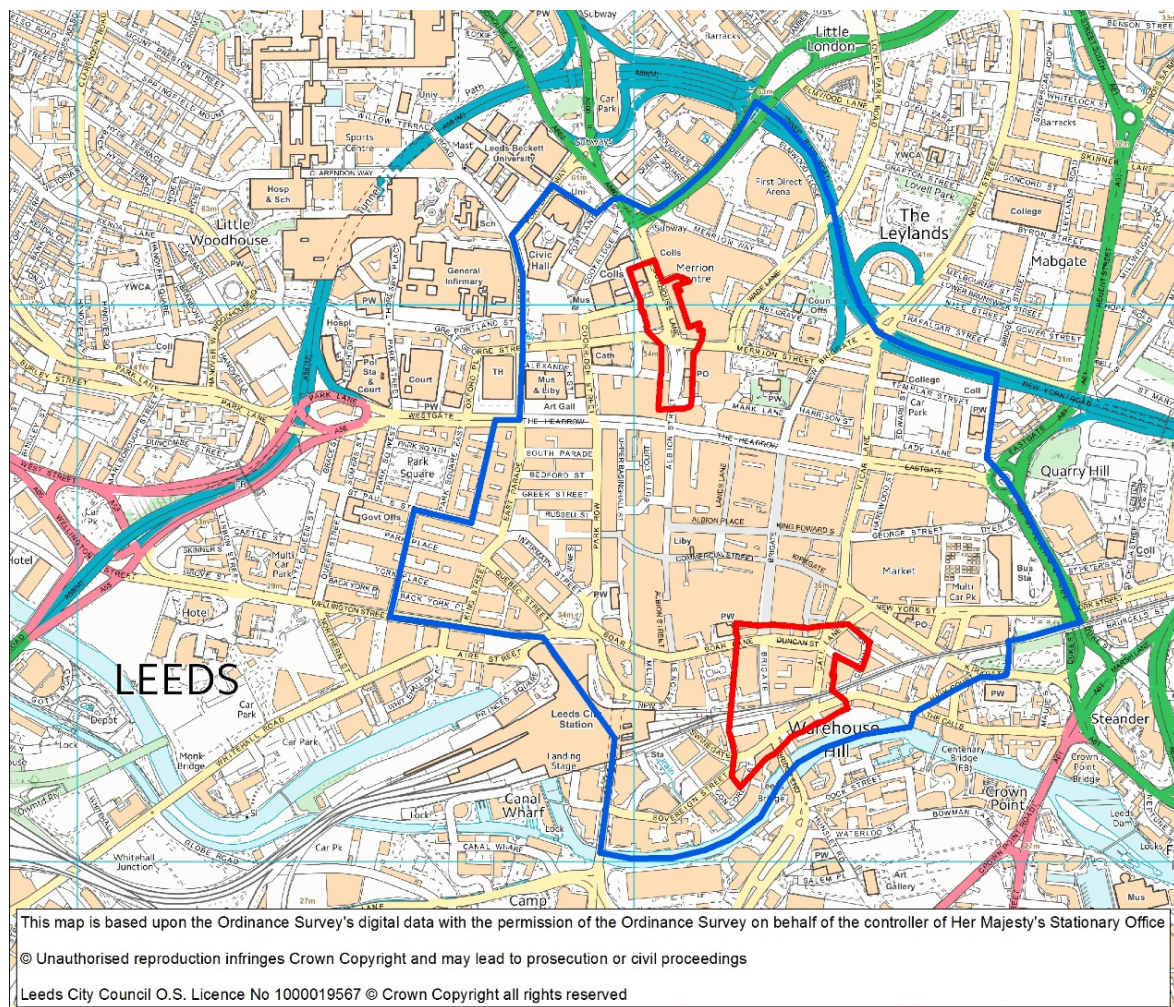
- A call for evidence, sent to all responsible authorities and other interested parties through the Licensing Enforcement Group
- The request of police crime statistics specifically for the area in questions and the thorough examination of the evidence to determine if there is evidence of cumulative impact
- Liaison with the responsible authorities to gather further evidence through complaint statistics or other formal and informal action taken
- Consultation with the public through ward members and Community Committees, local businesses and responsible authorities
- The Cumulative Impact Assessment will be considered and approved by Licensing Committee

- Any amendments which require the removal or addition of cumulative impact areas will necessitate a revision of the Statement of Licensing Policy

Scope of the Assessment

This assessment provides this year's review of the **city centre cumulative impact policy areas**, highlighting the evidence used in the review.

Applicants are strongly advised to examine the evidence presented in this assessment and to read through Section 7 of the Licensing Act 2003 Statement of Licensing Policy before making their application in the city centre.



The council has assessed crime statistics for the area known as the city centre which is located between the A58M motorway and the River Aire and has determined that this is an area suffering from the cumulative impact of licensed premises and as a consequence this is leading to problems which are undermining the licensing objectives.

Specifically and in addition to this, there are two areas of special concern designated as red zones where the impact of the licensed premises is so severe that the council considers that any application for a new licence or the variation of an existing licence would be inconsistent with the authority's duty under the Licensing Act 2003 unless the applicant can show how their application would not lead to an increase in the impact of licensed premises in this area. Maps showing the

exact geographical area included in this area, and specifically the red zones can be found in the cumulative impact assessment.

In this area the nature of the problems are alcohol related violent crime being perpetrated on people visiting and using this area during specific peak hours.

It would be inconsistent with the council's duty to promote the licensing objectives to grant new and variation application for any premises licence (on sales, off sales and late night takeaways) that seek to operate during the peak hours described in the cumulative impact assessment for the city centre.

Extra scrutiny is given to applications which appear to adopt a number of different styles during their trading. For example businesses that purport to be food led but seek late opening hours may be viewed to be predominantly alcohol led due to their late night activities. It is for the applicant to demonstrate how their business will not impact on the licensing objectives.

Changes in the last year

There are two distinct areas in the city where extra police resources are deployed on a regular basis. These areas are the Call Lane area and the Albion Street/ Woodhouse Lane area. In the past, premises in those areas deploy street marshals at their own expense as it has been recognised that early intervention can prevent an escalation in the severity of incidents on the street.

As police resources are reducing each year, priorities have been realigned. There has been a small reduction in the number of arrests for drunk and disorderly but an increase in assault. In discussion with West Yorkshire Police the licensing authority has been made aware that this could be the result of less arrests being made at an early level (i.e. arresting people for being drunk and disorderly), and so the low level offences are escalating to the more serious assault charge.

The issues with disorder in the street on Call Lane has led to a road closure between 11pm and 5am on the Friday, Saturday and Sunday night which took effect in October 2015. The sheer numbers of people, often intoxicated, in the street during these hours highlights the need for the overall capacity of the red area to decrease, not increase.

The Council continues to receive applications within the areas designated as red. There has been a trend for existing operators to apply for minor and full variations to bring into use areas which were unlicensed previously. In all cases, the premises licence holder has undertaken to keep their capacity the same. However this trend for increasing the licensed area is concerning as the licensing authority is unable to stipulate and enforce a capacity under the terms of a premises licence. Any application seeking an increase in floor space, even without an increase in stated capacity, can expect close scrutiny.

Police Crime Reporting

West Yorkshire Police has produced a crime report "Leeds City Centre CIP Report" dated December 2018 which has been referred to when reviewing the city centre cumulative impact area. This report is referred to as the Police Report in this document. It uses reported crime figures from 1st December 2015 to 30th November 2018.

The following data tables and key findings (signified by bullet points) have been extracted from the police report.

The tables clearly show that there has been an increase in crime across the city centre again this year. The police report conclusions state:

- There has been a slow decline in the level of theft offences.
- The continual increase of Public Order, Assault and Robbery.
- The increase in violent crime has contributed to a continual rise in offences within the City Centre over the last three years.
- Briggate has remained the top street for offences throughout the previous three years and the level of offending is still increasing.
- Call Lane and Albion Street, although remaining at the top of the table have both seen a small continual decrease in offences.
- There has been a continual increase in offending on Woodhouse Lane, Merrion Street and Great George Street.

All data

Category/ period	Dec 15 to Nov 16	Dec 16 to Nov 17	Dec 17 to Nov 18	% Change 15/16 & 16/17	% Change 16/17 & 17/18
Drunk & Disorderly	313	275	202	-12.1	-26.5
Public Order	887	1031	1608	16.2	56.0
Affray	53	65	92	22.6	41.5
Assault	1833	2007	2602	9.5	29.6
Robbery	145	190	350	31.0	84.2
Other Violence	184	262	351	42.4	34.0
Theft from Person	1486	1450	1240	-2.4	-14.5
Theft Other	1862	1749	1632	-6.1	-6.7
Sexual	205	282	259	37.6	-8.2
Total	6968	7311	8336	4.9	14.0

Breakdown of occurrence type 01/12/2015-30/11/2018

These figures do relate to the entire city centre and include day and night time periods.

This shows a concerning increase overall of 1,025 or 14% in all violent crimes across the city.

There is a decrease in drunk and disorderly of 73 offences but this is more than made up by the increase in public order offences - public order up by 577 and affray up by 27 over the last year. This means there has been an additional 531 public order offences in the past year.

Violent crime is up across all three crime types – assault by 595, robbery by 160 and other violence by 89. The council is aware of the work undertaken by licensed premises with regards to theft from person and it appears this is reflected in the statistics with a reduction of 210 thefts from person and 117 theft other. However, the increased figures relating to robbery up by 160 (84.2% change) infers that some of the thefts have become more violent and are now being recorded as robberies.

Top Streets

Street Name	Dec 15 to Nov 16	Dec 16 to Nov 17	Dec 17 to Nov 18	% Change 16/17 & 17/18
Briggate	839	921	1010	9.7
Call Lane	717	659	653	-0.9
Albion Street	697	686	574	-16.3
The Headrow	369	326	407	24.8
Woodhouse Lane	308	338	375	10.9
Boar Lane	296	288	369	28.1
New York Street	182	176	205	16.5
Kirkgate	163	148	204	37.8
Merrion Street	140	158	199	25.9
Great George Street	97	112	173	54.5
Merrion Way	164	162	147	-9.3

Briggate is once again the top street for all crime. As stated in the Police Report, Briggate has remained the top street throughout the previous three years and the level of offending is increasing. The reduction in offending on Call Lane is not significant, and the reduction in 6 crimes does not offset the increase of 89 crimes on Briggate.

Albion Street has seen in reduction in crime, by a relatively significant amount of 112 crimes. However, the closure of a large high volume drinking establishment may be affecting the level of crime in this area. Another large venue has been replaced with a bingo premises which attracts much lower numbers of people during the peak hours. There are just two venues (Players and Turtle Bay) open in this immediate area at this time, however the licences remain for the other two premises providing scope for these to be re-introduced in the future.

Day and Night Economies

The Police Report has provided a temporal chart for the first time this year which clearly shows the peak hours on a street level basis. The Police Report states:

- A calculation of the most common time for offences showed that some streets were more active during the night time economy and some during the daytime economy (more accurately, during the afternoon).
- There are negligible levels of offences between the period 05:00 – 10:00 when compared to other periods during the day.
- Briggate tops the offence levels during both the day and night time economy. Offences on Briggate increase in the afternoon (17:00 – 06:00) and peak during the night (00:00 – 04:00). Call Lane also has a clear night economy peak which matches that of Briggate, though offence levels were low during the day.
- Albion Street and The Headrow show increased activity 13:00 – 17:00. These are two streets which have increased foot traffic during these periods with daily commuters.

Street Name	Day	Night	Sum
Briggate	265	629	894
Call Lane	40	518	558
Woodhouse Lane	36	291	327
Boar Lane	133	210	343
Albion Street	294	198	492
The Headrow	206	160	366
Merrion Street	42	117	169
Duncan Street	18	94	112
Cookridge Street	22	86	108
New York Street	100	85	185
New Briggate	36	74	110
Clarendon Road	44	62	106
Vicar Lane	69	49	118
Kirkgate	135	46	181
Park Row	50	40	90
Eastgate	31	38	69
George Street	56	14	70
Lands Lane	65	14	79
Junction Street	50	5	55

Comparison of streets during day and night economy (sorted on night)

This clearly shows that the top 5 streets for offending in the night time economy are Briggate, Call Lane, Woodhouse Lane, Boar Lane and Albion Street.

Care must be taken when comparing streets as the length of streets should be taken into consideration.

Police officers, when recording crime, do not always distinguish between Duncan Street (8th) and Boar Lane (4th) as one runs into the other.

Similarly although Briggate runs the length of the city centre from The Headrow down to Leeds Bridge, the majority of night time premises are located in the small bottom section of this street. This area is known locally as Lower Briggate and has an active night time economy but no daytime economy. Similarly the section of Briggate that runs from The Headrow to Boar Lane is mainly retail, and so has an active daytime economy.

Briggate, Call Lane and Duncan Street (disregarding any crimes occurring on Duncan Street but reported as Boar Lane), show a total of 1,209 alcohol related violent crimes in the past year. Woodhouse Lane and Albion Street show a total of 454 crimes.

Hotspots Heat Maps

The hotspots are based on the volume and proximity of the location. The dark red denotes areas of greatest density and risk.

Dec 2015 – Nov 2018 - Assaults

Peak Time: 19:00 – 21:00 & 00:00

Risk days: Friday, Saturday

Top Streets: Briggate, Call Lane, Albion Street

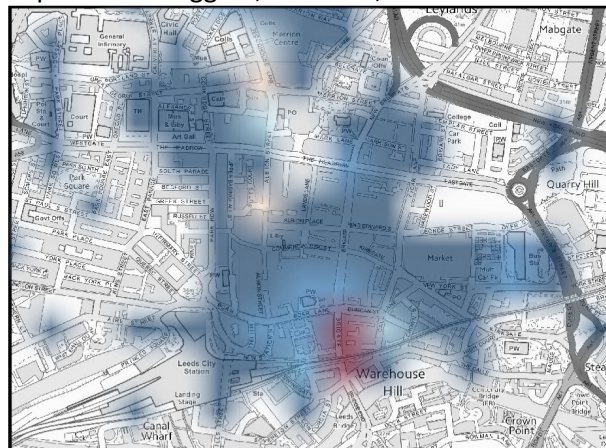


Dec 2015 – Nov 2018 – Drunk and Disorderly

Peak Time: 20:00 – 02:00 Risk

days: Friday, Saturday

Top Streets: Briggate, Call Lane, Albion Street



Temporal Analysis

This table shows the number of offences recorded by street and the time they occurred. This provides an indication of when crime is most active and allows the licensing authority to determine peak hours.

Street Name	Night Time Economy												
	18:00	19:00	20:00	21:00	22:00	23:00	00:00	01:00	02:00	03:00	04:00	05:00	Total
Briggate	20	33	29	37	34	44	61	79	84	98	73	37	629
Call Lane	10	11	16	7	25	50	72	81	100	96	36	14	518
Woodhouse Lane	7	7	8	14	14	25	59	65	52	28	10	2	291
Boar Lane	23	9	14	18	19	19	33	17	18	26	7	7	210
Albion Street	28	14	9	9	15	18	25	24	17	17	20	2	198
The Headrow	27	24	18	21	19	14	7	11	10	4	5	0	160
Merrion Street	10	5	5	12	5	6	14	16	21	20	9	4	127
Duncan Street	2	4	3	5	3	10	16	15	10	17	8	1	94
Cookridge Street	1	3	4	6	9	9	15	18	13	7	1	0	86
New York Street	15	5	12	13	10	11	7	3	3	2	2	2	85
Great George Street	13	4	9	9	6	11	17	0	2	3	3	0	77
New Briggate	5	5	3	5	5	7	8	10	6	10	8	2	74

Clarendon Road	4	3	4	1	7	6	9	4	3	5	13	3	62
Vicar Lane	5	2	3	7	6	7	6	3	4	3	2	1	49
Kirkgate	6	2	7	7	9	6	4	0	2	1	2	0	46
Park Row	7	4	5	6	5	2	9	2	0	0	0	0	40
Eastgate	3	2	4	6	6	5	2	1	6	1	1	1	38
Merrion Way	5	6	1	3	1	9	0	2	3	0	2	0	32
Regent Street	0	5	0	1	4	5	6	2	3	3	2	1	32
St Johns Centre	4	5	2	1	2	1	2	1	2	7	2	0	29
Dyer Street	3	1	4	5	5	1	0	1	3	3	1	1	28
Lands Lane	7	0	0	4	1	0	0	1	1	0	0	0	14
George Street	3	2	3	2	2	0	0	1	0	0	1	0	14
Junction Street	1	3	1	0	0	0	0	0	0	0	0	0	5

Red Area Comparisons

Briggate/Call Lane/Duncan Street Area

Street Name	Night Time Economy												Total
	18:00	19:00	20:00	21:00	22:00	23:00	00:00	01:00	02:00	03:00	04:00	05:00	
Briggate	20	33	29	37	34	44	61	79	84	98	73	37	629
Call Lane	10	11	16	7	25	50	72	81	100	96	36	14	518
Duncan Street	2	4	3	5	3	10	16	15	10	17	8	1	94
Boar Lane	23	9	14	18	19	19	33	17	18	26	7	7	210
Total	55	57	62	67	81	123	182	192	212	237	124	59	1451

The lower red area is generally described as being 'Lower Briggate', Call Lane and Duncan Street. For the purposes of the police report, the full length of Briggate is included, but the premises opening during the night time economy are concentrated on Lower Briggate. The figures from Boar Lane are included as it is recognised that the occurrences reported on Boar Lane could relate to incidents on Duncan Street as Boar Lane changes into Duncan Street. Generally the area to the west of the junction between Boar Lane and Briggate is not a concern to the Police.

Looking at the area as a whole, there is increased activity from 22:00 but the occurrences jump up by a third after 23:00, and then again at midnight reaching a peak at 03:00. For the purposes of the cumulative impact assessment, the peak hours are 23:00 to 04:00 for this area.

Albion Street/Woodhouse Lane

Street Name	Night Time Economy												Total
	18:00	19:00	20:00	21:00	22:00	23:00	00:00	01:00	02:00	03:00	04:00	05:00	
Woodhouse Lane	7	7	8	14	14	25	59	65	52	28	10	2	291
Albion Street	28	14	9	9	15	18	25	24	17	17	20	2	198
Merrion Street	10	5	5	12	5	6	14	16	21	20	9	4	127
Total	72	50	40	56	53	63	105	116	100	69	44	8	776

Although the upper red area is predominantly Woodhouse Lane and Albion Street, the figures for Merrion Street are included as it transects the other two roads, but it should be noted that Merrion Street is a long street running from Albion Street to Vicar Lane and has its own specific night time economy area at the eastern end.

Looking at this area as a whole, the increase in activity occurs at midnight with a jump from 63 to 105, reaching a peak at 01:00 before slowly dropping back down at 03:00. For the purposes of the cumulative impact assessment the peak hours are midnight to 02:00.

Nuisance Statistics

The tables show there has been an overall increase in nuisance in the city centre, but not related to alcohol. The statistics are provided for information. The Police Report states:

- There has been a continued increased in nuisance in the City CIP area, mainly attributed to non-alcohol related nuisance.
- Non-alcohol adult nuisance has increased dramatically over the last three years.
- Alcohol related nuisance has shown small increases over the previous three years.
- Youth nuisance has increased in the previous 12 months.
- A previous increase in begging / vagrancy during 2016/17 remained at that level during 2017/18.
- Briggate had the most nuisance reports during 2017/18 and also had the largest increase when compared to previous years (126%).

Nuisance type	Dec 15 to Nov 16	Dec 16 to Nov 17	Dec 17 to Nov 18	% change 15/16 & 16/17	% change 16/17 & 17/18
Adult nuisance – non alcohol	292	504	640	72.6	27.0
Adult nuisance – alcohol	259	298	314	15.1	5.4
Begging/vagrancy	197	256	254	29.9	-0.8
Youth related	151	157	224	4.0	42.7
Neighbour related	16	30	33	87.5	10.0
Littering/drug paraphernalia	13	28	30	115.4	7.1
Fireworks/snowballing	18	12	23	-33.3	91.7
Nuisance car/van	12	15	15	25.0	0.0
Nuisance motorcycle/quad	10	13	13	30.0	0.0
Traveller related	0	2	2	0.0	0.0
Total	968	1315	1548	35.8	17.7

Breakdown of nuisance type 01/12/2015 – 30/11/2018

Street name	Dec 15 to Nov 16	Dec 16 to Nov 17	Dec 17 to Nov 18	% change 16/17 & 17/18
Briggate	90	76	172	126.3
Boar Lane	39	61	98	60.7
Albion Street	39	75	92	22.7
St Johns Centre	14	28	72	157.1
The Headrow	45	56	61	8.9
Great George St	55	64	50	-21.9
New Briggate	36	33	44	33.3
New York Street	33	31	42	35.5
Dyer Street	25	24	39	62.5
York Street	13	28	33	17.9
Wellington Street	24	34	30	-11.8

Top ten street locations between 01/12/2015 – 30/11/2018

Alcohol Licensing Data Matrix

Public Health were made a Responsible Authority in 2011. However, in the absence of Health as a Licensing Objective, it is very challenging for Public Health to engage meaningfully within the licensing process. Nevertheless, Public Health England and the Local Government Association strongly acknowledge and support the importance of public health input into licensing and have encouraged the development of innovative ways to influence the process within the restrictive boundaries of the Licensing Act 2003.

Public Health has access to numerous key data sources which are not easily accessible by other Responsible Authorities, which can be used to inform the licensing process to help to identify applications which could adversely impact the area and provide the evidence base to support associated decisions. Public Health England has published national guidance on how local Public Health teams can best utilise this data to influence the licensing process. The development of a data matrix which combines and analyses multiple key data sources is a method already used in other Local Authorities including Wigan, Wolverhampton and Cornwall.

In Leeds with the support of Entertainment Licensing, Public Health has developed a local version of a data matrix which risk rates Lower Super Output Areas (LSOA) across Leeds, based on potential alcohol-related harm. Data sources have been chosen due to their relevance to the licensing objectives. Any LSOA in Leeds can be inputted into the matrix, which then provides a comparative citywide “harm ranking”.

Data Sources - Data sources have been chosen to correspond with the four licensing objectives. Alcohol-related health data has been included as this is an important addition and can be used to ‘set the scene’ of the wider alcohol-related harm in an area. This is in line with recommendations from Public Health England.

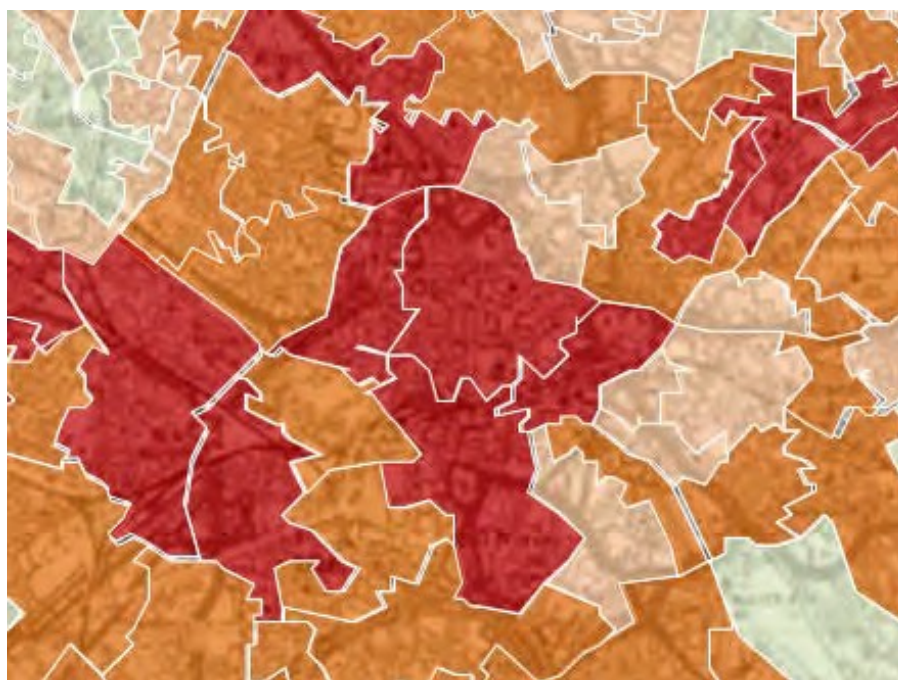
Weighting of Data - All data sources are not equally important in respect of the licensing objectives. Therefore, based on knowledge and experience of the Responsible Authorities, each data set has been given a different weighting which will affect how much it contributes to the overall ranking.

The citywide ranking of each individual data set is not affected by this.

A LSOA is Lower Layer Super Output Areas are a geographic hierarchy designed to improve the reporting of small area statistics in England and Wales. Public Health have produced and maintain a licensing matrix which rank LSOAs (lower level super output area) against each other.

By entering postcodes the matrix displays the ranking of this postcodes LSOA against certain data sets. This allows responsible authorities and the licensing authority to establish the problems being experienced in the LSOA.

This map shows the city centre area. Dark red denotes the highest ranked LSOAs, followed by dark orange, light orange and green being the lowest ranked LSOAs.



The council has reviewed 3 postcodes in the city centre:

LS1 1UR – this is the area around the Civic Hall and includes The Headrow and Albion Street. It is within the City Centre, Headrow LSOA. It is ranked joint 2nd highest of all 482 LSOAs and is considered very high risk. This is the description given to the top 15 LSOAs for risk. This area is ranked highest in Leeds for alcohol specific hospital admission, alcohol related hospital admission, density of off licences, density of on licences, alcohol related antisocial behaviour, alcohol flagged non-violent crime, alcohol flagged violent crime and drunk/disorderly or over the prescribed limit.

LS1 4DT – this is the area around City Square. It is within the City Station, Bridgewater Place, Great Wilson Street LSOA. It is ranked 6 of all 482 LSOAs and is considered very high risk. This is the description given to the top 15 LSOAs for risk. This area scores top for alcohol specific hospital admission, alcohol related hospital admissions, density of off licence, and second for density of on licensed premises, alcohol flagged total crime excluding violent crime, alcohol flagged violent crime, and drunk/disorderly or over prescribed limit.

LS1 6RY – this is at the most easterly side of the city centre. It is within the Quarry Hill, Kirkgate, The Calls LSOA. It is ranked 1 of 482 LSOAs and is considered very high risk. This is the description given to the top 15 LSOAs for risk. This area scores top for alcohol specific hospital admission, alcohol related hospital admissions, % of children who did not achieve 9-5 in English and Maths, density of off licence,

and second for density of on licensed premises. It was ranked 4th for alcohol flagged non- violent crime, alcohol flagged violent crime, and drunk/disorderly or over prescribed limit.

This table shows the ranking for each of the data sets. Dark red denotes super high, dark orange for high, light orange for medium, and green for low.

	LS1 1UR	LS1 4DT	LS1 6LY
	Headrow, Albion Street Briggate	City Square, Station	Quarry Hill, Kirkgate, The Calls
Overall Ranking (out of 482)	2	6	1
Deprivation score	177	249	159
Alcohol specific hospital admissions - all ages	1	1	1
Alcohol related hospital admissions - all ages	1	1	1
Population aged 16 and under	477	464	478
Audit-C scoring >7 more units (GP recorded alcohol habit)	21	227	17
Looked After Children	277	277	277
NEET (Young people not in education, employment or training)	22	22	22
Youth offences	272	272	272
Education - % DID NOT achieve grade 9-5 in English and Maths	465	465	1
Alcohol Licensing - Off licensed premises density	1	1	1
Alcohol Licensing - On licensed premises density	1	2	3
Alcohol related Anti-Social Behaviour	1	4	2
Alcohol flagged total crime - excluding violent crime	1	2	4
Alcohol flagged violent crime	1	2	4
Drunk and disorderly or over prescribed limit	1	2	4
Clients who use alcohol services	-	-	66
Licensing risk scores	1	2	3

Conclusion

With the police report conclusions in mind, the Licensing Authority has determined that the red areas be maintained without change. Merrion Street/Cross Belgrave Street area is no longer an area of concern; however Boar Lane areas will continue to be closely monitored.

The increase in violent crime is concerning. The council is already working with partners and businesses to establish if further work can be done to reduce these crime figures over the next 12 months. The council and Leeds Business Improvement District have put in place a street marshalling scheme with Purple Ambassadors patrolling the red areas into the early hours of the weekend mornings. It was hoping that the impact of this scheme would be reflected in this year's figures. Further work is being undertaken to realign the scope of the Ambassadors.

The Licensing Committee will bear in mind that in the next 12 months there may be significant changes to the way late night levies can be introduced and if these figures do not significantly reduce over the next 12 months, may also consider the option of an early morning restriction order.

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Report author: Andrew White

Tel: 37 81562

Report of Taxi & Private Hire Licensing Manager

Report to Licensing Committee

Date: 2 July 2019

Subject: Taxi & Private Hire Licensing – Proposed Suitability policy and update on policy harmonisation with West Yorkshire & York authorities

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

Summary of main issues

- 1 This report presents to committee members the results of recent consultation in Leeds and neighbouring authorities on taxi and private hire licensing policies, and a proposal for a new Suitability Policy to replace the council's existing Convictions Policy.
- 2 This proposal is part of a broader regional project to reduce the differences between licensing policies and enforcement.
- 3 Between November 2018 and January 2019, four of the five authorities in West Yorkshire and City of York Council have consulted on proposed changes to how applicants' and current licence holders' previous cautions and convictions should be reviewed to consider their suitability to be licensed. The proposals arose from a combined project representing professional bodies in licensing, intended to implement common standards across the UK for how convictions and cautions would be treated by licensing authorities.
- 4 The consultation and engagement has completed, and the different results in the five authorities can be presented to committee, together with recommendations for implementing policies, in Leeds and across the region. The views of

licensing committee members are sought before the policy is forwarded to the Executive for approval.

- 5 The report also provides an update on the other areas of policy harmonisation across West Yorkshire and York authorities.

Recommendations

1. That committee members note the purpose and content of the information in this report.
2. That committee members consider the summary of the responses to the consultations, the proposed policy, and the discussion points raised in the report, and note that there may be further guidance being developed as a result of the national consultation on statutory guidance, which included the table of suitability licensing decisions.
3. That committee members pay particular attention to the option to separate the extreme violence examples from less extreme violence, with a lower tariff of 5 years, not 10 years.
4. That committee members approve the policy to be passed to the Executive Member for Licensing of the new policy on determining the suitability of applicants and licencees as drivers in taxi and private hire licensing, and that this policy take effect from 1 August 2019.
5. That the Taxi and Private Hire licensing Manager be authorised to make any further minor changes necessary to the policy, to align the policy as closely as possible with the other West Yorkshire & York Authorities and meet the preferences of committee members, officers and stakeholders in Leeds.

1 Purpose of this report

- 1.1 To inform committee members of the results of a recent consultation in Leeds, and consultations and engagement exercises in neighbouring authorities, about the suitability of people to hold a licence to work as a taxi or private hire driver.
- 1.2 To highlight to committee members of the areas where the council's proposed policy relating to the suitability of licence holders could be revised following the consultation and discussion with the other West Yorkshire and York authorities.
- 1.3 To draw attention to some areas where the council and other licensing authorities, professional bodies have suggested that the suitability policy could be further refined and developed.
- 1.4 To update committee members on the progress made by the West Yorkshire and York authorities on the other areas of harmonisation.

2 Background information

- 2.1 Leeds City Council has responsibility for licensing Hackney Carriage (taxi) vehicles, drivers and proprietors, Private Hire and Executive vehicles, drivers, and operators within the city. The council's primary focus is the safety of the travelling public.
- 2.2 The council has adopted the provisions of the Local Government (Miscellaneous Provisions) Act 1976, which governs the licensing of Private Hire Vehicles, Private Hire Operators and drivers. The adoption of this act also encompasses the adoption of the Town Police Clauses Act 1847, which governs the licensing of Hackney Carriages.
- 2.3 The council's policies and conditions are set and reviewed by the council's Licensing Committee. The council's policies and conditions apply to all drivers, vehicles and operators who hold the relevant licenses issued by the council. The council's Taxi & Private Hire Licensing team are responsible for making decisions relating to the application of the policies and conditions, under the council's scheme of sub-delegation.
- 2.4 Committee members will be aware that the UK taxi and private hire industry is rapidly changing in the UK, although much taxi and private hire law has changed little since the 1970s. In order to continue to keep the travelling public safe, the council's policies and conditions also need to keep pace with new developments, particularly the rise of cross border working (drivers and vehicles licensed in one area and working predominantly in another), the growth in use of smartphone apps enabling customers to book and pay for journeys. The council has a plan to review and consult on each of the specific policies and conditions after either three or five years, to make sure they remain up to date and effective.
- 2.5 Since 2017, officers from the five West Yorkshire Taxi and Private Hire Licensing teams and City of York have worked on the harmonisation project, and the chairs of the Licensing Committees (or equivalents) have met every other month to check progress.
- 2.6 The focus of the WY&Y officers and members groups has been to maintain and improve passenger safety, particularly in light of the safeguarding scandals in other towns and cities in the UK. Owing to the prevalence of cross-border working, authorities cannot work in isolation. The group have agreed that the collaboration approach would be more effective if the authorities were to undertake a project to align their policies and conditions more closely, establishing minimum standards in common.
- CCTV in vehicles;
 - Convictions policy;
 - Vehicle specifications;
 - Driver training;
 - Information sharing between authorities; and

- Effective cross-border enforcement.

This subject was last reported to Licensing Committee in October 2018, so an update in progress is timely.

- 2.7 The report presented here shows the results of the consultation and subsequent discussion between the authorities on proposed West Yorkshire & York policies for suitability of licence holders, based on the guidance developed by Institute of Licensing, Local Government Association, National Association of Licensing and Enforcement Officers and Lawyers for Local Government. The council responded to national consultation by the Institute for Licensing on the proposed suitability policy, and two questions in the recent Department for Transport (DfT) statutory guidance consultation also related to the suitability guidance. However, to date, no revisions to the national suitability guidance have been made, although licensing authorities have been requested to keep a record of cases where application of or variation from the suitability guidance has been criticised in court decisions. It is possible that the response by the DfT may provide some further information on suitability and the consultation responses, but the DfT are unlikely to suggest the suitability guidance be revised significantly.
- 2.8 This report proposes arrangements for implementation and review of the policy, with a number of revisions. If the respective policies can be approved and implemented in all six councils, it would mark significant progress towards adopting common minimum standards for taxi and private hire licensing in the region. The suitability policy would replace the council's previous convictions policy, and form the basis of a common framework for refusing and resisting licences, which could be used for the new LGA/NAFN database of refused and revoked licences.
- 2.9 The report also provides an update on the progress by the six councils on the other areas proposed for taxi and private hire licensing harmonisation.

3 Main issues

Response to suitability survey in Leeds

- 3.7 The council consulted on the proposed suitability policy, with no suggested changes to the policy. Respondents were invited to comment on each of the proposals for the length of time a licence would be refused or revoked.
- 3.8 The council received 250 responses to the survey. 227 responses were from licence holders, and 19 responses were from members of the public. The remaining responses were from other stakeholders, including driver's representatives and trade union, passenger groups, road safety, and West Yorkshire Combined Authority.

- 3.8 Respondents were asked for any additional comments, and to state their reasons why they didn't agree with the length of time a licence should be refused or revoked, with the options of 'too short' or 'too long'. Their comments are summarised and grouped in the table in **Appendix 1**, with a response on behalf of the council. Appendix 1 also includes responses to the same general or rhetorical questions or comments, which don't relate directly to suitability, in particular the increase in cross-border working in West Yorkshire.
- 3.9 Overall, the responses indicate a high degree of agreement with the proposed length of time to refuse a licence, although some respondents stated that they had not read the suitability guidance before replying. The lowest score of agreement with the tariff is 66% for sex and indecency offences.
- 3.10 The suitability policy does not need to be changed significantly following the consultation. A large majority of respondents stated that they agreed with the suitability proposals to refuse licences for a stated period of time. Therefore, unless the feedback to the other authorities was significantly different, no major changes to the overall West Yorkshire & York suitability policies would be recommended as a result of the consultation.

Response to suitability survey in other authorities

- 3.11 A summary of the responses to the consultation in the five authorities carrying out the consultation is provided in **Appendix 2**. In total, 695 people responded to the consultation on suitability.
- 3.12 There was a marked difference between the survey results in Leeds and in the other authorities. Leeds was the only authority where a majority of respondents agreed with the tariffs proposed in the suitability policy. In three of the policy areas, a majority (i.e. three or more authorities) of the surveys had a majority of responses disagreeing with the tariffs:
- Minor traffic or vehicle related offences (5 years);
 - Hackney carriage and private hire offences (7 years); and
 - Certificate of good conduct.
- 3.13 In only one policy area, however, was there a majority of responses across the region disagreeing with the tariff:
- Minor traffic or vehicle related offences (5 years).

Considerations about applicants and current licence holders' suitability

- 3.14 The authorities have shared their individual consultation results and reviewed the specific responses to the consultation. In addition, the authorities have considered a number of areas where the suitability policy may be revised, strengthened or clarified. These discussions have resulted

in the five authorities writing Suitability Policies with some relatively minor additions or variations from that developed nationally. The additions are marked in red for clarity in the Leeds (WY&Y) Suitability Policy attached at **Appendix 3**.

- Paragraphs 20 and 29 include cautions, warnings, reprimands, all forms of fixed penalty notices, restrictive type orders and any other relevant information must be reported to the Council in the format and timescales stated in the relevant policy. Authorities want to emphasise that failing to report a caution, conviction or other information cannot be regarded as merely an oversight, and will be taken very seriously.
- Paragraph 28 Any applicant who has resided outside the UK for any period longer than 6 (not 3) months within the preceding 3 years will be required to produce a certificate of good conduct dated in the last 3 months which details any convictions or cautions recorded against the individual. It is the applicant's responsibility to obtain this evidence at his cost. This will be in addition to the Enhanced DBS. Alternatively you may be required to produce a Statutory Declaration dated in the last 3 months.
- Paragraph 32 An applicant must hold a full DVLA driver's licence, have the right to remain and work in the UK and be a "fit and proper" person.
- Additions or changes to Table A:
 - Battery added to list of violence;
 - Minor traffic offences set at 3 years, not 5 years.

3.15 In their consideration, the authorities also took two main issues into account: first, the applicability of new national guidance or licensing authority policy to historical convictions and cautions, and second, the deliberately broad categories in the suitability guidance. They are discussed in turn.

Consideration of fit and proper person at renewal

3.16 The West Yorkshire and York officers noted that the licensing authority must not issue a licence until or unless it is satisfied that a person is fit and proper. The suitability policy explicitly states in paragraphs 5 and 15 that the suitability policy should be used as a guideline as to whether an individual is fit and proper both at the stage that they apply to be licensed as a taxi or private hire driver, and when they apply to renew an existing licence.

3.17 It is extremely likely that the application of the policy will be scrutinised and decisions appealed when historical convictions and cautions (and also other information such as allegations or complaints) are considered when considering whether an applicant who already holds a licence and is applying to renew that licence. The applicant may have no new information about them since their last application, but previous information, such as

common assault, which under the council's current conviction policy would carry a tariff of 3 years, would now be considered for 10 years after the caution or conviction.

- 3.18 The suitability policy gives decision makers scope to judge cases on their merits in such circumstances, and would give decision makers leeway to not apply the full tariff when reviewing historical information, as long as they were satisfied that appropriate remedies and rehabilitation had taken place, which would enable a licence holder to have their licence renewed. Of course, if reviewing the case, it was evident that the caution, conviction or other information had not been taken into account, the full tariff could be applied.

Broad categories of caution, conviction

- 3.19 The West Yorkshire and York officers from the noted that the national suitability policy deliberately sets very general categories for many offence types, notably for violence, which spans criminal damage or common assault to terrorism and arson, and recommends the same length of refusal, in this case 10 years. It is possible to understand the motivation behind the broad categories, so that the policy does not have to be updated each time a new crime is identified.
- 3.20 Yet, the broad categories provide significant leeway for a licensing decision maker to use their judgment and impose a shorter length of refusal for example, to an act of criminal damage, and an indefinite refusal for example, to an act of terrorism.
- 3.21 Officers in Leeds and other authorities have lobbied the authors of the statutory guidance to separate between extreme and less extreme violence, and set a lower tariff such as 5 years for criminal damage, harassment and assault, provided they are not compounded with other more violent incidents, see the table below. The views of committee members are invited on this subject.

Offences involving violence (including arson, riot, terrorism offences, grievous bodily harm, wounding, actual bodily harm) or connected with an offence of violence.	10 years
Offences involving violence (including harassment, battery, common assault & criminal damage) or connected with an offence of violence.	5 years

- 3.22 If approved, this new tariff would give officers in Leeds leeway to distinguish between applicants and existing licence holders who have arrests, cautions or convictions which would not carry a long custodial sentence (below 6 months). A refusal period of 5 years would still be a

longer period of refusal than the 3 years in the council's current conviction policy, and the officer making the decision would retain the ability to refuse a licence after 5 years if they were still not confident that the person was a fit and proper person.

West Yorkshire and York policy harmonisation

- 3.23 The suitability policy is one of the six improvement themes being progressed by the six WY&Y authorities. The table below provides an update on those themes. The recently developed and consulted statutory guidance will very likely shape the collaborative/regional aspect of licensing policy development.

	Progress and next steps
CCTV in vehicles	No WY&Y authorities have made CCTV in vehicles mandatory, although 9 authorities, including Rotherham, have done so, and there may be more revealed in the DfT annual survey. Rotherham has found some challenges with CCTV installation companies maintaining equipment in vehicles. Taxi and private hire trade is broadly supportive of CCTV – reduces insurance premiums, reduces bad behaviour, but does come at a cost. Leeds no longer has a local supplier who can fit and maintain CCTV which meet our standards, although received one application early in June 2019, which is being checked against new privacy/surveillance and GDPR guidance. Leeds Licensing committee working group/workshop being arranged for CCTV in vehicles. There are significant data protection and resourcing implications for authorities as data controllers under GDPR. Greater Manchester authorities sharing proposals for minimum standards, including voluntary CCTV late in June 2019. WY&Y looking to develop common, simple rules for voluntary CCTV in vehicles, and a common list of approved installers. Options appraisal being prepared for WY&Y Licensing chairs about pros and cons of mandatory CCTV in vehicles.
Convictions policy	Five WY&Y authorities developing very similar suitability policies. Bradford has adopted the national suitability guidance, and will consider whether to make changes to their policy detailed in 3.14 and 3.15 to align with WY&Y.
Vehicle specifications	WY&Y authorities have different conditions on the type of vehicles which would be licensed, age of vehicles, size of engine, fuel type or level of vehicle emissions, and on the scheme of vehicle inspection once a vehicle has been licenced. All WY&Y authorities currently have conditions on vehicle livery, to clearly indicate vehicles as taxis or private hire, although Wakefield does not require door livery. Some authorities allow vehicles to have livery for more than one private hire operator. Leeds is working towards a Clean Air Zone (CAZ), and will review conditions to encourage hybrid and LPG, provide exemptions from CAZ for wheelchair accessible vehicles and larger 8-9 seater vehicles. Other councils do not face these challenges, although Bradford are planning a CAZ in 2021. Significant differences remain, and the focus going forward could be on common minimum standards, such as which types of vehicles would be licensed. Leeds has specific public health priorities about electric, hybrid, LPG and other low emission vehicles which do not necessarily apply across the region.

	Progress and next steps
Driver training	WY&Y authorities converging on common driver training modular curriculum and method of assessment. Training will only differ for local geographical knowledge and local conditions. Other training will be the same and candidates will need to achieve the same pass mark. WY&Y likely to agree new driver training course content and method of assessment in August.
Information sharing between authorities	WY&Y authorities are sharing information about licence holders who have worked previously in other authorities but have been refused or revoked, once information sharing documents have been submitted. All WY&Y authorities are signing up to the NR3 database, which enables information sharing about any driver who has previously been refused or revoked.
Effective cross-border enforcement	All WY&Y authorities have revised their policies and conditions to allow authorised officers from WY&Y authorities to inspect vehicles and check drivers licensed in WY&Y authorities as they would do for vehicles and drivers licensed in their own district, although the enforcement capacity in the different authorities varies. WY&Y authorities have issued staff badges, ticket books, staff training to ensure clear and consistent approach across WY&Y. Some fine tuning required to ensure that processes are in place to un-suspend vehicles when suspended by neighbouring WY&Y authority, and training provided to new enforcement officers. Leeds enforcement officers currently work alongside W Yorkshire Police officers on weekend evenings. Around 10% of the vehicles inspected on street at weekends in Leeds are licensed in neighbouring districts. Around 20% of all of the 'out of town' vehicles or drivers inspected at weekends at Leeds have been found to have some area of risk or non-compliance.

4 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.1 The council does not plan to consult again on these proposals. Following passing the proposed policy to the Executive for approval, the council will advertise the proposed changes on the council website, and to current licence holders and applicants.
- 4.1.2 The council plans to implement the revised policies from 1 August 2019, following discussion at July Licencing Committee.
- 4.1.4 The council proposes to implement the new suitability policy from 1 August 2019, and review the impact of the policy on the number and type of appeals against licensing decisions for the initial 12 months in West Yorkshire and York. It is also likely that other case law arising from appeals and requests for judicial reviews may have the effect of requiring the policy to be reviewed and amended.

4.2 Equality and Diversity / Cohesion and Integration

- 4.2.1 Equality and Cohesion Screening Assessments are carried out on the policies agreed at Licensing Committee and policy changes made under the scheme of sub delegation. An Equality Impact Assessment Screening report is attached.

4.3 Council policies and City Priorities

- 4.3.1 Taxi & Private Hire Licensing policies contribute to the following aims:

Best Council Plan

Towards being an Enterprising Council

Our Ambition and Approach

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

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

Our Best Council Outcomes

Make it easier for people to do business with us.

Our Best Council Objectives

Promoting sustainable and inclusive economic growth – Improving the economic wellbeing of local people and businesses. With a focus on:

- Helping people into jobs;
- Boosting the local economy; and
- Generating income for the council.

Ensuring high quality public services – improving quality, efficiency and involving people in shaping their city. With a focus on;

- Getting services right first time; and
- Improving customer satisfaction.

- 4.3.2 The Taxi & Private Hire Licensing policies contribute to priorities:

- Reduce crime levels and their impact across Leeds;
- Effectively tackle and reduce anti-social behaviour in communities;
- Safeguarding children and adults at risk:

Leeds City Council has both a moral and legal obligation to ensure the duty of care for both children and adults at risk across all of its services. This cannot be achieved by any single service or agency. Safeguarding is ultimately the responsibility of all of us and depends on the everyday vigilance of staff who play a part in the lives of children or adults at risk.

4.4 Resources and value for money

- 4.4.1 The Taxi and Private Hire Licensing service is currently cost neutral to the council and by virtue of the Local Government (Miscellaneous Provisions) Act, 1976, raises its own revenue by setting fees to meet the cost of issuing and administering licences.
- 4.4.2 These arrangements mean that if proposals are associated with additional costs, they will be funded via licence fees and will not place additional pressure on the council's budget.
- 4.4.3 It is very likely that the new policy will increase the number of licensing decisions where the council will ask for additional information, and either impose additional conditions on a licence holder or will refuse a licence, in many cases, based on historical information. In turn, this is likely to increase the number of appeals against the refusal to grant or renew a licence. In the past three years, the council has refused to renew 38 licences, and had six appeals, all successful. Over the same period, the council has questioned around 100 licence holders about information arising on DBS checks.

4.5 Legal Implications, Access to Information and Call In

- 4.5.1 There are possible legal implications arising from this review, both concerning the key legislation for taxi and private hire licensing, which is Local Government (Miscellaneous Provisions) Act 1976.
- 4.5.3 The Local Government (Miscellaneous Provisions) Act 1976 section 51 b) refers to licence holders holding a valid full (i.e. not provisional) driving licence for 12 months or more.
- 4.5.4 The Local Government (Miscellaneous Provisions) Act 1976 section 61 refers to licensing decision to refuse to renew a licence on two grounds:
 - a) based either on **new** evidence or conviction involving dishonesty, indecency or violence, since the grant of the licence. (Emphasis added)
 - b) any other reasonable cause.
- 4.5.5 The council has secured legal advice on how the new policy should be applied at the stage where a current licence holder is applying to renew their licence, for example with an 'old' conviction or caution, where relevant remedial actions were put in place (such as drug test or additional training). The legal advice suggests that the new policy does give a licensing authority reasonable cause to review previous convictions and cautions, and that each case will be treated on its merits.

- 4.5.6 In some cases, the council may view those actions as having adequately addressed the risk posed by that licence holder with that conviction or caution, and no new period of refusal would be imposed.
- 4.5.7 In other cases, the new tariffs in the suitability policy could lead to the refusal to renew a licence not based on behaviours since the previous grant of the licence, but based on the new suitability policy requiring the council to view previous behaviour, evidence or conviction in a new light.

4.6 Risk Management

- 4.6.1 The October 2018 report to Licensing Committee identified no major risks and mitigating actions. The aim of the new policies is to reduce the risk posed by licence holders to the travelling public, and to increase the confidence of the public that their taxi and private hire drivers can be trusted.
- 4.6.2 The review of the suitability policy has raised a new risk of a significant increase in the number of appeals made against the council's licensing decisions, and the increase in resulting casework. The proposed 12 month review of the suitability policy will give each council the ability to review the effectiveness of the new policy and impact on decisions and appeals.

5 Conclusions

- 5.1 The report has addressed the results of consultations on two areas, the suitability of people to hold a licence, and the progress of the harmonisation project in West Yorkshire and York. The report has summarised the findings and recommendations of the consultation, and proposed revised policy.
- 5.2 The report has provided details of discussion where the council's suitability policies and conditions should be revised at the same time as the five other authorities in West Yorkshire and City of York.
- 5.3 The report proposes arrangements for implementation and review of the suitability policies. If the respective policies can be approved and implemented in all six councils, it would mark significant progress towards adopting common minimum standards for taxi and private hire licensing in the region. The suitability policy would replace the council's current convictions policy, and form the basis of a common framework for refusing and refusing licences, which could be used for the new LGA/NAFN database of refused and revoked licences.

6 Recommendations

- 6.1 That committee members note the purpose and content of the information in this report.
- 6.2 That committee members consider the summary of the responses to the consultations, the proposed policy, and the discussion points raised in the report, and note that there may be further guidance being developed as a result of the national consultation on statutory guidance, which included the table of suitability licensing decisions
- 6.3 That committee members pay particular attention to the option to separate the extreme violence examples from less extreme violence, with a lower tariff of 5 years, not 10 years.
- 6.4 That committee members approve the policy to be passed to the Executive Member for Licensing of the new policy on determining the suitability of applicants and licencees as drivers in taxi and private hire licensing, and that this policy take effect from 1 August 2019.
- 6.5 That the Taxi and Private Hire licensing Manager be authorised to make any further minor changes necessary to the policy, to align the policy as closely as possible with the other West Yorkshire & York Authorities and meet the preferences of committee members, officers and stakeholders in Leeds.

7 Background documents

Department of Transport: Taxi and Private Hire Vehicle Licensing: Protecting Users, Statutory Guidance for Licensing Authorities, February 2019:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/778276/taxi-phv-licensing-protecting-users-draft-stat-guidance.pdf

Institute of Licensing guidance on suitability of applicants:

[https://www.instituteoflicensing.org/documents/Guidance_on_Suitability_Web_Version_\(16_May_2018\).pdf](https://www.instituteoflicensing.org/documents/Guidance_on_Suitability_Web_Version_(16_May_2018).pdf)

Current Leeds City Council Convictions policy:

<https://www.leeds.gov.uk/docs/criminal%20convictions%20policy.pdf>

Appendix 1 Summary of responses to consultation

Appendix 2 Summary of West Yorkshire & York Responses

Appendix 3 Leeds (WY&Y) Suitability Policy

Appendix 1 Summary of responses to consultation on suitability and driver training

Response/Objection	Leeds City Council response
Clean Air Zone will harm taxi and private hire drivers' incomes (general comments)	<i>We appreciate that drivers and vehicle owners and proprietors may have concerns about the council's plans for a Clean Air Zone for the city.</i> <i>All Clean Air Zone options provided by central government have implications for taxi and private hire vehicles. The council is has finalised plans for the Clean Air Zone for Leeds, and has secured funding from the Clean Air Fund to assist Leeds licence holders to make the transition from high polluting to ultra low emission vehicles.</i> <i>The council has also confirmed plans from central government for a central database of taxi and private hire vehicles so that non-compliant out of district private hire and taxi vehicles will be required to pay the Clean Air Zone charge.</i> <i>The proposed Clean Air Zone charge of £12.50 per day will be ringfenced to fund work to improve air quality in Leeds, it will not be used to fund taxi and private hire licensing.</i>
Out of town vehicles should be stopped coming into Leeds (general comments)	<i>We know that Leeds licensed drivers don't like the increase in drivers being licensed in other districts and working regularly in Leeds.</i> <i>Our investigation of journey records show that many customers choose out of district providers for their journey into Leeds and their journey home. Leeds has a vibrant night time economy, three large universities and a regional airport, all serving the wider city region. We do not want, nor do we have powers, to 'stop' all out of district drivers coming into Leeds.</i> <i>Our focus is on keeping the travelling public safe, so we have taken a number of steps to put out of district vehicles under scrutiny. These steps include maintaining a database of out of town vehicles observed in Leeds on a regular basis, checking journey records with operators licensed in other authorities, including out of town vehicles in 'plying for hire' operations, and joint working with West Yorkshire Police.</i> <i>We are also starting to conduct cross border enforcement with the four other West Yorkshire authorities and City of York, so that enforcement officers from any of the authorities can inspect vehicles licensed by any of the authorities.</i> <i>However, recent case law has found that out of town working is very difficult to regulate. Licensing authorities (such as Knowsley MDC) which have tried to impose 'intended use' conditions on their licence holders have had this decision appealed and lost in High Court. Licensing authorities (such as Reading BC) which have tried to prosecute (without a test purchase) out of town drivers for plying for hire have also lost at appeal.</i> <i>Focusing on passenger safety, we are working very closely with neighbouring authorities and large private hire operators to ensure that drivers are not able to</i>

Response/Objection	Leeds City Council response
	<i>have their licence revoked or refused in Leeds, and get a licence in a neighbouring authority, in order to work in Leeds.</i> <i>We will conduct a review of the council's operator policies and conditions, and it is possible that the review may include additional requirements and conditions for operators using apps, with vehicles and drivers who are routinely operating outside of their licensed district.</i>
Leeds' licensing conditions are higher than other councils (e.g. tinted windows, vehicles first licensed not older than 5 years, impact on costs) (General comments)	<i>It is a matter for each licensing authority how they put licensing conditions in place. We recognise that where there is a significant difference in licensing fees, there is an incentive for some licence holders to move to be licensed by a lower fee authority. We also know that some licence holders are motivated to be licensed in authorities with licensing conditions which are easier to meet.</i> <i>The licensing conditions which Leeds City Council has in place to there to maintain passenger safety and promote public confidence in the local taxi and private hire trade. The conditions which Leeds City Council has put in place which are higher than some other authorities, such as not permitting window tints in the rear of licensed vehicles which let less than 70% of light through.</i> <i>Leeds City Council maintains a high level of safety for the travelling public when using taxi and private hire vehicles. To support this, it is considered necessary to ensure that the Police, Council Enforcement Officers and members of the public can always see into a licensed vehicle in outside lighting conditions. This discourages crime from being carried out inside the licensed vehicle and it has also been established that women, vulnerable people and disability groups feel safer when they can easily see out of, and others can see into, the vehicle.</i> <i>It is now the current practice for different manufacturers to use glass with varying degrees of tint as standard. However, irrespective of the type of glass fitted by the manufacturer, Leeds City Council will not licence a vehicle unless the glass has a minimum light transmission which enables clear vision both into and from the vehicle at all times.</i> <i>In accordance with national regulations, the windscreen shall have a minimum light transmission value of 75% and the near and offside drivers windows 70%. The other windows must also have a minimum light transmission 70%.</i> <i>Leeds City Council has been in contact with vehicle manufacturers to check which vehicles are manufactured with levels of tint with meets the national regulations. We would advise anyone buying a vehicle for the first time or changing vehicle to check before buying that the window and windscreen tints are within acceptable levels.</i> <i>With respect to the age of vehicle, we recognise that Leeds has a vehicle age restriction at age of first licence and maximum age, which is more demanding than some other authorities. We will shortly be reviewing our vehicle policies and conditions, and will see how the conditions could be reviewed, while maintaining the focus on passenger safety and comfort.</i>

Response/Objection	Leeds City Council response
Drivers should not have to meet suitability standards (Suitability)	<i>We cannot agree that taxi and private hire drivers don't need to meet any test of their being safe to work (known as 'fit and proper'). We don't agree that a driving licence is sufficient evidence of someone's suitability to work as a taxi or private hire driver.</i> <i>Working as a professional taxi or private hire driver is a notifiable occupation in terms of the trust which is placed in drivers, and their likelihood of coming into contact with vulnerable, elderly or people at risk of harm. Those people are entitled to expect high standards of their drivers.</i> <i>The reason for the authorities in West Yorkshire and York consulting at the same time is to set some common minimum standards for licence holder suitability across the region. This should give the public confidence that drivers have met a common minimum standard, irrespective of where in the region they have been licensed, and that a driver who has been found unsuitable in one district will be able to get a licence in another district because a different test is used of their suitability.</i>
Once you have served your punishment you should be able to work (Suitability) You are innocent until proven guilty (Suitability) If the police drop a prosecution against a driver, you should get your licence back (Suitability)	<i>We agree that a conviction or caution doesn't necessarily means that a person can never be regarded as fit and proper to work as a taxi or private hire drivers. It will depend on the individual circumstances.</i> <i>However, working as a professional taxi or private hire driver is a notifiable occupation in terms of the trust which is placed in drivers, and their likelihood of coming into contact with vulnerable, elderly or people at risk of harm. Those people are entitled to expect high standards of their drivers.</i> <i>The proposed suitability policy would set down in broad terms the length of time a licence would be refused, depending on the type of conviction or caution. The policy is based on national review of individual councils' convictions policies.</i> <i>Criminal law uses a high burden of proof, which means for example, an allegation of inappropriate behaviour may not be prosecuted because of a lack of a witness. Licensing authorities can use a lower level of proof, which may mean that a case, which isn't seen as suitable for prosecution by the police and crown prosecution service, can be used to make a licensing decision on the basis of probability.</i>
The length of time a licence would be refused is too long for motoring points (Suitability) The length of time a licence would be refused is too long for driving with a mobile phone (Suitability)	<i>We cannot agree that taxi and private hire drivers don't need to meet any test of their being safe to work (known as 'fit and proper'). We don't agree that a lower standard should be applied to people who drive for their living. The public have a right to expect that taxi and private hire drivers can drive professionally and safely for long hours and many thousands of miles without incurring minor traffic offences and points.</i> <i>Working as a professional taxi or private hire driver is a notifiable occupation in terms of the trust which is placed in drivers, and their likelihood of coming into contact with vulnerable, elderly or people at risk of harm. Those people are</i>

Response/Objection	Leeds City Council response
You should be able to drive unless you are disqualified (Suitability)	<i>entitled to expect high standards of their drivers.</i> <i>We do recognise however, that the proposed refusal of a taxi or private hire licence for 5 years for minor traffic offences or driving with a mobile phone is a very long length of refusal, especially for drivers who may have attended speed awareness course or other remedial training as part of measures to ensure they satisfy their authority they remain fit and proper.</i> <i>The West Yorkshire and York authorities have proposed that this tariff be 3 years, which would also allow all endorsements to be viewed by licensing authority, for applicants and current licence holders renewing an existing licence.</i>
The length of time a licence would be refused is too long for violence (Suitability) The length of time a licence would be refused is too long for drugs (Suitability) The length of time a licence would be refused is too long for sexual offences (Suitability) The length of time a licence would be refused is too short for violence (Suitability) What are you going to do to keep drivers safe from violent passengers? (Suitability) The length of time a licence would be refused is too short for drugs (Suitability) The length of time a licence would be refused is too short for sexual offences (Suitability)	<i>We cannot agree that taxi and private hire drivers don't need to meet any test of their being safe to work (known as 'fit and proper'). We don't agree that a conviction or caution for violence, drug taking or supply, or sexual offences should be taken lightly when considering someone's suitability to work as a taxi or private hire driver.</i> <i>We recognise that taxi and private hire drivers come into contact with people who are sometimes violent or aggressive. We encourage all drivers to report violent passengers to the police, and we are looking to develop a new approach to encourage CCTV in vehicles, which should discourage violent behaviour against both drivers and passengers.</i> <i>However, working as a professional taxi or private hire driver is a notifiable occupation in terms of the trust which is placed in drivers, and their likelihood of coming into contact with vulnerable, elderly or people at risk of harm. Those people are entitled to expect high standards of their drivers.</i> <i>We do recognise that the categories used in the guidance are very broad, and that while all acts of violence are serious, terrorism should not necessarily be treated the same as assault. Each case will be judged on its merits, and if the officer determines, a shorter or longer tariff may be used.</i> <i>The fact that an offence was not committed when the applicant was driving a taxi or when passengers were aboard is irrelevant. Speeding, drink driving and bald tyres are all dangerous, irrespective of the situation. Violence is always serious. A person who has a propensity to violence has that potential in any situation. Sexual offences are always serious. A person who has in the past abused their position (whatever that may have been) to assault another sexually has demonstrated completely unacceptable standards of behaviour.</i>

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A POLICY ON DETERMINING THE SUITABILITY OF APPLICANTS AND LICENSEES AS DRIVERS IN TAXI & PRIVATE HIRE LICENSING.

Introduction

1. The West Yorkshire and York licensing authorities, which consists of Bradford, Calderdale, Leeds, Kirklees, Wakefield and York, recognises that the role of Hackney Carriage and Private Hire Drivers is a professional one. Hackney Carriage and Private Hire Drivers transport our most vulnerable persons and are often the first point of contact for visitors to each authority.
2. The reason for this policy is to ensure that the travelling public within West Yorkshire and York can be confident that the drivers licensed by each authority are suitable for this role, that the standards applied are consistent across each Authority area and that the requirements will be the same for whichever authority they choose to apply to.
3. It is a function of the Council to issue Hackney Carriage and Private Hire licences under the Local Government Miscellaneous Provisions Act 1976.
4. The overriding requirement of the Council when carrying out this function is the protection of the public and others who use (or can be affected by) Hackney Carriage and Private Hire services. The aim of this policy is to ensure that public safety is not compromised.
5. The Council must ensure that applicants/licence holders are and remain fit and proper to hold a licence. This policy will apply to all new applicant and to existing licensees on renewal. This requirement is contained within Sections 51 & 59 of the Local Government Miscellaneous Provisions Act 1976.
6. This policy categorises the types of issues including, crime and driving convictions, that form part of the “fit & proper” test to facilitate the assessment of the potential risk to the public. As part of this assessment the Council is concerned to ensure that
 - An individual does not pose a threat to the public.
 - The Council’s obligations to safeguard children and vulnerable adults are met.
 - The public are protected from dishonest persons.
7. The standards of safety and suitability are not set as a base minimum. They are set high to give the public the assurance it requires when using taxi services. The Council does **not** have to strike a balance between the driver’s right to work and the public’s right to protection. The public are entitled to be protected. This means that the Council is entitled and bound to treat the safety of the public as the paramount consideration.
8. Taxis are used by almost everyone but they are used regularly by particularly vulnerable groups: children; the elderly; disabled people; and the intoxicated. A taxi driver has significant power over a passenger who places themselves, and their personal safety, in the driver’s hands.

9. As part of the assessment referred to in paragraph 4 above the Council can consider convictions and cautions but also other outcomes of actions taken by the Police, other agencies and the Civil Courts.
10. Reference to convictions in this policy also includes cautions, warnings, reprimands, all forms of fixed penalty notices, restrictive type orders and any other relevant information. **These must be reported to the Council in the format and timescales stated in the relevant policy.** In addition any circumstances relating to the licensee is potentially relevant if it is relevant to their safety and suitability to hold a licence.
11. Matters which have not resulted in a criminal conviction (whether as a result of an acquittal, a conviction being quashed, a decision not to prosecute or an investigation which is continuing where the individual has been bailed) will be taken into account by the Council. In addition, complaints where there was no police involvement will also be considered.
12. In the case of a new applicant who has been charged with any offences and is awaiting trial, the determination will be deferred until the trial has been completed or the charges withdrawn.
13. In all cases, the Council will consider a conviction or behaviour and what weight should be attached to it, and each case will be decided on its own merits and in line with this policy.
14. The licensing process places a duty on the Council to protect the public. Therefore it is essential that those seeking a licence as a driver meet the required standards. As previous offending and other behaviour can be considered as a predictor in determining future behaviour, it is important that the Council considers all relevant factors including previous convictions, cautions, complaints, failures to comply with licence conditions, and the time elapsed since these were committed.

Applying the Guidance

15. One of the purposes of this policy is to provide guidance to an applicant or existing licence holder on the criteria to be taken into account by the Council when determining whether or not an applicant, or an existing licensee on renewal, is fit & proper to hold a hackney carriage or private hire driver's licence.
16. When determining whether or not a person is "fit & proper" to become or remain a licensed driver each case will be decided on its own merits and the Council shall only depart from this Policy in exceptional circumstances.
17. There must be clear and compelling reasons for the Council to depart from this policy. The otherwise good character and driving record of the applicant or licence holder will not ordinarily be considered exceptional circumstances nor will the impact of losing (or not being granted) a licence on the applicant and/or his family.
18. The granting of a licence places an individual in a unique position of trust and they are expected to act with integrity and demonstrate conduct befitting of the trust placed in them. For this reason, whilst it is possible for an applicant or existing licence holder to have convictions that individually comply with the policy, the overall offending history and conduct of the applicant/licence holder will be considered.

Appropriate weight will be applied where a series of convictions/incidents have been incurred over a period of time.

19. The Policy will also be applied if any additional issue arises that would call into question a person's suitability to continue to hold a licence. If an existing licence holder's conduct falls short of the "fit and proper" standard of behaviour at any time, their licence will be revoked.
20. Where a licence would normally be granted after an elapsed period, there may be circumstances where the elapsed period will be extended.
21. Any foreign offence disclosed by the applicant/licence holder or revealed on an enhanced Disclosure & Barring Service Disclosure will be dealt with in line with this Policy.
22. Any concerns, issues, incidents or convictions/offences not covered by this Policy will not prevent the Council from taking them into account.

Disclosure and Barring Service

23. Applicants need to be aware that as a consequence of the Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) Order 2002, they are excluded from the provisions of the Rehabilitation of Offenders Act 1974 in relation to spent convictions and that **ALL** convictions (including minor motoring convictions and fixed penalty notices) must be declared. The Secretary of State made this exemption because it is necessary to put public safety as the first consideration and to enable the Councils to take a wider view of the applicant over a longer timescale.
24. The Council conducts enhanced disclosures from the Disclosure and Barring Service ("DBS") of any applicant for a drivers licence. Applicants will be required to obtain an enhanced disclosure at their expense and to subscribe to the Disclosure and Barring Update Service.
25. Any information contained in the Enhanced DBS Certificate that identifies an individual as not suitable to work with children or vulnerable adults will normally be refused.
26. The Council is also entitled to use other records and information including any complaints history that may be available to it in determining applications or an entitlement to continue holding a licence. This may include information held by the Council or other Councils and information disclosed by the police under the Home Office scheme for reporting offences committed by notifiable occupations.
27. In determining safety and suitability the Council is entitled to take into account all matters concerning that applicant or licensee. This includes not only their behaviour whilst working in the hackney carriage or private hire trade, but also their entire character including, but not limited to, their attitude and temperament.
28. Any applicant who has resided outside the UK for any period longer than 6 months within the preceding 3 years will be required to produce a **certificate of good conduct dated in the last 3 months** which details any convictions or cautions recorded against the individual. It is the applicant's responsibility to obtain this evidence at his cost.

This will be in addition to the Enhanced DBS. **Alternatively you may be required to produce a Statutory Declaration dated in the last 3 months.**

29. It is the responsibility of the applicant/licence holder to satisfy the Council that they are a “fit and proper person” to hold a licence. Therefore the applicant/licence holder must ensure that all convictions, cautions, warnings, reprimands, fixed penalties, arrests and summonses are disclosed to the Council, including any incurred outside the UK. **A failure to report such convictions, cautions, warnings, reprimands, fixed penalties, arrests and summonses will be given significant weighting.**
30. Once a licence has been granted there is a continuing requirement on the part of a licensee to maintain their safety and suitability to meet the “fit and proper” test. The Council has the powers to take action against licence holders and any behaviour, incidents, convictions or other actions on the part of the licensee which would have prevented them from being granted a licence will lead to the licence being revoked.
31. Any dishonesty by any applicant or other person acting on the applicant’s behalf which occurs in any part of the application process will result in a licence being refused, or if already granted, revoked and may result in prosecution.
32. **An applicant must hold a full DVLA driver’s licence, have the right to remain and work in the UK and be a “fit and proper” person.**
33. Under the Local Government (Miscellaneous Provisions) Act 1976 section 57, the Council has the power to require an applicant to provide:

“such information as they may reasonably consider necessary to enable them to determine whether the licence should be granted and whether conditions should be attached to such licence.”

The provision of this information can help to satisfy the Council that a person has the skills and competencies to be a professional driver to hold a licence. However, the concepts of “fit and proper” and “safety and suitability” go beyond this. There is the character of the person to be considered as well.
34. The character of the applicant in its entirety is the paramount consideration when considering whether they should be licensed. The Council is not imposing an additional punishment in relation to previous convictions or behaviours. The information available to them is used to make an informed decision as to whether or not the applicant is a safe and suitable person.
35. The fact that an offence was not committed when the applicant was driving a taxi or when passengers were aboard is irrelevant. Speeding, drink driving and bald tyres are all dangerous, irrespective of the situation. Violence is always serious. A person who has a propensity to violence has that potential in any situation. Sexual offences are always serious. A person who has in the past abused their position (whatever that may have been) to assault another sexually has demonstrated completely unacceptable standards of behaviour.
36. Licensees are expected to demonstrate appropriate professional conduct at all times, whether in the context of their work or otherwise. Licensees should be courteous, avoid confrontation, not be abusive or exhibit prejudice in any way. Licensees are

expected to act with integrity and demonstrate conduct befitting the trust that is placed in them.

37. There are those who seek to take advantage of vulnerable people by providing services they are not entitled to provide; for example, by plying for hire in an area where they are not entitled to do so. The Council expects licensees to be vigilant of such behaviour and to report any concerns to the Police and the relevant licensing authority. Passengers must feel able to check that the person offering a service is entitled to do so. Licensees must be willing to demonstrate that they are entitled to provide the service offered by, for example, showing their badge. Any applicant or licensee who does not comply with the requirements set out in this paragraph will not meet the “fit and proper” test.

Criminal and Driving Convictions

38. The Council considers that a period of time must elapse after a crime before a person can no longer be considered to be at risk of re-offending. The timescales set out in Table A are to reduce the risk to the public to an acceptable level.
39. In relation to single convictions Table A sets out the time periods that should elapse following completion of the sentence (or the date of conviction if a fine was imposed) before a licence will be granted.
40. The Council will look at the entirety of the individual and in some cases the suitability will not be determined simply by a specified period of time having elapsed following a conviction or the completion of a sentence. The time periods are a relevant and weighty consideration but they are not the only determining factor.
41. In addition to the nature of the offence or other behaviour, the Council will also consider the quantity of matters and the period of time over which they were committed. Patterns of repeated unacceptable or criminal behaviour are likely to cause greater concern than isolated occurrences as such patterns can demonstrate a propensity for such behaviour or offending.
42. This policy does not replace the Council’s duty to refuse to grant a licence where they are not satisfied that the applicant or licensee is a fit and proper person. Where a situation is not covered by this policy the Council must consider the matter from first principles and determine the fitness of the individual.
43. Once a licence has been granted there is a continuing requirement on the part of the licensee to maintain their safety and suitability to meet the “fit and proper” test.
44. Some offences on their own are serious enough for a licence not to be granted and these identified Table A. In the case of an existing licence “refused” in the Table means “revoked”.
45. Applicants and licensees should be aware that where they have been convicted of a crime which has resulted in the death of another person or was intended to cause the death or serious injury of another person they will not be licensed.
46. Where an applicant or licensee has been convicted of a crime involving, related to, or has any connection with abuse, exploitation, use or treatment of another individual

irrespective of whether the victim or victims were adults or children, they will not be licensed. This includes slavery, child sexual exploitation, grooming, psychological or financial abuse.

47. The Council will not grant a licence to any applicant who is currently on the Sex Offenders Register or on any “barred” list. Existing licensees who are placed on the Sex Offenders Register or on any “barred” list will have their licence revoked.
48. Convictions for attempt or conspiracy will be regarded as convictions for the substantive crime. A caution is regarded in exactly the same way as a conviction. Fixed penalties and community resolutions will also be considered in the same way as convictions.
49. Road Safety is a major priority to the Council. A taxi driver has direct responsibility for the safety of their passengers, direct responsibility for the safety of other road users and significant control over passengers who are in their vehicle. As those passengers may be alone, and may also be vulnerable, any driving convictions or unacceptable behaviour whilst driving will weigh heavily against a licence being granted or retained.
50. Taxi drivers are professional drivers charged with the responsibility of carrying the public. Any motoring convictions demonstrate a lack of professionalism and will be considered seriously. Whilst it is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the grant of a licence or may not result in action taken against an existing licence, subsequent convictions would indicate that the licensee does not take their professional responsibilities seriously and is therefore not a safe and suitable person to be granted or retain a licence.

Decision and Right of Appeal

51. Where the Council is minded to refuse an application or suspend or revoke an existing licence in line with this policy the applicant or existing licence holder will be informed and be given an opportunity to provide any additional written evidence in support of their application or retention of their licence.
52. The Council, at its absolute discretion, may determine to meet with the applicant or existing licence holder for the purpose of clarifying information provided or received. The applicant can be accompanied by one individual at the meeting who is not permitted to make comment or enter into any part of the discussion.
53. The Applicant or existing licence holder will be notified in writing of the Council’s final decision within 14 days of completion of the procedures set out in paragraphs 43 and/or 44 above.
54. Any person whose application is refused or licence suspended or revoked by the Council has a right of appeal to the Magistrates’ Court. An Appeal must be lodged within 21 days of the decision at the appropriate Magistrates’ Court. Appeal rights are contained in Section 77 of the Local Government (Miscellaneous Provisions) Act 1976 (Part II) and Section 300 of the Public Health Act 1936.

TABLE A

Offence	Period Elapsed
Crimes resulting in death of another person or was intended to cause the death or serious injury to another person.	No period is thought sufficient to have elapsed and the application will be refused.
Exploitation – any crimes involving, related to, or has any connection with abuse, exploitation, use or treatment of another individual irrespective of whether the victims were adults or children including, for example: slavery, child sexual exploitation, grooming, psychological, emotional, or financial abuse.	No period is thought sufficient to have elapsed and the application will be refused.
Offences involving violence (including arson, riot, terrorism offences, grievous bodily harm, wounding, actual bodily harm) or connected with an offence of violence.	10 years
Offences involving violence (including harassment, battery, common assault & criminal damage) or connected with an offence of violence.	5 years
Possession of a weapon or any other weapon related offence.	7 years
Sex and indecency offences – any offence involving or connected with illegal sexual activity or any form of indecency.	No period is thought sufficient to have elapsed and the application will be refused.
Dishonesty – any offence of dishonesty, or any offence where dishonesty is an element of the offence.	7 years
Drugs supply – any conviction for, or related to, the supply of drugs, or possession with intent to supply or connected with possession with intent to supply.	10 years
Drugs use – any conviction for possession of drugs, or related to possession of drugs.	5 years

Discrimination – any conviction involving or connected with discrimination in any form.	7 years
Drink driving/driving under the influence of drugs.	7 years
Driving whilst using a hand-held telephone or other device.	5 years
Minor traffic or vehicle related offences – offences which <u>do not involve</u> loss of life, driving under the influence of drink or drugs, driving whilst using a hand held telephone or other device and has not resulted in injury to any person or damage to any property (including vehicles) resulting in 7 or more points on a DVLA licence.	3 years
Major traffic or vehicle related offences – offences not covered under minor traffic or vehicle related offences and also any offence which resulted in injury to a person or damage to any property (including vehicles), driving without insurance or any offence relating to motor insurance.	7 years
Hackney carriage and private hire offences.	7 years
Vehicle use offences, for example being carried in vehicle without the owners consent.	7 years.

LICENSING COMMITTEE WORK PROGRAMME 2018/19 - LAST UPDATED 20/06/19 (JG)

ITEM	DESCRIPTION	Officer	TYPE OF ITEM
Meeting date: 2nd July 2019			
City Centre Cumulative Impact Assessment 2019	To consider a report by the Chief Officer, Elections and Regulatory which seeks a review of the City Centre Cumulative Impact Assessment 2019	S Holden/N Raper	RP
Taxi & Private Hire Licensing - Proposed Suitability Policy and Update on Policy Harmonisation with West Yorkshire & York authorities	To consider a report by the Chief Officer, Elections and Regulatory which draws to the attention of Members the results of a recent consultation in Leeds, and consultations and engagement exercises in neighbouring authorities, about the suitability of people to hold a licence to work as a taxi or private hire driver.	A White	DP
Meeting date: 13th August 2019			
Leeds Festival 2019	To consider a report by the Head of Elections and Regulatory Services which advises Members of the progress of the multi-agency meetings and the Event Management Plan for the 2019 annual Leeds Festival.	N Raper	RP
			RP

Key:

RP – Review of existing policy

DP – Development of new policy

PM – Performance management

B – Briefings

SC – Statutory consultation

LICENSING COMMITTEE WORK PROGRAMME 2018/19 - LAST UPDATED 20/06/19 (JG)

ITEM	DESCRIPTION	Officer	TYPE OF ITEM
Meeting date: 3rd September 2019			
Meeting date: 8th October 2019			
The Victoria Gate Casino - Schedule 9 Agreement	To consider a report by the Head of Elections and Regulatory Services which provides details of the benefits to the Council associated with the Schedule 9 Agreement	N Raper	B
Meeting date: 5th November 2019			
Meeting date: 10th December 2019			
Meeting date: 28th January 2020			
Meeting date: 3rd March 2020			

Key:

RP – Review of existing policy

DP – Development of new policy

PM – Performance management

B – Briefings

SC – Statutory consultation

LICENSING COMMITTEE WORK PROGRAMME 2018/19 - LAST UPDATED 20/06/19 (JG)

ITEM	DESCRIPTION	Officer	TYPE OF ITEM
Meeting date: 7th April 2020			

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