

LICENSING COMMITTEE

MEETING TO BE HELD IN CIVIC HALL, LEEDS ON**TUESDAY, 8TH OCTOBER, 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	-	Guiselley and Rawdon;
J Lennox	-	Cross Gates and Whinmoor;
A Marshall-Katung	-	Little London and Woodhouse;
A Wenham	-	Roundhay;
P Wray	-	Hunslet and Riverside;

Agenda compiled by:
Tel No:
Governance Services
Civic Hall
LEEDS LS1 1UR

John Grieve
37 88662

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 last meeting held on 3 rd September 2019. (Copy attached)	1 - 6
7			MATTERS ARISING FROM THE MINUTES To consider any matters arising from the minutes	
8			THE VICTORIA GATE CASINO - SOCIAL INCLUSION FUNDING AND THE NEW NORTHERN GAMBLING CLINIC To consider a report by the Chief Officer, Elections and Regulatory which provides an update on the Social Inclusion Fund provided by Victoria Gate Casino and information on the work being undertaken to improve awareness of and support for problem and at risk gambling in Leeds. (Report attached)	7 - 16

Item No	Ward/Equal Opportunities	Item Not Open		Page No
9			TAXI AND PRIVATE HIRE LICENSING - POLICY FOR USING DATABASE OF REFUSED AND REVOKED TAXI AND PRIVATE HIRE DRIVERS To consider a report by the Chief Officer, Elections and Regulatory which seeks the approval of the Committee for a new policy for Taxi & Private Hire Licensing to use the national database. (Report attached)	17 - 42
10			POLICING AND THE NIGHT TIME ECONOMY To receive a presentation from Sergeant Martin Mynard, West Yorkshire Police on the issues of "Policing and the Night Time Economy" (Please note that Members may be provided with information that is not normally in the public arena, if such information is provided the meeting may move into closed session) (Report attached)	43 - 44
11			LICENSING COMMITTEE WORK PROGRAMME To note the contents of the Licensing Committee Work Programme for 2019/20. (Report attached)	45 - 48
12			DATE AND TIME OF NEXT MEETING To note that the next meeting will take place on Tuesday, 5th November 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)				

This page is intentionally left blank

Licensing Committee

Tuesday, 3rd September, 2019

PRESENT: Councillor B Garner in the Chair

Councillors N Buckley, B Flynn, H Bithell,
P Drinkwater, C Knight, P Latty, J Lennox,
A Marshall-Katung and P Wray

36 Appeals Against Refusal of Inspection of Documents

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

37 Exempt Information - Possible Exclusion of the Press and Public

There were not items identified where it was considered necessary to exclude the press or public from the meeting due to the confidential nature of the business to be considered.

38 Late Items

Although there were no late items of business, the Chair accept the inclusion of Supplementary information, additional representation from the Hackney Carriage License Holders, in respect of Agenda Item No. 8 – Proposed Suitability Policy and update on Policy Harmonisation with West Yorkshire & York Authorities. (Minutes No. 43 referred)

39 Declaration of Disclosable Pecuniary Interests

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

40 Apologies for Absence

Apologies for absence were received for Councillors: R Downes, A Garthwaite, A Hutchison, A Wenham and G Wilkinson.

41 Minutes of the Previous Meeting

RESOLVED – That the minutes of the previous meetings held on 13th August 2019, were accepted as a true and correct record.

42 Matters Arising from the Minutes

Proposed Working Group on CCTV in Taxi and Private Hire Vehicles (Minute No. 32 referred) – With reference to Resolution (ii) and the decision to seek expressions of interest from Members to serve on the Working Group. The Chair said he was aware that Councillors A Marshall-Katung and P Wray had volunteered to serve on the group but ideally more Members were required.

Draft minutes to be approved at the meeting
to be held on Tuesday, 8th October, 2019

Councillor H Bithell said she would be willing to serve on the group.

The Chair thanked those Members who'd agreed to serve on the group, any further Members wishing to serve on the group should contact Governance Services.

43 Taxi & Private Hire Licensing - Proposed Suitability Policy and update on Policy Harmonisation with West Yorkshire & York authorities

The Chief Officer, Elections and Regulatory submitted a report which set out 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, based on proposals for national standards developed by the Institute of Licensing, Local Government Association, National Association of Licensing and Enforcement Officers and Lawyers for Local Government.

The report also highlighted 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 had suggested that the suitability policy could be further refined and developed.

It was noted that an additional written representation from the Hackney Carriage trade had been circulated to Members of the Committee in advance of the meeting, albeit several months after the end of the consultation period.

Addressing the report the Taxi and Private Hire Licensing Manager spoke in detail on the following issues:

- The response to the suitability survey in Leeds
- The response to the suitability survey in other authorities
- Considerations about applicant and current licence holders suitability
- Consideration of fit and proper person at renewal
- The broad categories of caution and conviction

Referring to the consultation process Members noted there was a high degree of agreement with the exception of the Hackney Carriage trade, who according to the recent correspondence/ representation referred to above were "vehemently opposed to the proposed new policy".

The Taxi and Private Hire Licensing Manager addressed each of the issues raised by the representatives of the Hackney Carriage trade, and emphasised that if the council agreed to implement the suitability policy, it would be applied at application and renewal stages, and when any new information was received, such as arrests, cautions, convictions, and penalty points.

Members were informed that the Hackney Carriage trade represented approximately 20% of the total number of licenced drivers, the vast majority of people who responded to the consultation were in favour of the new policy.

Referring to criminal and driving convictions (Table A), Members queried if officers were able to apply discretion, taking into account other issues.

Members were informed that officers would apply the policy as it was set out, but that it incorporated some elements of discretion. Referring to the fit and proper person test, it was suggested that there was a need to differentiate between a 'push and shove' and a sustained attack (Violent offence), Paragraph 3.16 of the submitted report referred.

Referring to the Disclosure and Barring Service, Members sought clarification around the production of a letter of good character and how would such a letter be obtained.

Members were informed that a solicitor would usually provide such a letter or alternatively it might be provided by another UK professional, the authority needing to be satisfied that the person is fit and proper and such a letter will offer some degree of reassurance (Identical to the National Standard).

Referring to the suspension of a driver's licence following allegations of a criminal nature, Members queried the length of time taken to obtain information from the Police Disclosure Team, and asked if the timescales for the receipt of information could be accelerated.

It was suggested that the Chair be requested to write on behalf of the Licensing Committee to Councillor M Iqbal, Chair of the West Yorkshire Police and Crime Panel highlighting the delay in handling Police Disclosure requests from the City Council and to seek his support in bringing this matter to the attention of the Police and Crime Commissioner for West Yorkshire.

In agreeing the above action, the Chief Officer, Elections and Regulatory reminded Members that a Police investigation must proceed unhindered and no information would be provided until the Police investigation had concluded.

Commenting on the harmonisation project across West Yorkshire and York, Members queried if the New Suitability Policy was above minimum agreed levels.

The Taxi and Private Hire Licensing Manager said there was no intention to sign up to a policy which would lower standards in Leeds.

In drawing the discussion to a conclusion the Chair sought Members views on the introduction of the proposed new suitability policy.

One Member was of the view that the existing policy be retained as it was possible that the new policy may result in more complaints and appeals.

It was also noted that the Hackney Carriage trade had made a written representation which was not supportive of the new policy, but had had their questions addressed by the Taxi and Private Hire Licensing manager.

Other Members were supportive of the new policy commenting that officers were able to apply a degree of discretion as regards tariffs, but the new policy if approved

would be aligned against National Standards, with a small number of additions for Leeds.

On the issue of complaints and appeals the Taxi and Private Hire Licensing Manager said the LCC Convictions Policy was considered to be best practice and this was reflected in the decisions made on appeal by Magistrates in Leeds.

In summing up the Chair suggested that the majority of Members appeared to be supportive of the new suitability policy, which would be reviewed in twelve months' time.

RESOLVED -

- (i) That the purpose and content of the submitted report be noted.
- (ii) To receive and note 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 includes the table of suitability licensing decisions.
- (iii) To note the proposals with respect to distinguishing the extreme violence examples from less extreme violence, with a lower tariff of 5 years, not 10 years.
- (iv) To support the new policy on determining the suitability of applicants and licence holders as drivers in taxi and private hire licensing, and that this policy take effect from 1st November 2019 with a review of the policy taking place in twelve months-time
- (v) That the Taxi and Private Hire licensing Manager be authorised to make any further minor clarifications/ 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 Licensing Committee Members, officers and stakeholders in Leeds.
- (vi) That the Chair be requested to write on behalf of the Licensing Committee to Councillor M Iqbal, Chair of the West Yorkshire Police and Crime Panel highlighting the delay in handling Police Disclosure requests from the City Council and to seek his support in bringing this matter to the attention of the Police and Crime Commissioner for West Yorkshire

44 Licensing Committee Work Programme

RESOLVED – To approve the contents of the Licensing Committee Work Programme for 2019/20

45 Date and Time of Next Meeting

RESOLVED – To note that the next meeting will take place on Tuesday, 8th October 2019 at 10.00am in the Civic Hall, Leeds.

This page is intentionally left blank



Report author: Susan Holden
Tel: 0113 378 5331

Report of **The Chief Officer, Elections & Regulatory**

Report to **Licensing Committee**

Date: **8th October 2019**

Subject: **The Victoria Gate Casino - Social Inclusion Funding and the new Northern Gambling Clinic**

Are specific electoral Wards affected?	☐ Yes	☒ No
If relevant, name(s) of Ward(s):		
Has consultation been carried out?	☐ Yes	☒ No
Are there implications for equality and diversity and cohesion and integration?	☐ Yes	☒ No
Will the decision be open 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

1. Main Issues

- Each year Licensing Committee receives a report on the progress of the Large Casino. Victoria Gate Casino has now been operating for two years. This report provides information on the work being undertaken to improve awareness of and support for problem gambling in Leeds, partially funded by the Schedule 9 Agreement benefits associated with the Victoria Gate Casino.

2. Best Council Plan Implications

- The licensing regime contributes to Best City Priorities 2019/20:
 - Culture
 - Safe, Strong communities
 - Inclusive Growth

3. Resource Implications

- No resource implications for the licensing authority are identified.

Recommendations

- a) That Licensing Committee considers the contents of this report and the inclusion of an update on the Victoria Gate Casino in the Licensing Annual Report brought to Licensing Committee and full Council in March each year.

1. Purpose of this report

- 1.1 The purpose of this report is to provide an update on the Social Inclusion Fund provided by Victoria Gate Casino and information on the work being undertaken to improve awareness of and support for problem and at risk gambling in Leeds.

2. Background information

- 2.1 In 2013 Leeds City Council granted licensing permission for Global Gaming Ventures Limited to open a large casino, which is now open at the Victoria Gate retail and leisure development within the city centre. The Large Casino process included an ability for the licensing authority to make an agreement with the successful applicant to deliver a range of socio-economic benefits which are detailed in a legal agreement under Schedule 9 of the Gambling Act 2005. This is known as the Schedule 9 agreement. On being granted the licence, GGV Ltd committed to undertake a range of benefits, including commitments to employment, training, the mitigation of problem gambling, and commitment to environmental principles to the physical development of the casino.
- 2.2 In addition, the licensing agreement includes a responsibility on the operator to donate an annual sum to Leeds City Council, which the Council used to establish a Social Inclusion Fund (SIF). The majority of the SIF is used for projects to alleviate poverty and financial inclusion, however a proportion of this Fund is to be used on projects to address any negative impacts which may arise from the large casino, including mitigating problem gambling.
- 2.3 The Council's Financial Inclusion Team in the Communities and Environment Directorate manages the SIF and funds projects which meet the criteria of the fund.
- 2.4 Whilst work to address financial exclusion and poverty is well developed and coordinated in the city, less was known about problem gambling and gambling related harm. For this reason in 2016 Leeds City Council commissioned Leeds Beckett University to conduct a study into the prevalence of problem gambling in Leeds. The aim was to provide a baseline and guide funding of projects to prevent, and mitigate adverse effects of problem gambling.

3. Main issues

Schedule 9 Agreement Benefits

- 3.1 Previously, Licensing Committee have received a report on the progress on the Schedule 9 benefits. The majority of these were related to the construction and initial opening of the casino and have now been completed.
- 3.2 The remaining Schedule 9 commitments will be reported to the Executive Member for Communities who provides overview and scrutiny for the Social Inclusion Fund and is consulted on decisions related to the distribution of the Social Inclusion Fund and information can be provided through the Licensing Annual Report brought to Licensing Committee and full Council in March each year.

Social Inclusion Fund

- 3.3 As part of the Schedule 9 agreement and for the duration of the licence, the Casino annually contributes to the Social Inclusion Fund (SIF). The SIF is managed by the Financial Inclusion Team and funding is targeted at projects to improve financial inclusion, alleviate poverty and mitigate the harmful effects of gambling. The following projects are in progress or scheduled to begin.
- 3.4 **Gambling awareness** - Funding was allocated to two **‘Beat the Odds’ campaigns**, with aims to raise awareness of available support services as well as reducing the stigma associated with problem gambling. The Beat the Odds campaign for the Cricket World Cup in summer 2019, has just come to an end. The second campaign will launch in October 2019 to coincide with the industry led, Responsible Gambling Week. Each campaign raises awareness of gambling support services in Leeds and led to increased traffic to the Leeds Money Information Centre (Leeds MIC) website. Evaluation of the latest campaign has shown traffic increase to the Leeds MIC website by almost 150%.
- 3.5 **Gambling support** - Accommodation support is being delivered to host the **Northern Gambling Service** and **Leeds Community Gambling Service** at Merrion House.
- 3.6 **Healthy Holiday’s programme** - Leeds Community Foundation were awarded SIF funds for a second year to continue the Healthy Holiday programme in 2019/20. To help tackle ‘holiday hunger’ – many public, private and third sector organisations have come together in Leeds to fund and deliver free ‘Healthy Holiday’ activities for children from low income families during school holidays. All projects had an activity element with food being provided. Due to the success of the 2018 scheme, funding was repeated and attracted match funding which allowed 38 third sector organisations across Leeds to deliver Healthy Holiday projects during 2019. In addition, Leeds was also successful in securing funding from the Department for Education Holiday Activities and Food Fund for holiday activities and provision of healthy food to disadvantaged children during the 2019 summer holidays, which enabled a further funding to be distributed to third sector organisations, 17 schools and 10 community hubs.
- 3.7 **Food poverty** - Support to FareShare Yorkshire’s food distribution centre network in Leeds and Leeds Food Aid Network which helps to deliver a joined-up approach to emergency food provision at a local level. . Since April 2015 FareShare Yorkshire and the Leeds Food Aid Network have provided the food parcel service for the Local Welfare Support Scheme. This has resulted in a reduction in the costs to the scheme associated with supplying food but also allowed continued food supply to those people in the most immediate need.
- 3.8 **Leeds Credit Union** is a key partner in assisting the Council to tackle poverty and ensure Leeds residents can access affordable locally based financial services. The SIF is contributing a number of projects including establishing schools savings clubs, marketing campaigns, improving systems and product range.

Problem Gambling Research

- 3.9 As part of the Schedule 9 benefits Victoria Casino provided funding so that the Council could commission research into problem gambling in Leeds. Whilst work to address financial exclusion and poverty is well developed and coordinated in the city, less was known about problem gambling and gambling related harm. For this reason in 2016 Leeds City Council commissioned Leeds Beckett University to conduct a study into the prevalence of problem gambling in Leeds. The aim was to provide a baseline and guide funding of projects to prevent, and mitigate adverse effects of problem gambling.
- 3.10 Problem gambling is gambling to a degree that compromises, disrupts or damages family, personal or recreational pursuits. "At risk" generally refers to people who are experiencing some difficulties with their gambling behaviour but are not considered to be problem gamblers.
- 3.11 The research estimated that there are approximately 10,000 problem gamblers in Leeds (1.8% of the adult population) and a further 30,000 people (5/6% of adult population) who may be at risk of harm from gambling.
- 3.12 The research also highlighted that whilst problem gambling can affect anyone at any time, there are certain groups are more vulnerable to gambling related harm;
- Young people (including students)
 - Adults living in constrained economic circumstances
 - Certain minority ethnic groups
 - Homeless people
 - Those living in areas of greatest deprivation
 - Adults with mental health issues
 - People with poorer intellectual functioning and learning disabilities
 - Those who have been through the criminal justice process
 - Immigrants
- 3.13 The advice service providers interviewed as part of the study reported difficulties in accurately identifying problem gamblers among their mainstream client groupings. This was due to low levels of self-reporting, and what some regarded as avoidance or shame about the causes of gambling related harms such as debt and/or relationship breakdown.
- 3.14 Gambling opportunities in Leeds are widespread, mixing gambling, gaming and social and leisure activities in diverse and widely distributed premises. While the supply side of gambling opportunities is well developed in Leeds, the study suggests provision for support services for those at risk of gambling related harm is under-developed and fragmented.
- 3.15 Support services include generic advisory services such as Citizens Advice, targeted support groups, as well as specialist addictions and recovery services. There is only one supplier of specialist Leeds-based gambling support services which is the North East Council for Addictions (NECA) working as Gamcare support. At the time they had one full-time counsellor providing a service in Leeds, with waiting times of around 3/4 weeks.

Problem Gambling Project Group

- 3.16 The research was disseminated at a national conference held in Leeds in March 2017. Subsequently the Financial Inclusion Team set up the Problem Gambling Project Group, with representation from across the Council, Public Health, advice partners, GambleAware, Gamcare, NECA, the Industry and the NHS. The aim is to raise awareness of how to recognise, help, signpost and support those suffering from or at risk of gambling related harm.
- 3.17 Discussions within the Project Group have led to the following work areas:

Beat the Odds Campaign

- 3.18 There is a lack of open discussion on the subject of problem gambling, as well as a lack of awareness of what support is available. A significant contribution from the Social Inclusion Fund has been allocated towards the awareness raising campaigns. The local campaign aims to raise awareness as well as reducing the stigma associated with problem gambling. The first campaign was launched on 16th October 2017 to coincide with the national industry-led “Responsible Gambling Week”. It was a high profile campaign using advertising on social media, bus shelters, pubs, garage forecourts, and publicity material in various Council and Health public-facing buildings.
- 3.19 In the absence of a local helpline and limited specialist provision in Leeds at the time, people were encouraged to contact the national gambling helpline (0808 8020 133) and go to www.talkgamblingleeds.org.uk which re-directs to the Leeds Money Information Centre webpage www.leedsmic.org.uk and also importantly links into other local services providers who are primarily focused on money and debt advice and affordable financial services.
- 3.20 The campaign has developed over the last two years and has included specific campaigns for the 2018 FIFA World Cup which particularly targeted young men and primarily using football imagery. The campaign used digital and social media in order to better engage the target group, was run throughout June and July 2018.
- 3.21 The Beat the Odds campaign for the Cricket World Cup in summer 2019, has just come to an end. This campaign offered the opportunity to reach a wider and more ethnically diverse audience.

Training and awareness sessions

- 3.22 In order to start to raise the profile and understanding of problem gambling, training and awareness sessions for frontline workers are being undertaken. The sessions have been delivered by a number of different organisations including Newport Citizens Advice Bureau, Gamcare, YGAM, Leeds and York NHS Partnership Foundation Trust, Public Health and the Financial Inclusion team. The sessions have ranged from a full day’s training to much shorter briefings at team meetings and staff development days.

- 3.23 In addition members from the Council's Financial Inclusion and Public Health teams have been asked to speak at a number of events across the country about the work being undertaken in the city. Including those hosted by the Local Government Association, the Gambling Commission and Birmingham City Council.

Improving the provision of support in the city.

- 3.24 On the strength of the proactive partnership approach adopted by Leeds City Council and partners to addressing gambling related harm, in November 2018 Gambleaware announced funding for the establishment of a Leeds based **NHS Northern Gambling Service** led by Leeds and York Partnership Foundation Trust, and a **Leeds Community Gambling Service** led by Gamcare. The intention is for the services to be delivered in Leeds from the Autumn, with up to £1.2 million being invested on an annual basis.
- 3.25 The **NHS Northern Gambling Service**, based in Leeds, will serve the whole of the north of England and will have satellite bases in Manchester and Newcastle. The service will treat people with the most serious and complex needs in terms of problem Gambling. The Northern Gambling Service will reach across the North East, North West, Yorkshire and the Humber and counties in the northern Midlands. This includes major cities where problem gambling rates are thought to be high such as Nottingham, Sheffield, Bradford, Hull, Newcastle, Sunderland, Manchester and Liverpool. The idea is that wherever you live in the North of England, you will have access to the same services and interventions as those who can easily access the main base in Leeds.
- 3.26 The service will be clinically led by a Consultant Psychologist, with a team consisting of mental health nurses, a psychologist, a psychiatrist, and a carers support worker. There is also a research element within the service to evaluate the interventions and potentially develop future treatment models.
- 3.27 Leeds was selected to host this service, the first of its kind outside of London, following recognition that gambling is causing serious harm to thousands of people across the UK, including mental health problems, serious debt, breakdown of relationships, loss of employment, crime, homelessness and sometimes suicide.
- 3.28 The new service will accept referrals for assessment and treatment via several routes. It will aim to break down barriers to people struggling with gambling addiction who can find it hard to seek help due to a sense of shame or stigma surrounding their problems.
- 3.29 It will adopt the approach of "every door is the right door" and work with partners across health, care and community services to make it as easy as possible for people to be referred and ensure opportunities to support people with problem gambling are not missed.
- 3.30 This will include GPs, NHS trusts, charity and third sector partners, local authority services, Citizens Advice, debt advice groups and the gambling industry itself which is statutorily obliged to support people with problem gambling. There will also be options for people to self-refer confidentially.

- 3.31 The **Leeds Community Gambling Service** will be delivered by Gamcare and will work across the Leeds area to identify, screen and treat problem gamblers and affected others. The community service will be led by a service manager and will include prevention and training workers including the role of Criminal Justice Coordinator. The service will offer;
- Training to identify the issue and offer brief interventions
 - One to one appointments
 - Referrals to the Northern Gambling Clinic
- 3.32 The partner organisations have been developing the new service since November 2018, with its main base at the Council's [Community Hub at Merrion House](#). This makes it highly accessible for people, especially as there are many complementary services located there, including the Council's customer service team.
- 3.33 The Leeds service will also reach out into the community and provide treatment throughout the city, as well as a range of education and outreach services delivered through GamCare to raise awareness of gambling-related harms across Leeds and the surrounding areas.
- 3.34 The Leeds service will provide support through psychological therapies, addiction treatment programmes and peer support. Colleagues at GamCare will work with gamblers at low to medium levels of risk and provide early and brief intervention and prevention, whilst LYPFT will treat people who are at serious risk of harm and have complex issues related to gambling.
- 3.35 Outreach for local communities will help reduce barriers for people seeking help and support, especially to groups currently under-represented in treatment such as black and minority ethnic groups, women and those in the criminal justice system.
- 3.36 The services will be located together with both the back office and client facing services being based at Merrion House. They will also use the Council's network of community hubs to deliver their services. This will be an innovative part of the service and ensure that the message about available support is well known amongst communities and professionals alike.
- 3.37 Although the service has already started to receive referrals, the official launch for the NHS Northern Gambling Service and the Leeds Community Gambling Service is set for Tuesday 15th October 2019.

Supporting Licensing

- 3.38 The Problem Gambling Project Group has also supported the licensing team in a number of areas;
- Developing a mapping tool to inform local area risk assessments (<http://tinyurl.com/leedsmappingtool>)
 - Responding to national consultations
 - Reviewing the 3 yearly Gambling Act Statement of Licensing Policy, which was adopted in early 2019.

Public Health

- 3.39 The Public Health team in Leeds are leading and coordinating the Association of Directors of Public Health in Yorkshire and the Humber's developing work on problem gambling regionally. This has involved hosting a Masterclass on problem gambling for public health and licensing practitioners in January 2018, and convening a regional working group to progress joint work on the issue. A regional Public Health Framework for Gambling Related Harm Reduction has also been developed.
- 3.40 Locally the team are working with Forward Leeds (the drug and alcohol addictions service), the Improving Access to Psychological Therapies (IAPT) teams and other commissioned services to raise awareness of problem gambling and discuss treatment options. A survey of GPs and primary care clinicians to gather information on the awareness of the issue as well as their ability to identify, treat and refer problem gamblers in Leeds, has recently been undertaken.

Ongoing Reporting

- 3.41 As the research was undertaken two years ago, and the new gambling services are due to open in October, it is suggested that an update on the SIF and other ongoing work can be provided as part of the Licensing Annual Report, brought to Licensing Committee and full Council in March.

4. Corporate considerations

4.1 Consultation and engagement

- 4.1.1 The Executive Member for Communities provides overview and scrutiny for the Social Inclusion Fund and is consulted on decisions related to the distribution of the Social Inclusion Fund.

4.2 Equality and diversity / cohesion and integration

- 4.2.1 There are no identified implications for equality, diversity, cohesion or integration in relation to the matters in this report.

4.3 Council policies and Best Council Plan

- 4.3.1 Through the licensing objectives, the Statement of Licensing Policy and partnership working the licensing regime contribute to the Best City Priorities 2019/20:

Culture

- Enhancing the image of Leeds through major events and attractions
- Ensuring that culture can be created and experienced by anyone

Safe, Strong Communities

- Tackling crime and antisocial behaviour
- Promoting community respect and resilience

Inclusive Growth

- Supporting growth and investment, helping everyone benefit from the economy to their full potential
- Supporting business and residents to improve skills, helping people into work and into better jobs

Health and Wellbeing

- Reducing health inequalities and improving the health of the poorest the fastest

Climate emergency

4.3.2 There are no identified implications for climate change and the council's declaration of a climate emergency.

4.4 Resources, procurement and value for money

4.4.1 There are no resource implications for the licensing authority and council.

4.5 Legal implications, access to information and call in

4.5.1 There are no legal implications in relation to the call for evidence and as this is not a decision making report access to information and call in is not relevant.

4.6 Risk management

4.6.1 There is low to no risk to providing this information.

5. Conclusions

5.1 The Large Casino Licence application process provided an opportunity for the council to research the socio-economic impact of gambling in the City. This report provides information relating to the council and partnership activities to mitigate the impact.

6. Recommendations

6.1 That Licensing Committee considers the contents of this report and the inclusion of an update on the Victoria Gate Casino in the Licensing Annual Report brought to Licensing Committee and full Council in March each year.

7. Background documents¹

7.1 None

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.

This page is intentionally left blank

Report of Chief Officer, Elections and Regulatory

Report to Licensing Committee

Date: 8th October 2019

Subject: Taxi and Private Hire Licensing – Policy for using database of refused and revoked taxi and private hire drivers

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:	

1. Summary of main issues

Members of Licensing Committee are asked to read and approve in principle a policy for Leeds City Council to use the database of refused and revoked licence holders, set up by the Local Government Association, and administered by the National Anti Fraud Network.

In November 2018, the council's Licensing Committee agreed in principle for the council to use the database, by adding details of Leeds licence holders who have had their licences refused or revoked, and by checking the database at application and renewal stage. The attached policy sets out how the council will advise people who have had their licence refused or revoked, add details to the database, and check details held on the database.

1.0 Purpose of this report

- 1.1 To seek approval from Licensing Committee before a recommendation is made to the Executive for the new policy for Taxi & Private Hire Licensing to use the national database.
- 1.2 This change will enable the team to add to the database licence holders who have previously been suspended or revoked, add licence holders when they are refused or revoked, and use the database in checking whether applicants or licence holders renewing their licence have also been previously refused or revoked.

2.0 Background information

- 2.1 The role of the Taxi and Private Hire Licensing service has long been recognised as an important council function in ensuring that the travelling public are safe with professional drivers who have attained good standards, safe vehicles, and a dedicated enforcement team.
- 2.2 Licensing authorities are required to satisfy themselves that those holding licences are 'fit and proper' to do so. This is carried out, firstly during the determination of an application for a licence, and then at any time during the duration of a licence, for example, when evidence is obtained that suggests that a licensed individual is not a fit and proper person the licensing authority is entitled to suspend, revoke or refuse to renew a licence.
- 2.3 The process of assessing whether an applicant or licensee is 'fit and proper' may vary between authorities but there is now widespread consensus across the UK on the need to increase consistency and set national minimum standards for the fit and proper test at a suitably high level. This would help prevent individuals who have had a licence revoked by one authority from simply going to another area and securing a licence, assuming the second authority was aware of the earlier revocation.
- 2.4 At present, if licence holders do not disclose information about a previous revocation or refusal of a licence, there is often no way for a licensing authority to find this information out. This means that vital intelligence about an applicant's past behaviour is being missed and an individual might be able to get a new licence in another area, despite having their licence revoked elsewhere. High profile instances of this happening have undermined public confidence in the safety of hackney carriages and PHVs, and left licensing authorities open to criticism for something that is currently very difficult for them to control.

3.0 Main issues

- 3.1 The Taxi and Private Hire Licensing service has finalised its arrangements for using the national database of refused and revoked drivers.
- 3.2 In response to the issues raised in sections 2.1-2.4, the Local Government Association (LGA) commissioned the development of a national register of hackney carriage and private hire driver licence refusals and revocations, the 'National Register of Refusals and Revocations' or NR3.
- 3.3 The new register will allow licensing authorities to record details of where a hackney carriage or PHV drivers' licence has been refused or revoked, and allow licensing authorities to check new applicants against the register. This should help to prevent people found to be not fit and proper in one area from securing a licence somewhere else through deception and non-disclosure, and adhere to UK GDPR regulations. The information to be placed on the database is:
 - name
 - date of birth
 - address and contact details
 - national insurance details
 - driving licence number
 - decision taken
 - date of decision
 - date decision effective

- 3.4 Any authority searching the database and finding these brief details may then decide to submit an information disclosure form to the original licensing authority.

4.0 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.1 No new consultation is required in order to start using the NR3 database. The council will communicate use of the NR3 database to all licence holders, and the council will use the NR3 database in the way set out in this policy.
- 4.1.2 All drivers who have had their licence refused or revoked in the past 25 years will be notified, at their most recent known address and by email where that information is held, that the council intends to share the details of their refusal or revocation on the national database.
- 4.1.3 All licence holders will be notified by email, and the council will publish on its website and on its application, and renewal forms and guidance to applicants and current licence holders that the council intends to share the details of revoked and refused licences on the national database

4.2 Equality and Diversity / Cohesion and Integration

- 4.2.1 There are no major implications for equality and diversity /cohesion and integration. A brief screening assessment has been undertaken.

4.3 Council Policies and City Priorities

- 4.3.1 This change is in line with council policies and has been discussed with the council's Finance team.

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.

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 vulnerable adults:

4.3.3 Leeds City Council has both a moral and legal obligation to discharge its duty of care in respect of children and vulnerable adults 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 of harm.

5.0 Resources and Value for Money

- 5.1 The use of the national register will assist the council in making decisions about whether applicants or licence holders are fit and proper persons. It is possible that making reference to the database may add to the tasks required in licensing applicants to Leeds. It is also possible that licence holders previously refused or revoked by Leeds may have applied to work in other authorities, and this may increase the tasks required in supporting other authorities with their licensing decisions.
- 5.2 The council will monitor the number of requests made and responded to in the months following implementation of this policy. The council is required to maintain a separate record of every time it searched the national register for an applicant or licence holder wishing to renew a licence in Leeds, and similarly, a record of every time the council was contacted by a separate authority about an applicant or licence holder in that authority.

6. Legal Implications, Access to Information and Call In

- 6.1 The development of the national register has been developed by the LGA with legal advice. In particular, care has been taken to balance the requirement for licensing authorities to make sound licensing decisions with data processing and privacy regulations.
- 6.2 There are no further requirements relating to access to information. The report is not available for call in.

7. Risk Management

7.1 The following risks can be identified.

- **Risk of not sharing Leeds decisions on the national database.** If the council opted not to add its refusal and revocation decisions to the national database, there is a risk that other licensing authorities would not be able to take into account the fact that a hackney carriage or private hire driver had been previously revoked or refused a licence.
- **Risk of Leeds not checking decisions on the national database.** If the council opted not to check the national database against applicants and drivers seeking to renew their licence, there is a risk that Leeds would not be able to take into account the fact that a hackney carriage or private hire driver had been previously revoked or refused a licence.
- **Risk of Leeds licensing tasks increasing because of Leeds and other authorities using the national database.** If every council uses the national database against applicants and drivers seeking to renew their licence, there is a risk that, as a large licensing authority, Leeds will have a large number of information disclosure requests about drivers who have been previously revoked or refused a licence.

8. Conclusion

- 8.1 The Taxi and Private Hire Licensing service has finalised its arrangements for using the national database of refused and revoked drivers.
- 8.2 Licensing authorities are required to satisfy themselves that those holding licences are 'fit and proper' to do so. The process of assessing whether an applicant or licensee is 'fit and proper' may vary between authorities, but there is now widespread consensus across the UK on the need to increase consistency and set national minimum standards for the fit and proper test at a suitably high level. This would help prevent individuals who have had a licence revoked by one authority from simply going to another area and securing a licence, assuming the second authority was aware of the earlier revocation.
- 8.3 At present, if licence holders do not disclose information about a previous revocation or refusal of a licence, there is often no way for a licensing authority to find this information out. This means that vital intelligence about an applicant's past behaviour is being missed and an individual might be able to get a new licence in another area, despite having their licence revoked elsewhere. High profile instances of this happening have undermined public confidence in the safety of hackney carriages and PHVs, and left licensing authorities open to criticism for something that is currently very difficult for them to control.
- 8.4 In response to these issues, the Local Government Association (LGA) commissioned the development of a national register of hackney carriage and private hire driver licence refusals and revocations, the 'National Register of Refusals and Revocations' or NR3. By using the new register, Leeds City Council will record details of where a hackney carriage or PHV drivers' licence has been refused or revoked, and Leeds City Council can check new applicants against the register. This should help to prevent people found to be not fit and proper in one

area from securing a licence somewhere else through deception and non-disclosure.

9. Recommendations

- 9.1 To seek approval from Licensing Committee before a recommendation is made to the Executive for the new policy for Taxi & Private Hire Licensing to use the national database.
- 9.2 This change will enable the team to add to the database licence holders who have previously been suspended or revoked, add licence holders when they are refused or revoked, and use the database in checking whether applicants or licence holders renewing their licence have also been previously refused or revoked. If approved by the Executive, the use of the national NR3 database will be effective from 1 November 2019.

Appendix 1 Leeds City Council NR3 Policy

Appendix 2 Equality and Diversity, Cohesion and Integration Impact Assessment



Policy on the use of the National Register of Taxi Licence Revocation & Refusals (NR3)

Taxi and Private Hire Licensing



Leeds
CITY COUNCIL

Change History

Jacob Glenholmes	10/01/2019	V0.1
Andrew White	14/03/2019	V0.2
Andrew White	19/07/2019	V0.3
Andrew White	12/09/2019	V1.0
Andrew White	25/09/19	V2.1

NB: Draft versions 0.1 - final published versions 1.0

Consultees

Martino Deplacido		
Valens Jacobs		
Andrew White		
Alison Calvert		
Amy Taylor		
Mary O'Shea		
Robert Brown		

Distribution List

Cllr Ben Garner		
Cllr James Lewis		
John Mulcahy		

Links to other documents

Additional Comments to note

--

	Contents	Page
1.0	Introduction	4
2.0	Scope	4
3.0	Overarching principles	4
4.0	Adding details of a refusal or revocation	5
5.0	Checking the NR3 register as part of the application and renewal process	6
6.0	Responding to a request made for further information regarding an entry on NR3	6
7.0	Using any information obtained as a result of a request to another authority	9
	Appendices:	
	Appendix 1 – Information Disclosure Form	10

1.0 Introduction

- 1.1** The Local Government Association has commissioned the development of a national register of hackney carriage and private hire vehicle driver licence refusals and revocations, the 'National Register of Refusals and Revocations' or NR3. The NR3 contains information relating to any refusal to grant, or revocation of, a taxi or private hire driver's licence. This information is important in the context of a subsequent application to another authority for a drivers' licence by a person who has had their licence refused or revoked in the past. Leeds City Council has signed up to use NR3. This means that when an application for a taxi drivers' licence is refused, or when an existing taxi or private hire driver's licence is revoked, that information will be placed upon the register.

2.0 Scope

- 2.1** This policy covers how Leeds City Council will use NR3 and how the Council will comply with data protection requirements.
- 2.2** In this policy, the 'first authority' refers to a licensing authority which made a specific entry onto the National Register of Refusals and Revocations; the 'second authority' refers to a licensing authority which is seeking more detailed information about the entry.

3.0 Overarching Principles

- 3.1** When an application for a new drivers' licence, or renewal of an existing drivers' licence is received, Leeds City Council will search the NR3. The search will only be made by an officer who has been trained in the use of the NR3 and who is acting in accordance with this policy. If details are found that appear to relate to the applicant, a request will be made to the authority that entered that information for further details.
- 3.2** Any information that is received from any other authority in relation to an application will only be used in relation to that application, and the determination of it, and will not be used for any other purpose. Any such data that is received (referred to below as "relevant data") will only be kept for as long as is necessary in relation to the final determination of that application. This will include the period of time processing that application, making a decision, notifying the applicant of the outcome of that decision, and any appeal processes. Subject to paragraph 3.3 below, relevant data will be kept for a period of no more than 35 days from the date of the service of the written notification of the determination of the application.
- 3.3** In the event of an appeal in respect of the determination of an application being made to the Courts within the requisite period, the relevant data will be retained for 35 days following the final disposal of all appeal proceedings

- 3.4** The data will be held securely in accordance with Leeds City Council's general policy on the secure retention of personal data. At the end of the retention period, the data will be erased and/or destroyed in accordance with Leeds City Council's Data Protection policy at: <https://www.leeds.gov.uk/docs/DataProtection.pdf>

4.0 Adding details of a refusal or revocation

- 4.1** NR3 is a mechanism for licensing authorities to share details of individuals who have had a hackney carriage or private hire vehicle driver's licence revoked, or an application for one refused. This is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the licensing authority – Leeds City Council – that is, assessing whether an individual is a fit and proper person to hold a hackney carriage or private hire vehicle driver's licence.

- 4.2** Where an application for a licence is refused, or an existing licence is revoked, Leeds City Council will record this decision on NR3. The information recorded on NR3 will be limited to an individual's:

- name;
- date of birth;
- address and contact details;
- national insurance details;
- driving licence number;
- decision taken;
- date of decision; and
- date decision effective.

- 4.3** Data is held on the NR3 register for a period of 25 years, in line with the national NR3 guidance.

5.0 Checking the NR3 register as part of the application and renewal process

- 5.1** When an application is made to Leeds City Council for the grant of a new, or renewal of, a taxi driver's licence, Leeds City Council will carry out a search on the NR3 register.

- 5.2** Leeds City Council will then retain a clear written record of every search that is made of the register. This will detail:

- the date of the search;
- the name or names searched;

- the reason for the search (new application or renewal);
- the results of the search; and
- the use made of the results of the search (this information will be entered to the register at a later date).

5.3 This record will not be combined with any other records (i.e. combined with a register of licences granted) and will be retained for the retention period of 25 years.

5.4 If Leeds City Council discovers any match (i.e. there is an entry in the register for the same name and identifying details) a request will be made to the authority that entered those details (the first authority) for further information about that entry. That request will also include details of Leeds City Council's data protection policy in relation to the use of any data that is obtained as a result of this process.

5.5 This request will be made in writing in accordance with the form at **Appendix 1** of this policy. It will be posted or emailed to the contact address of the authority that entered those details (the first authority) which will be detailed in the register.

6.0 Responding to a request made for further information regarding an entry on NR3

6.1 When Leeds City Council receives a request for further information from another authority a clear written record will be made of the request having been received. This record will not be combined with any other records (i.e. combined with a register of licences granted) and will be retained for the retention period of 25 years.

6.2 Leeds City Council will then determine how to respond to the request. The council will not simply provide information as an automatic response to every request.

6.3 Leeds City Council will conduct a Data Protection Impact Assessment. This will consider how the other authority (the second authority) will use the data, how it will store that data to prevent unauthorised disclosure, the retention period for that data, and the mechanism for erasure or destruction of the data at the end of that period. It is expected that if the second authority has adopted a policy similar to this, that should be a reasonably straightforward process.

6.4 If Leeds City Council is satisfied that the other authority's (the 2nd authority) data protection procedures are satisfactory, consideration will then be given as to what information will be disclosed. This will be determined by an officer who has been trained to discharge this function. Any disclosure must be considered and proportionate, taking into account the data subject's rights and the position and responsibilities of a taxi driver. Data is held on the NR3 register for a period of 25 years, but Leeds City Council (the 1st authority) will not disclose information relating to every entry. Each application will be considered on its own merits.

6.5 Leeds City Council will disclose information relating to a revocation or refusal to

grant a driver's licence in accordance with the timescales contained within Leeds City Council's Data Protection policy. Where the reason for refusal to grant or revocation relates to a conviction which is within the timescales determined in the council's Suitability and Convictions Policy, the information will be disclosed. Where the reason for refusal to grant or revocation relates to a conviction which is outside the timescales determined in the Suitability and Convictions Policy, the information will not usually be disclosed. However, in every case, consideration will be given to the full circumstances of the decision, and there may be occasions where information is provided other than in accordance with this policy.

- 6.6 Any information about convictions will be shared in accordance with this policy under schedule 1, part 2, paragraphs 11 and 12 of the Data Protection Act (DPA) 2018; that is:

"Protecting the public against dishonesty etc.

11 (1) This condition is met if the processing—

- (a) is necessary for the exercise of a protective function,**
- (b) must be carried out without the consent of the data subject so as not to prejudice the exercise of that function, and**
- (c) is necessary for reasons of substantial public interest.**

(2) In this paragraph, "protective function" means a function which is intended to protect members of the public against—

- (a) dishonesty, malpractice or other seriously improper conduct,**
- (b) unfitness or incompetence,**
- (c) mismanagement in the administration of a body or association, or**
- (d) failures in services provided by a body or association.**

Regulatory requirements relating to unlawful acts and dishonesty etc.

12 (1) This condition is met if—

- (a) the processing is necessary for the purposes of complying with, or assisting other persons to comply with, a regulatory requirement which involves a person taking steps to establish whether another person has—**
 - (i) committed an unlawful act, or**
 - (ii) been involved in dishonesty, malpractice or other seriously improper conduct,**
- (b) in the circumstances, the controller cannot reasonably be expected to obtain the consent of the data subject to the processing, and**

(c) the processing is necessary for reasons of substantial public interest.

(2) In this paragraph—

“act” includes a failure to act;

“regulatory requirement” means—

- (a) a requirement imposed by legislation or by a person in exercise of a function conferred by legislation, or**
- (b) a requirement forming part of generally accepted principles of good practice relating to a type of body or an activity.”**

6.7 The officer will record what action was taken and why Leeds City Council will make and then retain a clear written record of every decision that is made as a result of a request from another authority. This will detail:

- the date the request was received;
- how the data protection impact assessment was conducted and its conclusions;
- the name or names searched;
- whether any information was provided;
- if information was provided, why it was provided (and details of any further advice obtained before the decision was made);
- if information was not provided, why it was not provided (and details of any further advice obtained before the decision was made); and
- how and when the decision (and any information) was communicated to the requesting authority.

This record will not be combined with any other records and will be retained for the retention period of 25 years.

7.0 Using any information obtained as a result of a request to another authority

7.1 When Leeds City Council receives information as a result of a request that has been made to another authority, it will take that information into account when determining the application for the grant or renewal of a taxi drivers' licence. This will be in accordance with the usual process for determining applications.

7.2 Leeds City Council will make and then retain a clear written record of the use that is made of the results of the search (this information will be added to the register detailed above). Information that is received may warrant significant weight being attached to it, but it will not be the sole basis for any decision that Leeds City Council will make in relation to the application.

APPENDIX 1



Address: 225 York Road, Leeds, LS9 7RY

Email: taxiprivatehire.licensing@leeds.gov.uk

Tel: 0113 3781570

Information Disclosure Form

This form is submitted following a search of the National Register of Refusals and Revocations (NR3).

This information is requested under schedule 1, part 2, paragraphs 11 & 12 of the Data Protection Act (DPA) 2018.

(For completion by requestor authority)

Have you included a copy of Leeds City Council's Policy for the use of the National Taxi Database with this disclosure request? Yes ☐

Name of licensing authority requesting information	
Requestor authority reference number	
Name of licensing authority from which information is sought	Leeds City Council

Name of individual in respect of whom the request is made	
Decision in respect of which the request is made	☐ Refusal ☐ Revocation

Other details for this record	
Address	
Driving licence number	
NI number	
Reference number	

Declaration by requesting authority:

The authority hereby confirms that this information is being sought in connection with the exercising of its statutory function to ensure that holders of taxi / private hire driver licences are fit and proper persons, and that the processing of this data is therefore necessary in the performance of a task carried out in the public interest.

The information provided below will only be processed, used and saved by the authority in connection with this particular application and in accordance with all relevant data and privacy requirements, as previously advised by the authority to applicants for and existing holders of taxi and private hire driver licences, and will be retained in accordance with the Authority’s retention policy relating to the provision of such information.

To enable the authority to conduct a data protection impact assessment, details of Leeds City Council’s policy in relation to the use of information obtained as a result of this request is attached to this document.

Signed: Name:

.....

Position: Date:

.....

(For completion by providing authority)

Further information to support the decision recorded on NR3 in respect of the above named individual

Declaration by providing authority:

The authority hereby confirms that it has conducted a data protection impact assessment.

It also confirms that the information above is accurate, and has been provided after thorough consideration by the authority as to the proportionality and lawfulness of making this disclosure. The information reflects the basis on which the decision recorded in the National Register of Refusals and Revocations was made. In the event that the authority becomes aware that this information is no longer accurate, we will advise the above named authority accordingly.

The authority also confirms that, as part of the basis for securing, retaining or applying for a taxi / private hire driver licence, the above named individual has been made aware of to the fact that this information will be shared, in accordance with all relevant data and privacy requirements

Signed: Name:

.....

Position: Date:

.....

This page is intentionally left blank

Equality, Diversity, Cohesion and Integration Screening



As a public authority we need to ensure that all our strategies, policies, service and functions, both current and proposed have given proper consideration to equality, diversity, cohesion and integration.

A **screening** process can help judge relevance and provides a record of both the **process** and **decision**. Screening should be a short, sharp exercise that determines relevance for all new and revised strategies, policies, services and functions. Completed at the earliest opportunity it will help to determine:

- the relevance of proposals and decisions to equality, diversity, cohesion and integration.
- whether or not equality, diversity, cohesion and integration is being or has already been considered, and
- whether or not it is necessary to carry out an impact assessment.

Directorate: Communities & Environment	Service area: Taxi & Private Hire Licensing
Lead person: Andrew White	Contact number: 3781562

1. Title: Equality Impact Assessment of use of the national database of refused and revoked private hire and hackney carriage drivers (NR3)

Is this a:

☒ **Strategy / Policy** ☒ **Service / Function** ☐ **Other**

If other, please specify

2. Please provide a brief description of what you are screening

We are screening the equality impact assessment of a proposed change in

**Recording revoked and refused driver details on the NR3 database
Responding to contact from local authorities who have concerns about
drivers on the NR3 database previously revoked or refused by Leeds City
Council
Checking the NR3 database for applicants and licence holders in Leeds.**

3. Relevance to equality, diversity, cohesion and integration

All the council's strategies and policies, service and functions affect service users, employees or the wider community – city wide or more local. These will also have a greater or lesser relevance to equality, diversity, cohesion and integration.

The following questions will help you to identify how relevant your proposals are.

When considering these questions think about age, carers, disability, gender reassignment, race, religion or belief, sex, sexual orientation. Also those areas that impact on or relate to equality: tackling poverty and improving health and well-being.

Questions	Yes	No
Is there an existing or likely differential impact for the different equality characteristics?	x	
Have there been or likely to be any public concerns about the policy or proposal?	x	
Could the proposal affect how our services, commissioning or procurement activities are organised, provided, located and by whom?	x	
Could the proposal affect our workforce or employment	x	

practices?		
Does the proposal involve or will it have an impact on • Eliminating unlawful discrimination, victimisation and harassment • Advancing equality of opportunity • Fostering good relations		x

If you have answered **no** to the questions above please complete **sections 6 and 7**

If you have answered **yes** to any of the above and;

- Believe you have already considered the impact on equality, diversity, cohesion and integration within your proposal please go to **section 4**.
- Are not already considering the impact on equality, diversity, cohesion and integration within your proposal please go to **section 5**.

4. Considering the impact on equality, diversity, cohesion and integration
If you can demonstrate you have considered how your proposals impact on equality, diversity, cohesion and integration you have carried out an impact assessment. Please provide specific details for all three areas below (use the prompts for guidance). • How have you considered equality, diversity, cohesion and integration? (think about the scope of the proposal, who is likely to be affected, equality related information, gaps in information and plans to address, consultation and engagement activities (taken place or planned) with those likely to be affected). a) The proposals aim to revise the council's approach to how Leeds drivers which have been previously refused or revoked will be recorded. If implemented, the policy would enable Leeds City Council to record on a national NR3 database details of the drivers it has refused or revoked. This would enable another licensing authority to check details of

an applicant or licence holder, and contact Leeds for more information.

- b) The proposals aim to revise how the council would respond to requests from other authorities

If implemented, the policy would set out how Leeds would reply to requests from other authorities.

- c) The proposals aim to revise how Leeds would check NR3 database for applicants disclosing they had previously been refused or revoked

If implemented, the policy would set out how the council would use the NR3 system to check driver details, and make follow up contact with other licensing authorities.

However, there are two aspects which would need to be taken into account:

- i) The impact on the Leeds taxi and private hire trade;
- ii) The impact on people who use taxi and private hire vehicles.

- i) Leeds taxi and private hire drivers have a profile which has higher percentages of the following:

Men (98.5%)

People from a BME background (79%)

People from a Muslim faith (72%)

Median salary of taxi or private hire driver is £18,545 or £8.04 per hour (www.payscale.com)

(Based on Leeds survey of 1637 drivers in 2014)

- ii) Nationally, there is evidence to suggest that the following people are more likely to use taxi and private hire vehicles:

Women. In 2016, on average, women made more taxi or PHV trips than men (12 trips per person vs. 9 trips per person). This remains true for women of all ages above 16 years old.

(DfT 2017)

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/642759/taxi-private-hire-vehicles-2017.pdf

Disabled people and people with mobility difficulties. In 2015, the latest data available on mobility, on average, adults (16+) with mobility difficulties use taxis or PHVs more than people who do not (16 trips per person vs. 10 trips per person). These figures have remained broadly stable since 2010.

Taxi or PHV usage makes up 3% of all their trips, compared to just 1% for those without mobility difficulties. These figures have remained broadly stable since 2010.

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/642759/taxi-private-hire-vehicles-2017.pdf

- **Key findings**

(think about any potential positive and negative impact on different equality characteristics, potential to promote strong and positive relationships between groups, potential to bring groups/communities into increased contact with each other, perception that the proposal could benefit one group at the expense of another)

- a) The proposed changes in use of the NR3 would not have a major impact on Leeds drivers, as the new approach represents a smaller change in Leeds than it does for neighbouring authorities.
- i) License holders in Leeds are disproportionately male, of a BME background and Muslim, and therefore it is likely that a change in driver background checks will impact on them disproportionately.

However, it is likely that the change in use of NR3 in Leeds will not have a significant impact, as the majority of the background checks are already delivered, although in a different way.

- ii) Passengers are likely to be disproportionately female, and wheelchair users, or with some other mobility difficulty.

The proposed check of NR3 provides a further check on the background of applicants, which will help Leeds make good licensing decisions. The good licensing decisions will be of benefit to all passengers, and will benefit disabled passengers and those passengers using guide or assistance dogs.

- **Actions**

(think about how you will promote positive impact and remove/ reduce negative impact)

The proposed change in background checks is not believed to be a major change for Leeds licensed drivers.

5. If you are not already considering the impact on equality, diversity, cohesion and integration you will need to carry out an impact assessment.	
Date to scope and plan your impact assessment:	
Date to complete your impact assessment	
Lead person for your impact assessment (Include name and job title)	

6. Governance, ownership and approval		
Please state here who has approved the actions and outcomes of the screening		
Name	Job title	Date
Andrew White	Taxi & Private Hire Licensing	12/09/2019
Date screening completed		12/09/2019

7. Publishing

Though **all** key decisions are required to give due regard to equality the council **only** publishes those related to **Executive Board, Full Council, Key Delegated Decisions** or a **Significant Operational Decision**.

A copy of this equality screening should be attached as an appendix to the decision making report:

- Governance Services will publish those relating to Executive Board and Full Council.
- The appropriate directorate will publish those relating to Delegated Decisions and Significant Operational Decisions.
- A copy of all other equality screenings that are not to be published should be sent to equalityteam@leeds.gov.uk for record.

Complete the appropriate section below with the date the report and attached screening was sent:

For Executive Board or Full Council – sent to Governance Services	Date sent:
For Delegated Decisions or Significant Operational Decisions – sent to appropriate Directorate	Date sent:
All other decisions – sent to equalityteam@leeds.gov.uk	Date sent: 26/09/2019



Report author: Nicola Raper
Tel: 0113 2474095

Report of the Chief Officer, Elections and Regulatory

Report to Licensing Committee

Date: 8th October 2019

Subject: Policing and the Night Time Economy

Are specific electoral Wards affected? If relevant, name(s) of Ward(s):	☐ Yes	☒ No
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

Summary of main issues

The Committee will receive a presentation from officers of West Yorkshire Police on issues relating to policing and the night time economy in Leeds pertinent to the work of the Licensing Committee and its' Sub Committees

Recommendations

1. The Committee is requested to consider and discuss the information presented by West Yorkshire Police as appropriate.

1 Purpose of this report

- 1.1 This report is submitted by means of introduction to a presentation from officers of West Yorkshire Police on issues relating to policing and the night time economy in Leeds pertinent to the work of the Licensing Committee and its' Sub Committees. Sergeant Martin Mynard will attend the meeting
- 2.1 The Committee is requested to note that Members may be provided with information that is not normally in the public arena such as information set out in the Council's Access to Information Procedure Rules, namely 10.4.1 information relating to an individual;

10.4.3. information relating to the financial or business affairs of any particular person;

10.4.7 information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

In that event Members would be asked to consider under the Access to Information Procedure Rules if in all the circumstances of the case the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

2 Background information

The Committee has previously received presentations from West Yorkshire Police on a six monthly basis and discussed issues relating to the Review hearing system, the use of the Matrix system and the City Centre Cumulative Impact Area and partnership working with licensees

3 Recommendations

- 3.1 The Committee is asked to receive the presentation from West Yorkshire Police and consider and discuss the contents as appropriate

4 Background Documents¹

None

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.

LICENSING COMMITTEE WORK PROGRAMME 2018/19 - LAST UPDATED 26/09/19 (JG)

ITEM	DESCRIPTION	Officer	TYPE OF ITEM
Meeting date: 8th October 2019			
The Victoria Gate Casino - Schedule 9 Agreement - Social Inclusion Funding and the new Northern Gambling Clinic	To consider a report by the Chief Officer Elections and Regulatory which provides details of the benefits to the Council associated with the Schedule 9 Agreement: Social Inclusion Funding and the new Northern Gambling Clinic	N Raper	B
Policing and the Night Time Economy	To receive a presentation from Sergeant Martin Mynard, West Yorkshire Police on the issues of "Policing and the Night Time Economy"	M Mynard	B
Taxi and Private Hire Licensing - Policy for Using Database of Refused and Revoked Taxi and Private Hire Drivers	To consider a report by the Chief Officer, Elections and Regulatory which seeks the approval of the Committee for a new policy for Taxi & Private Hire Licensing to use the national database.	A White	DP
Meeting date: 5th November 2019			

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 26/09/19 (JG)

ITEM	DESCRIPTION	Officer	TYPE OF ITEM
Meeting date: 10th December 2019			
Draft Report of the findings of the CCTV Working Group	To consider a report by the Chief Officer Elections and Regulatory which sets put the initial findings of the CCTV Working Group and the plan for consultation	A White	DP
Debrief Report following the Ed Sheeran event at Roundhay	To consider a report by the Chief Officer Elections and Regulatory which provides a de-brief following the Ed Sheeran event at Roundhay Park in August 2019.	N Raper	B
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 26/09/19 (JG)

ITEM	DESCRIPTION	Officer	TYPE OF ITEM
Annual Licensing Report	To consider a report by the Chief Officer, Elections and Regulatory which present the Annual Licensing Report for 2019	N Raper/ A White	PM
Meeting date: 7th April 2020			

This page is intentionally left blank