
LICENSING COMMITTEE

MEETING TO BE HELD IN CIVIC HALL, LEEDS ON

TUESDAY, 28TH JANUARY, 2020 AT 10.00 AM

MEMBERSHIP

N Buckley	-	Alwoodley;
R Downes	-	Otley and Yeadon;
B Flynn	-	Adel and Wharfedale;
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;
L Richards	-	Wetherby

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 previous meeting held on 3 rd December 2019. (Copy attached)	7 - 12
7			MATTERS ARISING FROM THE MINUTES To consider any Matter Arising from the minutes.	
8	Hunslet and Riverside; Little London and Woodhouse		2019 REVIEW OF THE CITY CENTRE CUMULATIVE IMPACT POLICY AREAS To consider a report by the Chief Officer, Elections and Regulatory which presents the Annual Review of the City Centre Areas covered by the Cumulative Impact Policy (CIP). (Report attached)	13 - 50

Item No	Ward/Equal Opportunities	Item Not Open		Page No
9			TAXI & PRIVATE HIRE LICENSING - PROPOSED WORKING GROUP ON PRIVATE HIRE OPERATORS, RIDE HAILING APPS AND CROSS BORDER WORKING To consider a report by the Chief Officer, Elections and Regulatory which seeks Members support for the establishment of a Working Group to review private hire operator, ride hailing apps and cross border working. The report outlines for the terms of reference for a working group, identifying the key issues, options and implications which need to be considered, and the different groups of stakeholders or advisers who can provide input to the working group. (Report attached)	51 - 88
10			LICENSING COMMITTEE WORK PROGRAMME To note and approve the contents of the Licensing Committee Work Programme for 2020. (Report attached)	89 - 90
11			DATE AND TIME OF NEXT MEETING To note that the next meeting will take place on Tuesday, 3rd March 2020 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, 3rd December, 2019

PRESENT: Councillor B Garner in the Chair

Councillors R Downes, B Flynn,
A Garthwaite, P Drinkwater, C Knight,
A Hutchison, P Latty, J Lennox,
A Marshall-Katung, A Wenham and
P Wray

69 Appeals Against Refusal of Inspection of Documents

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

70 Exempt Information - Possible Exclusion of the Press and Public

RESOLVED – That, in accordance with Regulation 4 of The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, the public be excluded from the meeting during consideration of the following parts of the agenda designated as exempt from publication 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 public were present there would be disclosure to them of exempt information so designated as follows:-

- (a) Agenda Item No.9, Premises Licence – Licensing Act 2003, Roundhay Park, Princess Avenue, Roundhay, Leeds – August 2019 – The Committee heard evidence from the Safety Advisory Group to the event which was designated as exempt under Access to Information Procedure Rules 10.4 (3) because it contained information relating to the financial or business affairs of any particular person.
- (b) Agenda Item 10 – Premises Licence – Licensing Act 2003, Leeds Festival event - The Committee heard evidence from the Festival Organiser and the Safety Advisory Group to the event which was designated as exempt under Access to Information Procedure Rules 10.4 (3) because it contained information relating to the financial or business affairs of any particular person.

71 Late Items

There were no late items identified.

72 Declaration of Disclosable Pecuniary Interests

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

73 Apologies for Absence

Draft minutes to be approved at the meeting
to be held on Tuesday, 28th January, 2020

Apologies for absence were received for Councillors: H Bithell and N Buckley.

74 Minutes of the Previous Meeting

RESOLVED – That the minutes of the previous meetings held on 5th November 2019, were accepted as a true and correct record.

75 Matters Arising from the Minutes

Taxi and Private Hire Licensing – Cross Border Working and Responses (Minutes No.65 referred) - The Taxi and Private Hire Licensing Manager suggested that following discussion at the last meeting on cross border working and a possible review of the operating conditions, it may be appropriate to establish a Working Group to review Private Hire Operator conditions, including operators who are licensed in Leeds and in other licensing authorities. It was further suggested that the review should also include operating conditions for the use of “hailing apps” and an explanation as to how hailing apps work.

RESOLVED – That a report be prepared for the next meeting which seeks the establishment of a Working Group to review Private Hire Operator conditions, the report to also include the Terms of Reference of the Working Group.

76 Taxi and Private Hire Licensing - Results of CCTV Working Group

The Chief Officer, Elections and Regulatory submitted a report which provided a summary of the findings of the recent CCTV working group, the likely content of a CCTV policy and the areas where further consultation with the trade, general public and neighbouring authorities was required.

Addressing the report the Taxi and Private Hire Licensing Manager explained that a CCTV working group had been established in August 2019. The group met on four occasions throughout September to November considering a range of issues to develop and implement a new CCTV policy for taxi and private hire vehicles in Leeds. The main issues of discussion included:

- Aims and objectives of CCTV in taxi and private hire vehicles;
- Passenger and driver safety priorities and perceptions;
- Privacy concerns and compliance requirements; and
- CCTV policy, specifications, and practical concerns

Members queried the length of time CCTV footage would be retained before being deleted.

In responding the Taxi and Private Hire Licensing Manager suggested that 31 calendar days was considered to be the appropriate amount of time.

In the discussion that followed, some Members expressed a preference for 31 active days, suggesting that many drivers operated on a part time basis.

On the issue of privacy, Members queried if the CCTV system could be switched off when the vehicle was not being used as a taxi.

Members were informed that National Guidance advised that CCTV systems must be capable of being turned off.

In respect of consultation, Members queried if the Information Commissioner's Office had been consulted.

Members were informed that the draft policy had been shared with LCC's Information Management Team but not with the Information Commissioner's Office, but there was no reason why the draft policy could not be circulated further.

Reference was made to the mandatory CCTV policy in operation in Rotherham with Members querying the background to this.

It was confirmed that the CCTV policy in Rotherham was mandatory, it was explained that Rotherham Council had put forward a special case for adopting a mandatory policy citing "extreme circumstances". Other authorities were pursuing a strong voluntary code in the first instance, although a mandatory system had at one point been proposed by local authorities in Greater Manchester.

Members asked if it was worthwhile considering a mandatory CCTV policy for Leeds given there had been allegations of rape/ assault having taking place in taxis.

With reference to National Guidance the Taxi and Private Hire Licensing Manager said the proposal was to pursue a voluntary code first. Allegations of rape/ assault would continue to be pursued when reported to authorities.

The Chair sought details of the potential costs of CCTV systems and the impact on LCC resources.

Members were informed that the cost of a CCTV system (cameras, audio controls and a hard drive) was in the region of £500. The Council currently offer funding up to 50% of the costs but funding was limited. In terms of impact on LCC resources, it was suggested that if there was a large take up of CCTV use by the trade, the implications may be substantial with up to two full time officers being taken away from existing duties to view CCTV footage in the event of complaints.

The Taxi and Private Hire Licensing Manager said it may be appropriate in the near future for officers from Taxi and Private Hire Licensing to meet with Safer Leeds to discuss common interests in terms of: viewing CCTV footage, maintenance of cameras and repairs.

In drawing the discussion to a conclusion the Chair thanked Councillors: Bithell, Marshall – Katung and Wray for their participation in the CCTV Working Group. He

Draft minutes to be approved at the meeting
to be held on Tuesday, 28th January, 2020

suggested that Members appeared to be generally supportive of the use of CCTV in taxi and private hire vehicles, However, there needs to be clear guidance and safeguards about how CCTV should be used.

RESOLVED –

- (i) That the contents of the report be noted
- (ii) That the Draft Policy on the use of CCTV in Taxi and Private Hire Vehicles be released for public consultation

(Prior to discussion of the following item, Councillor A Wenham vacated the meeting)

77 Premises Licence - Licensing Act 2003, Roundhay Park, Princess Avenue, Roundhay, Leeds - August 2019

The Chair introduced and welcomed Dave Morgan, Carnival and Events Manager, Rebecca Meers, Assistant Carnival and Event Manager, Parks and Countryside Service and Leanne Cummins a representative of the Safety Advisory Group (SAG)

The Chief Officer, Elections and Regulatory submitted a report which provided details of an event which took place at Roundhay Park, on the 16th & 17th August 2019.

The Principal Licensing Officer presented the report explaining that although the premises licence was held by Leeds City Council Parks & Countryside Service, the promoter for the 2 day concert was Kilimanjaro Ltd.

Members were informed that the multi-agency meetings via the Safety Advisory Group were convened on the lead up to the event, including a table - top exercise, a final site visit took place on Thursday 15th August.

Members noted that the stairway to Hill 60 had received attention with extensive repair works carried out, satisfying responsible authority concerns.

Following the conclusion of the concerts all agency feedback was collated by the Safety Advisory Group to produce an action log which would be used in planning future events on a similar scale.

(At this point in the discussion, the meeting moved into closed session to hear from the premises licence holder and the representative of the Safety Advisory Group.

The Chair thanked the event organisers for their attendance and contributions.

RESOLVED – To note the information provided by Parks & Countryside, on behalf of LCC, the premises licence holder and the representative of the Safety Advisory Group, together with the details of the action log following the 2019 concerts.

78 Premises Licence - Licensing Act 2003, Leeds Festival 2019

The Chair introduced and welcomed Melvin Benn of Festival Republic, the event organiser and Leanne Cummins a representative of the Safety Advisory Group (SAG).

The Chief Officer, Elections and Regulatory submitted a report which provided details of Leeds Festival 2019 which took place within the grounds of Bramham Park over the August Bank Holiday weekend.

The Principal Licensing Officer presented the report explaining that multi agency meetings via the Safety Advisory Group were convened on a regular basis in the lead up to the Festival, including a table - top exercise. On-site multi agency meetings also continued throughout the period of the event.

Following the conclusion of the event all agency feedback was collated by the Safety Advisory Group to produce an action log which would be used in planning the 2020 Festival.

Members were also made aware that a post - event meeting had taken place with the Ward Members for Wetherby and Harewood.

(At this point in the discussion, the meeting moved into closed session to hear from the event organiser and the representative of the Safety Advisory Group.

The Chair thanked the event organisers for their attendance and contributions.

RESOLVED – To note the information provided by the event organiser and the representative of the Safety Advisory Group, together with the details of the action log following the 2019 Festival.

79 Licensing Committee Work Programme

Members considered the ongoing Work Programme for 2020.

Following discussion at today's meeting, it was agreed that a report "Taxi and Private Hire Licensing – Review of Private Hire Operator Conditions", the report to also include the Terms of Reference of the Working Group, be submitted to the January meeting of this Committee.

RESOLVED – That with the addition of the above, the Licensing Committee Work Programme be approved

80 Date and Time of Next Meeting

RESOLVED - That the next meeting of the Committee be arranged for Tuesday, 28th January 2020 at 10.00am in the Civic Hall, Leeds.

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Report of Chief Officer Elections and Regulatory

Report to Licensing Committee

Date: 28th January 2020

Subject: 2019 Review of the City Centre Cumulative Impact Policy Areas

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 areas covered by the cumulative impact policy (CIP), which forms part of the Statement of Licensing Policy, to enable these areas to be reviewed annually.
3. This report provides details of this year's review of the city centre area covered by the cumulative impact policy.

Recommendations

4. That Licensing Committee review the information provided in this report, the police statistical report for 2019 and endorse a new cumulative impact assessment for the city centre for 2020.

1 Purpose of this report

- 1.1 To present to Licensing Committee the annual review of the city centre areas covered by the CIP.

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 changed the length of the lifetime of a policy from three to five years. This necessitated a different approach to the city centre cumulative impact area which, due to the dynamic nature of the night time economy, would need to be reviewed more frequently than every 5 years.
- 2.3 In April 2018 the Government introduced cumulative impact assessments into the Licensing Act 2003 providing a legal framework under which cumulative impact policies are developed and reviewed. A cumulative impact assessment was completed and published in 2018, with the view that the city centre would be reviewed each year to ensure that the statistics remained up to date.

3 Main issues

- 3.1 The current Licensing Act 2003 Statement of Licensing Policy 2019 to 2024 was adopted by full Council in November 2018 and came into effect on 15th January 2019. At the same time as reviewing the Statement of Licensing Policy, the council undertook a cumulative impact assessment under Section 4D of the Licensing Act 2003 which was published in November 2018 and is reviewed every three years according to the legislation.
- 3.2 The Statement of Licensing Policy includes a section on cumulative impact which provides detail on the five areas that have been identified in the council's cumulative impact assessment. The policy specifies that a separate cumulative impact assessment on the city centre would be undertaken each year to reflect the dynamic nature of the night time economy in the city centre. The city centre 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 section in the policy would remain the same to avoid the need to review the entire policy each year. The assessment is scheduled for the latter part of the year so that it can take effect in January.
- 3.3 Officers from Entertainment Licensing issued a call for evidence from the Responsible Authorities and other partners through the Licensing Enforcement Group.
- 3.4 Officers met with West Yorkshire Police who provided crime statistics for the preceding 12 months which is attached at **appendix 1** and referred to as the Police Report in this report.

- 3.5 From this information no amendment to the overall city centre CIP boundaries is recommended, and no amendment to the Call Lane/Duncan Street/Briggate boundary. However there has been a year on year reduction in crime on Albion Street which would indicate that this area should no longer be part of the upper red zone. The recommendation is to reduce this red area accordingly.

Current red zone



Proposed red zone



- 3.6 This may encourage reinvestment in this area. The area will form part of the annual review and the red zone could be reinstated should crime levels rise once again. The new guidance document is attached at **appendix 2**.
- 3.7 Briefly, the evidence shows that crime on Briggate has stabilised, however crime on Call Lane has increased by 9%. This is predominantly in the night time economy.
- 3.8 Albion Street crime has dropped by 17%. Only two premises now operate on the part of Albion Street in the red zone, McDonalds and Turtle Bay. The drop in crime could be related to the closure of three large night time economy premises.
- 3.9 It appears crime has increased on The Headrow by 26%, but this is a long street with an active daytime economy, with large retail stores and transport links. There are relatively few crimes recorded in the evening and night time.
- 3.10 The Council continues to receive applications within the Call Lane/Lower Briggate/Duncan Street area. 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.
- 3.11 The Call Lane/Briggate/Duncan Street red zone remains the predominant crime hot spot area. The peak time for offending is 23:00 to 04:00.
- 3.12 The conclusion to this year's city centre cumulative impact assessment states that the red area in the lower part of the city be maintained without change. However the closure of three large premises in Albion Street has led to an area that is no longer predominantly in the night time economy. As such it is not appropriate to include it in the red area in the upper part of the city.

- 3.13 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. Part of this work is providing training on safeguarding, drugs, alcohol and vulnerability.
- 3.14 A review of a premises on Call Lane that had become associated with serious crime and serious disorder has led to the closure of that premises. Operators in this area are reporting that the area feels safer and it is hoped that this will be reflected in the crime statistics when they are reviewed at the end of 2020. In the meantime, West Yorkshire Police and the licensing authority will continue to work with and support businesses in that area to reduce alcohol related violent crime. Part of this work will be to concentrate on applications for activities during the peak hours in all the red areas. Applications received for activities outside of peak hours will be encouraged especially those that include a daytime element or types of business that do not have alcohol consumption as their focus.
- 3.15 Additionally, the Licensing Authority is aware that there is a view that specifying areas as cumulative impact areas, and rigidly refusing all applications leads to stagnation in the area. However by concentrating on peak times, and by encouraging other types of business, it is hoped that the red areas can evolve and change with market forces and move beyond the high volume drinking establishments associated with alcohol related disorder and crime perpetrated on customers who are vulnerable due to excessive alcohol consumption.
- 3.16 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.
- 3.17 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 consider this as an option.

4 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.1 Under the new requirements under the legislation a public consultation exercise was undertaken between 25th November and 15th December. This comprised of an email and letter to all businesses in the city centre, licensing solicitors, business representatives, responsible authorities and other interested parties such as Leeds BID and BASIL, all ward members and Members of Parliament. The consultation was publicised at Pub Watch and the Licensing Enforcement Group. No relevant comments were received.

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 Climate Change

4.3.1 There are no implications for climate change.

4.4 Council Priorities and Best Council Plan

4.4.1 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.

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

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

4.5 Resources and value for money

4.5.1 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.

4.6 Legal Implications, Access to Information and Call In

4.6.1 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.

4.7 Risk Management

4.7.1 As previously stated the annual review of the city centre cumulative impact area ensures that the boundaries between the red and amber zones remain the most appropriate and that the impact on good operators is kept to a minimum whilst trying to address the crime and disorder hot spots.

5 Conclusions

5.1 The conclusion to this year's city centre cumulative impact assessment states that the red area in the lower part of the city be maintained without change. However the closure of three large premises in Albion Street has led to an area that is no longer predominantly in the night time economy. As such it is not appropriate to include it in the red area in the upper part of the city.

6 Recommendations

6.1 That Licensing Committee review the information provided in this report, the police statistical report for 2019 and endorse a new cumulative impact assessment for the city centre for 2020.

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.



WEST YORKSHIRE POLICE

Leeds City Centre CIP Report

Date Range: 1 September 2016 – 31 August 2019

Date Produced: October 2019

vProduced by the Leeds District Analytical Unit

Author	Leeds District Intelligence Unit, Safer Leeds
Date	Version 1.0 – 01/10/2019

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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

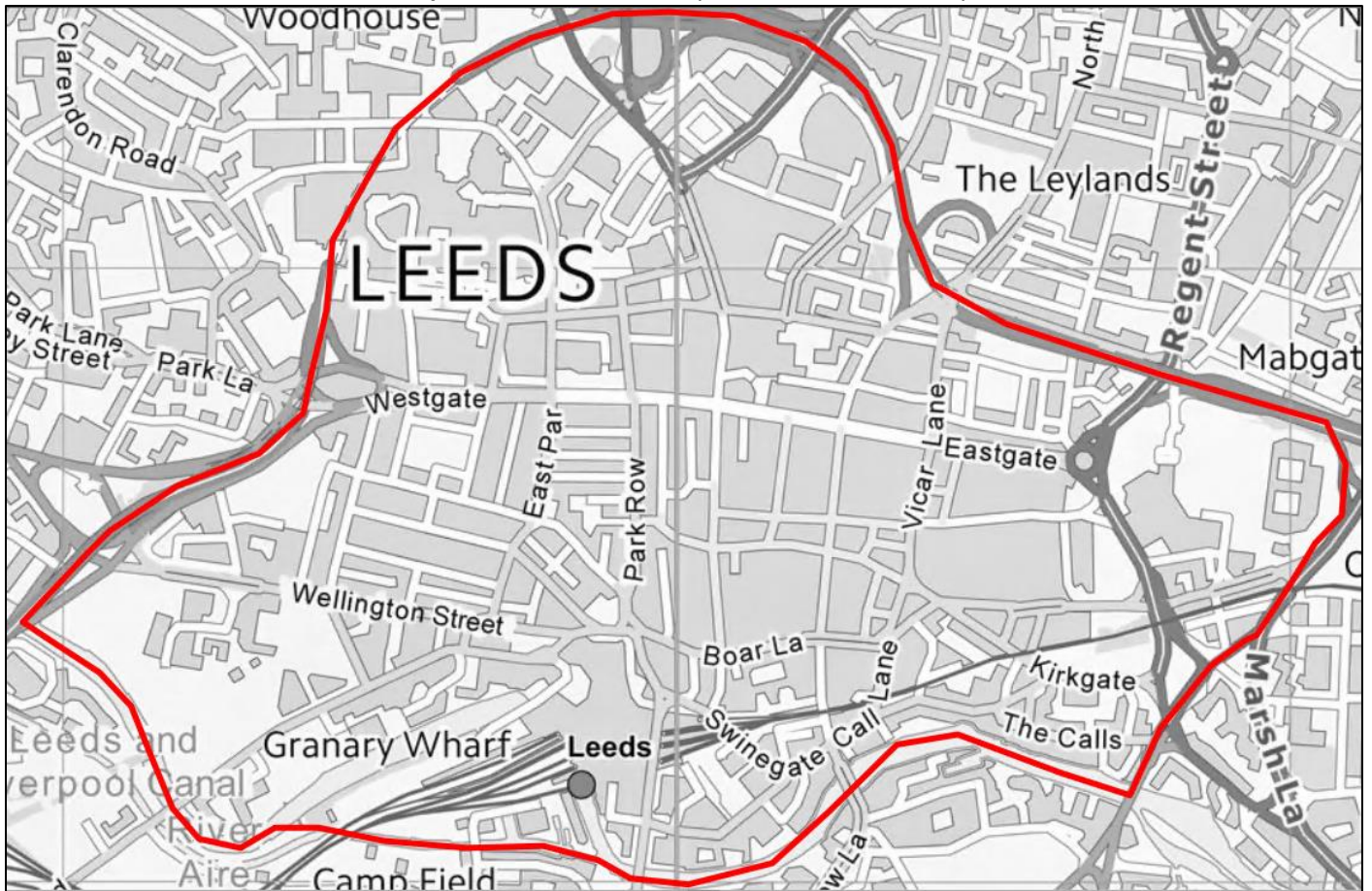
A Corvus search was used to extract the relevant crime and incidents in the subsequent analysis. The following general criteria were used:

- Date 1st Crimed: 1 September 2016.31 August 2019
- 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
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	
Robbery	
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

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:

- Theft offences have increased to levels previously seen in 2016/17.
- The continual increase of Public Order, Assault and Robbery.
- Public Order offences have more than doubled in the last 3 years.
- Briggate has remained the top street for offences throughout the previous three years though the level of offending has stabilised.
- Call Lane and The Headrow, although remaining at the top of the table have both seen an increase in offences.
- There has been a decrease in offending on Albion Street.

All data

Category / Period	Sep 16 to Aug 17	Sep 17 to Aug 18	Sep 18 to Aug 19	% Change 16/17 & 17/18	% Change 17/18 & 18/19
Assault	2162	2732	2798	26.4	2.4
Theft Other	1867	1574	1896	-15.7	20.5
Public Order	537	769	1099	43.2	42.9
Theft From Person	1609	1253	1277	-22.1	1.9
Other Violence	281	358	403	27.4	12.6
Robbery	196	280	330	42.9	17.9
Sexual	257	287	260	11.7	-9.4
Drunk & Disorderly	291	221	169	-24.1	-23.5
Affray	63	83	75	31.7	-9.6
Total	7263	7557	8307	4.0	9.9

Figure 1 shows the breakdown of occurrence type 01/09/2016 – 31/08/2019

Top Streets

Street Name	Sep 16 to Aug 17	Sep 17 to Aug 18	Sep 18 to Aug 19	% Change 17/18 & 18/19
Briggate	870	965	965	0.0
Call Lane	669	604	659	9.1
Albion Street	819	606	504	-16.8
The Headrow	335	335	423	26.3
Woodhouse Lane	350	368	389	5.7
Boar Lane	303	323	337	4.3
Great George Street	206	246	214	-13.0
Merrion Street	140	179	205	14.5
New York Street	179	175	203	16.0
Kirkgate	149	203	185	-8.9
Cookridge Street	140	126	156	23.8

Figure 2 shows the breakdown of top streets 01/09/2016 – 31/08/2019

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 during the period 2018/2019. 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 – 09:00 when compared to other periods during the day.
- Briggate tops the offence levels during night economy. 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 14:00 – 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	296	669	965	New Briggate	55	88	143
Call Lane	55	604	659	Park Row	74	59	133
Albion Street	328	176	504	Merrion Way	90	31	121
The Headrow	262	161	423	Duncan Street	12	87	99
Woodhouse Lane	60	329	389	Dyer Street	50	43	93
Boar Lane	131	206	337	Lands Lane	81	9	90
Great George Street	102	112	214	Hirsts Yard	2	85	87
Merrion Street	60	145	205	Calverley Street	49	26	75
New York Street	121	82	203	Greek Street	6	68	74
Kirkgate	127	58	185	Eastgate	37	36	73
Cookridge Street	26	130	156	George Street	57	15	72
Vicar Lane	78	68	146	York Street	42	17	59

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	36	40	30	42	49	45	85	76	92	94	69	47	29	9	6	12	11	17	20	27	33	27	32	37
Call Lane	12	6	19	14	26	61	85	104	111	119	35	24	4	0	0	0	2	1	1	4	3	8	9	11
Albion Street	23	11	12	13	14	16	23	25	23	22	14	3	1	5	3	11	13	21	24	36	50	57	44	40
The Headrow	24	25	22	30	22	18	11	5	11	10	7	0	2	6	7	7	12	13	29	26	35	34	37	30
Woodhouse Lane	7	3	5	7	21	39	70	68	61	40	13	2	1	3	0	4	1	4	6	7	4	6	12	5
Boar Lane	14	12	23	22	20	33	26	11	19	19	12	9	6	4	3	3	5	4	5	16	16	12	24	19
Great George Street	11	11	8	6	12	11	40	7	7	2	7	1	0	7	5	6	10	11	12	11	7	7	5	10
Merrion Street	11	14	6	9	7	9	21	26	17	26	8	2	0	1	1	0	1	3	6	11	8	2	3	13
New York Street	15	10	11	10	15	7	10	4	4	4	1	6	2	9	6	6	8	9	14	12	2	14	11	13
Kirkgate	3	3	6	6	7	7	8	7	4	5	4	1	0	2	5	4	13	17	14	11	14	15	22	7
Cookridge Street	3	11	11	11	8	5	31	26	18	6	3	0	1	1	2	0	0	3	2	2	4	4	1	3
Vicar Lane	7	6	3	9	8	6	15	5	5	5	4	2	0	2	3	8	7	2	5	8	6	8	13	9
New Briggate	9	8	6	5	12	12	16	5	9	8	5	2	1	0	0	1	3	3	2	3	5	4	12	12
Park Row	9	3	11	6	10	9	14	2	3	0	1	0	1	3	1	1	4	3	3	5	7	11	12	14
Merrion Way	5	6	5	1	5	0	10	4	0	0	0	0	1	1	1	4	4	8	10	10	9	8	17	12
Duncan Street	3	4	3	8	4	5	13	12	14	13	9	2	0	0	0	0	0	1	2	1	1	1	1	2
Dyer Street	6	3	7	7	4	3	6	2	1	1	6	3	0	2	5	0	4	6	2	5	3	5	8	4
Lands Lane	4	1	1	0	2	0	1	0	1	1	1	1	0	0	1	6	1	1	5	8	12	17	13	13
Hirsts Yard	0	0	2	0	2	2	11	13	17	22	16	0	0	1	0	0	0	0	1	0	0	0	0	0
Calverley Street	1	1	1	2	3	0	15	2	0	1	0	1	0	1	0	5	6	9	5	11	5	4	1	2
Greek Street	1	2	7	4	6	10	12	13	11	3	0	0	0	0	0	0	0	2	0	0	0	1	0	2
Eastgate	2	5	7	1	1	6	4	3	6	0	1	2	2	3	0	1	2	1	3	5	4	3	5	6
George Street	1	3	0	3	0	0	8	0	0	0	0	1	0	0	0	0	9	11	8	7	4	7	8	2
York Street	3	1	3	2	1	0	4	0	1	4	1	0	0	4	4	5	4	2	6	2	2	1	6	3

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 previously showed an increase but during 2018/19 has shown a small decrease.
- Youth nuisance has decreased in the previous 12 months.
- Headrow and Vicar Lane showed the largest increases in calls during 2018/19.

All Data

Nuisance Type	Sep 16 to Aug 17	Sep 17 to Aug 18	Sep 18 to Aug 19	% Change 16/17 & 17/18	% Change 17/18 & 18/19
Adult Nuisance - Non Alcohol	398	630	771	58.3	22.4
Alcohol	191	288	277	50.8	-3.8
Youth Related	88	196	168	122.7	-14.3
Littering/Drugs Paraphernalia	21	27	33	28.6	22.2
Nuisance Car/Van	12	17	28	41.7	64.7
Nuisance Motorcycle/Quad	15	13	24	-13.3	84.6
Neighbour Related	29	34	20	17.2	-41.2
Fireworks/Snowballing	15	11	20	-26.7	81.8
Traveller Related	2	1	4	-50.0	300.0
Total	771	1217	1345	57.8	10.5

Figure 5 shows the breakdown of nuisance type 01/09/2016 – 31/08/2019

Street Name	Sep 16 to Aug 17	Sep 17 to Aug 18	Sep 18 to Aug 19	% Change 17/18 & 18/19
Briggate	60	123	114	-7.3
Boar Ln	32	80	71	-11.3
The Headrow	41	49	71	44.9
Albion St	34	73	68	-6.8
Great George St	45	51	63	23.5
Vicar Ln	11	20	43	115.0
York St	21	33	35	6.1
Kirkgate	15	23	35	52.2
Dyer St	16	33	35	6.1
New York St	15	33	35	6.1

Figure 6 shows the top ten street locations between 01/09/2016 – 31/08/2019

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.

Sep 16 to Aug 19 - All Nuisance Incidents

Peak Time: 15:00 – 20:00

Risk days: Tuesday, Wednesday, Saturday

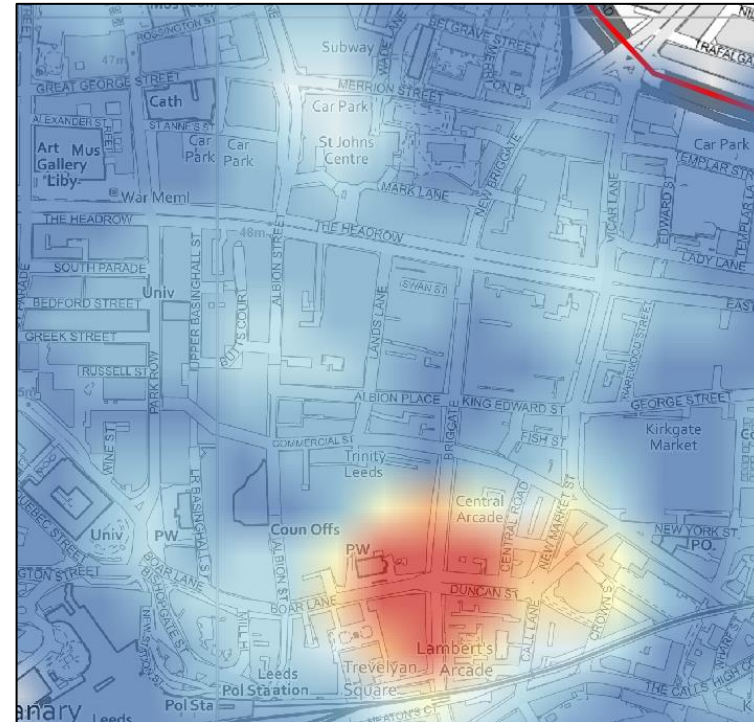
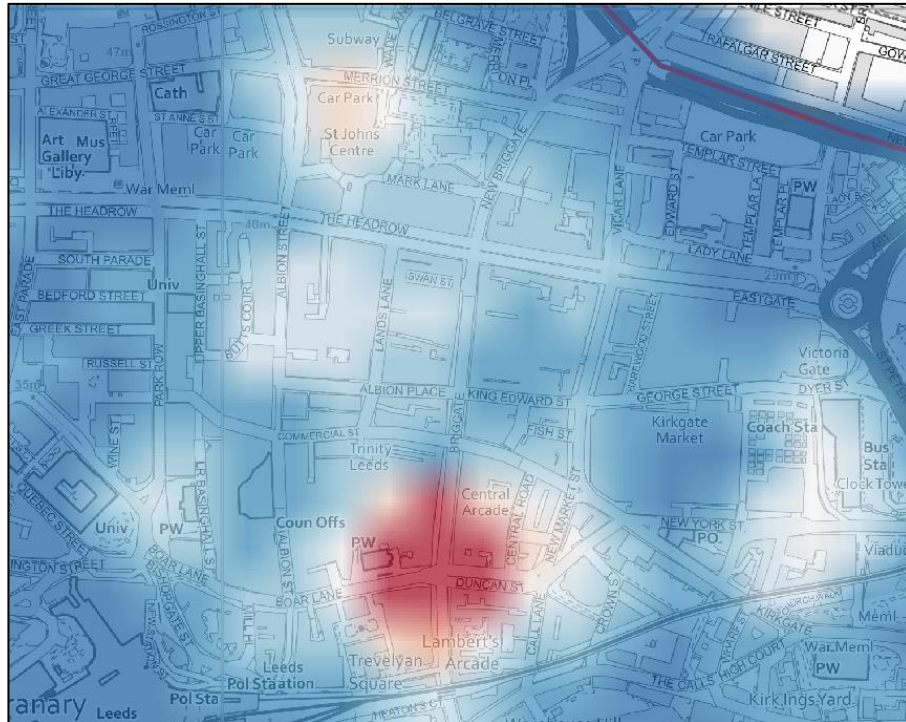
Top Streets: Briggate, Albion Street, Boar Lane

Sep 16 to Aug 19 – Alcohol Related Nuisance

Peak Time: 21:00 – 01:00

Risk days: Saturday

Top Streets: Briggate, Great George Street, Boar Lane



Sep 16 to Aug 19 – Drunk & Disorderly

Peak Time: 21:00-01:00

Risk days: Thursday, Friday, Saturday

Top Streets: Briggate, Boar Lane, Call Lane

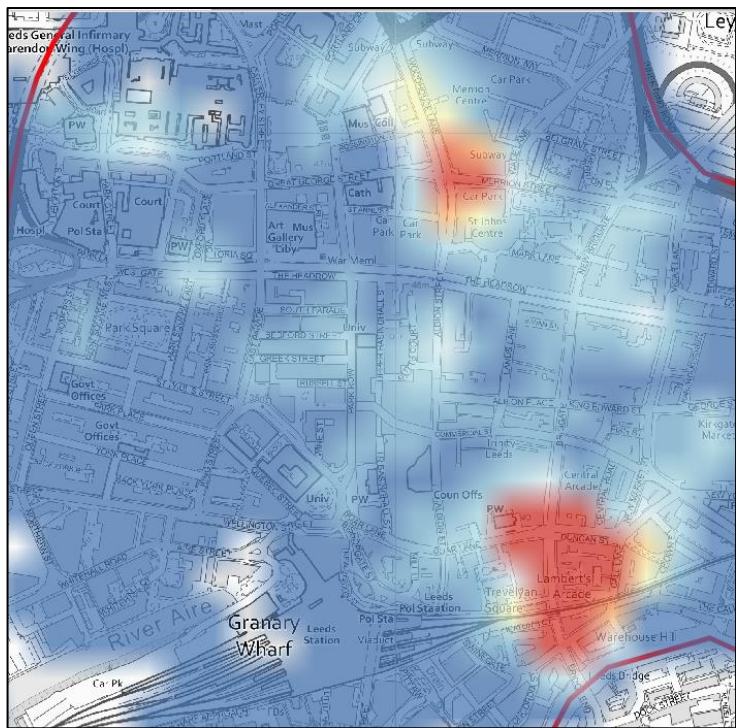


Sep 16 to Aug 19 – Assaults

Peak Time: 23:00-01:00

Risk days: Saturday

Top Streets: Briggate, , Boar Lane, Albion Street



Nuisance Incidents

Sep 16 to Aug 17 – Nuisance

Peak Time: 20:00-23:00
Risk days: Fri & Sat
Top Streets: Briggate, Albion Street, Woodhouse Lane



Sep 17 to Aug 18 – Nuisance

Peak Time: 20:00 – 23:00
Risk day: Fri
Top Streets: Briggate, Boar Lane, Woodhouse Lane



Sep 18 to Aug 19 – Nuisance

Peak Time: 22:00 – 03:00

Risk days: Fri & Sat

Top Streets: Briggate, Boar Lane, Woodhouse Lane



Alcohol Nuisance Incidents

Sep 16 to Aug 17 – Alcohol Nuisance

Peak Time: 21:00 – 03:00
Risk days: Fri & Sat, Sun
Top Streets: Briggate, Great George Street, Boar Lane



Sep 17 to Aug 18 – Alcohol Nuisance

Peak Time: 21:00 – 01:00
Risk day: Fri & Sat
Top Streets: Briggate, Boar Lane, Call Lane



Sep 18 to Aug 19 – Alcohol Nuisance

Peak Time: 21:00 – 01:00

Risk days: Fri & Sat

Top Streets: Briggate, Boar Lane, Woodhouse Lane



Drunk and Disorderly Occurrences

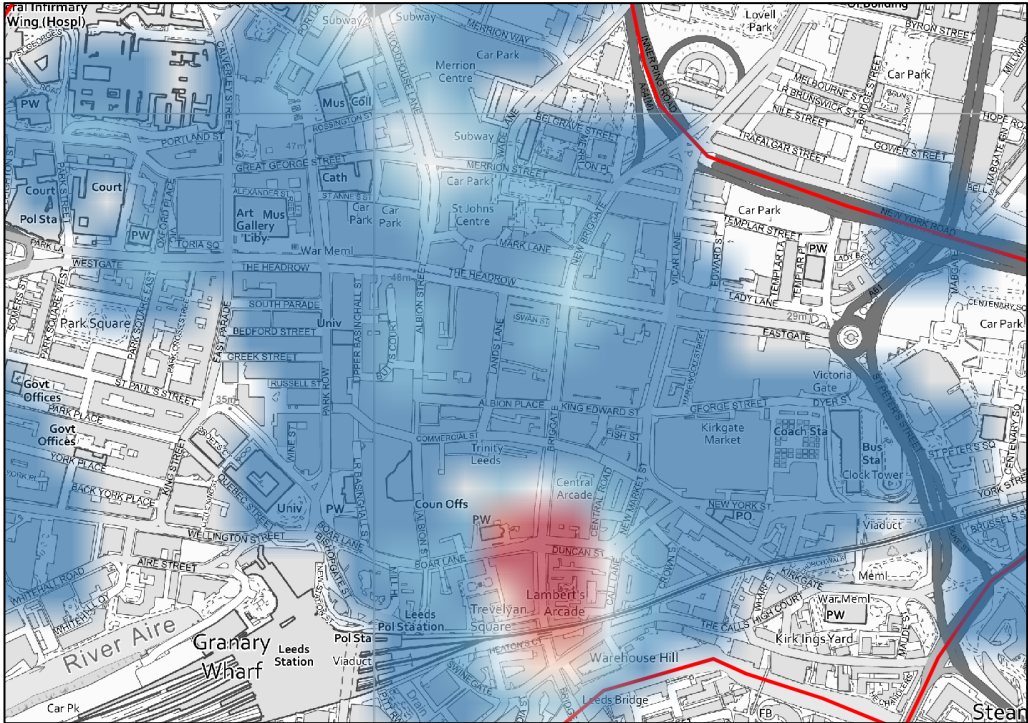
Sep 16 to Aug 17 – Drunk & Disorderly

Peak Time: 22:00 – 03:00
Risk days: Wed, Fri & Sat
Top Streets: Briggate, Albion Street, Call Lane



Sep 17 to Aug 18 – Drunk & Disorderly

Peak Time: 22:00 – 23:00
Risk day: Fri
Top Streets: Briggate, Boar Lane, Woodhouse Lane

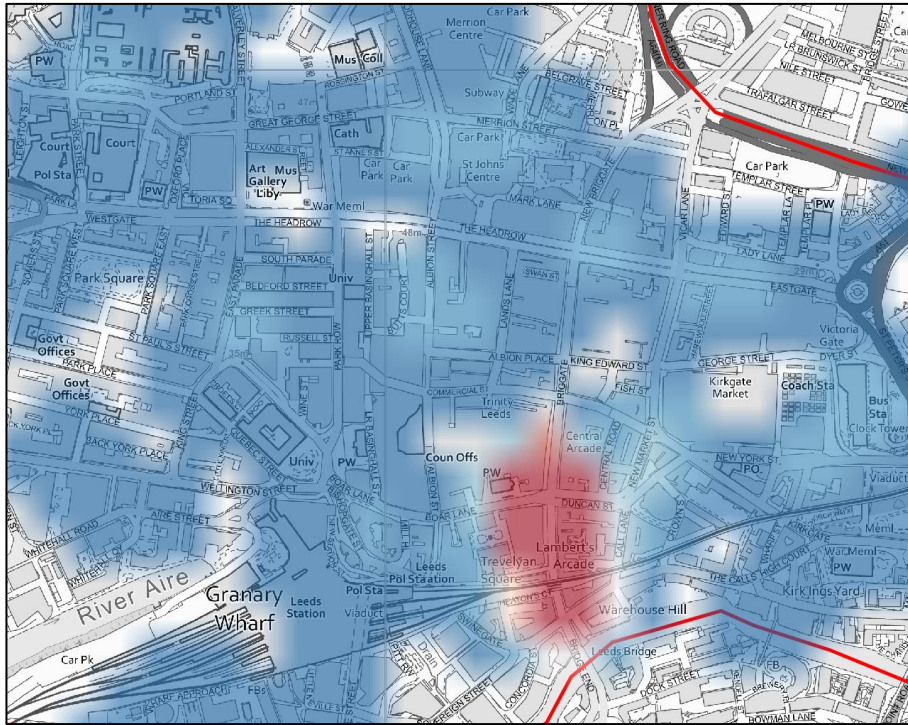


Sep 18 to Aug 19 – Drunk & Disorderly

Peak Time: 22:00 – 03:00

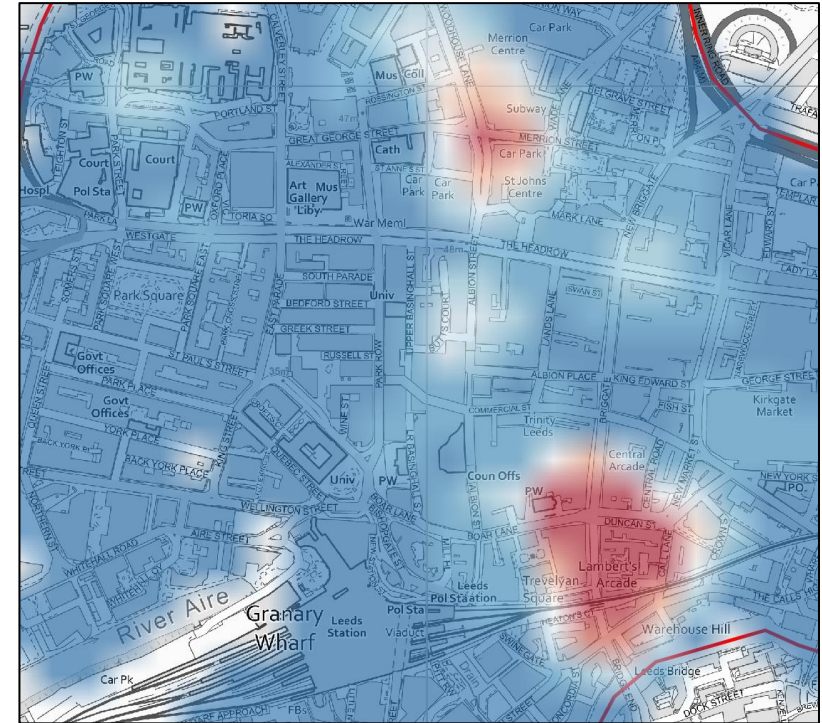
Risk day: Friday, Saturday

Top Streets: Briggate, Boar Lane, Call Lane

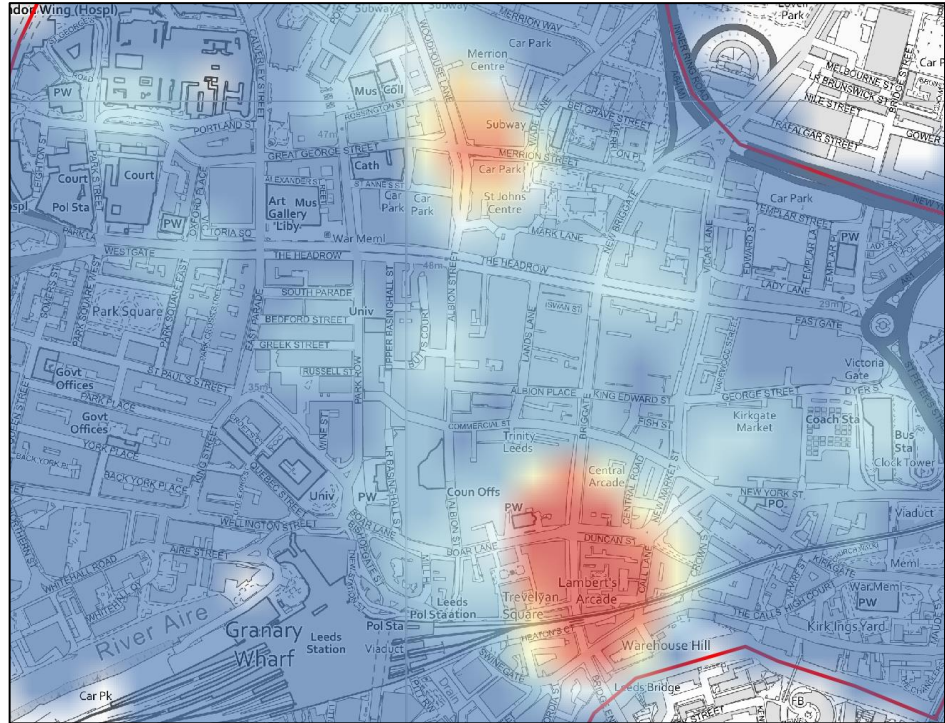


Assaults

Sep 16 to Aug 17 – Assaults
Peak Time: 22:00 – 03:00
Risk days: Fri & Sat
Top Streets: Briggate, Call Lane, Albion Street



Sep 17 to Aug 18 – Assaults
Peak Time: 22:00 – 03:00
Risk days: Sat & Sun
Top Streets: Briggate, Albion Street, Call Lane

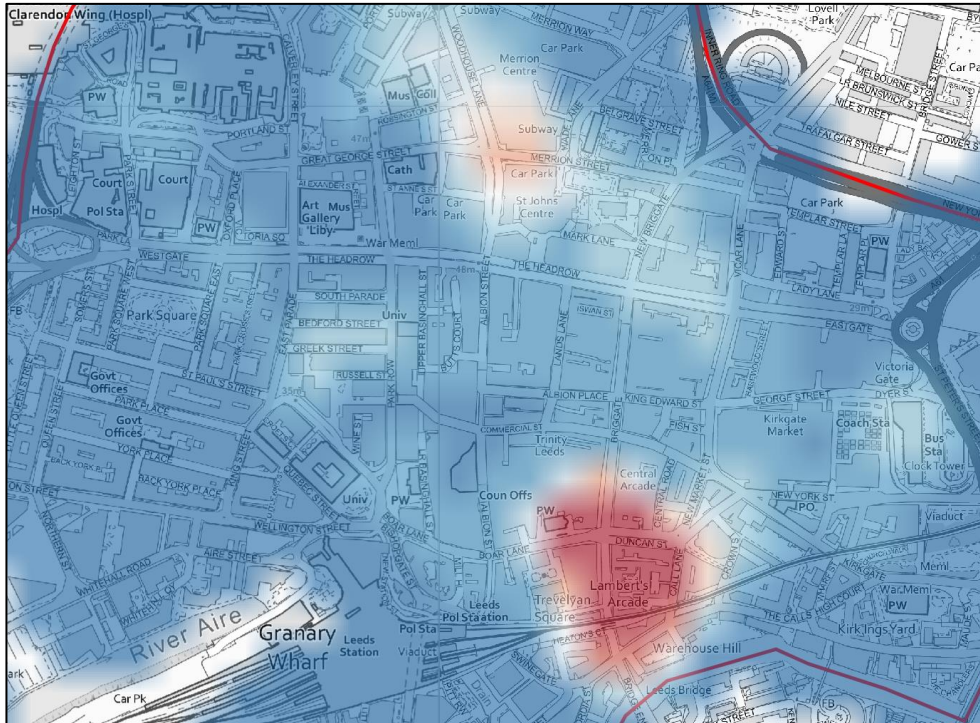


Sep 18 to Aug 19 – Assaults

Peak Time: 22:00 – 02:00

Risk days: Fri & Sat

Top Streets: Briggate, Call Lane, Woodhouse Lane



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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. It was reviewed again in February 2019 and new guidance was published in July 2019.

This Assessment was undertaken in October 2019 and supersedes the part of the Cumulative Impact Assessment undertaken in 2018 which relates to the city centre and all subsequent assessments which relate specifically 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 implementation and to provide guidance regarding the source and level of evidence required. 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 more frequently and to produce a separate cumulative impact assessment for that area.

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

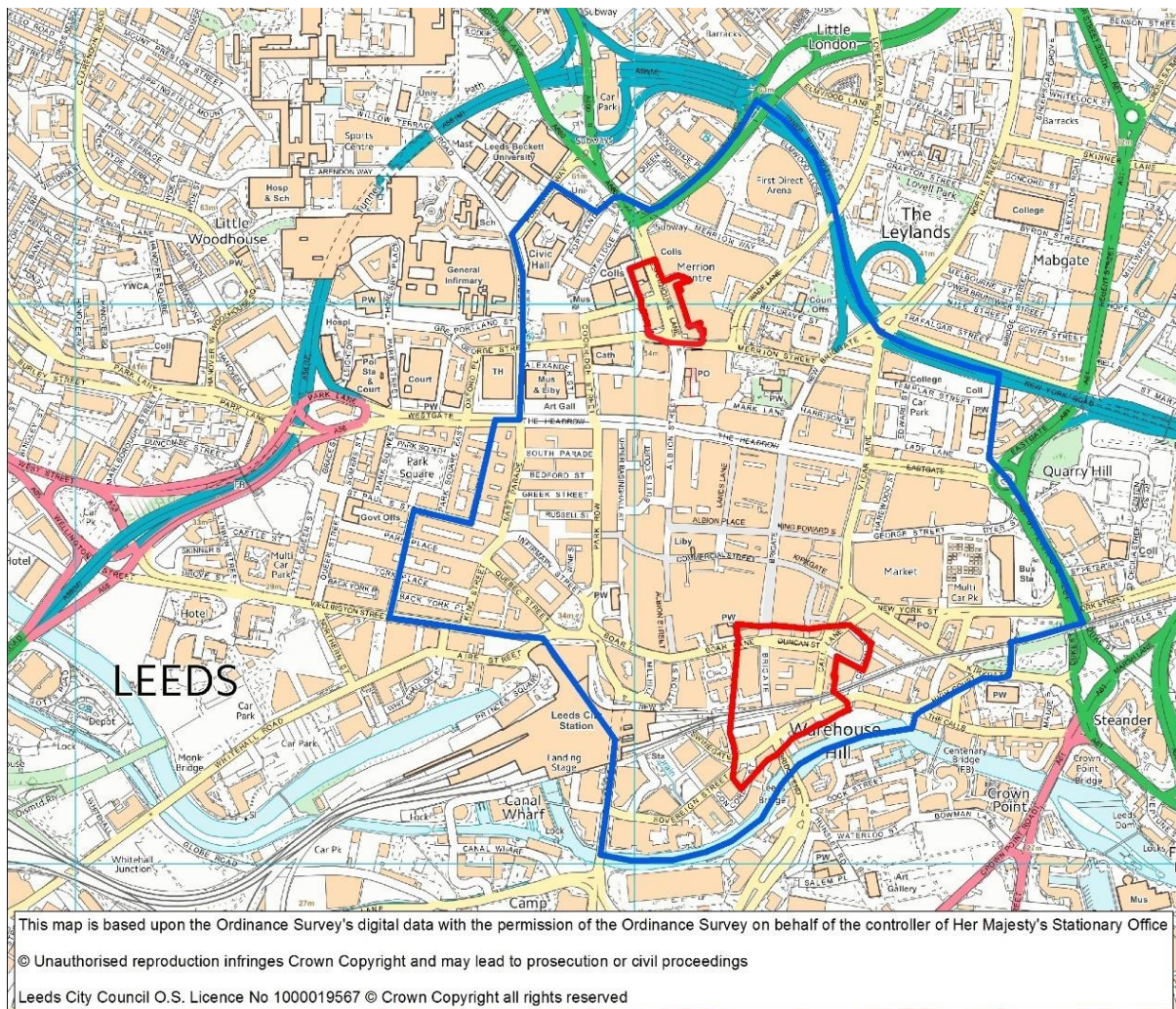
- A call for evidence, sent to all responsible authorities and other interested parties through the Licensing Enforcement Group
- The request of police crime statistics specifically for the area in questions and the thorough examination of the evidence to determine if there is evidence of cumulative 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 above.

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 Woodhouse Lane area. In the past, premises in those areas have deployed 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. Leeds BID, the Council and BACIL now fund an Evening Ambassadors scheme which deploys trained personnel into the early evening and night time economy to assist vulnerable people, and to prevent them from becoming victims of crime.

Looking at the Police Report for the past 12 months (2018/19) it looks like crime on Briggate has stabilised, however crime on Call Lane has increased.

Albion Street crime has dropped by 17%. Only two premises now operate on the part of Albion Street in the red zone, McDonalds and Turtle Bay. The drop in crime could be related to the closure of three large night time economy premises.

It appears crime has increased on The Headrow by 26%, but this is a long street with an active daytime economy, with large retail stores and transport links. There are relatively few crimes recorded in the evening and night time.

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 October 2019 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 September 2016 to 31st August 2019.

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:

- Theft offences have increased to levels previously seen in 2016/17.
- The continual increase of Public Order, Assault and Robbery.
- Public Order offences have more than doubled in the last 3 years.
- Briggate has remained the top street for offences throughout the previous three years though the level of offending has stabilised.
- Call Lane and The Headrow, although remaining at the top of the table have both seen an increase in offences.
- There has been a decrease in offending on Albion Street.

All data

Category/period	Sep 16 to Aug 17	Sep 17 to Aug 18	Sep 18 to Aug 19	% Change 16/17 & 17/18	% Change 17/18 & 18/19
Drunk & Disorderly	291	221	169	-24.1	-23.5
Public Order	537	769	1099	43.2	42.9
Affray	63	83	75	31.7	-9.6
Assault	2162	2732	2798	26.4	2.4
Robbery	196	280	330	42.9	17.9
Other Violence	281	358	403	27.4	12.6
Theft from Person	1609	1253	1277	-22.1	1.9
Theft Other	1867	1574	1896	-15.7	20.5
Sexual	257	287	260	11.7	-9.4
Total	7263	7557	8307	4.0	9.9

Breakdown of occurrence type 01/09/2016-31/08/2019

These figures relate to the entire city centre and include day and night time periods. This shows a concerning increase overall of 750 or 10% in all violent crimes across the city.

There is a decrease in drunk and disorderly and affray of 60 offences but this is more than made up by the increase in public order offences, up by 330 over the last year. This means there has been an additional 270 public order offences in the past year.

Violent crime is up across all three crime types – assault by 66, robbery by 50 and other violence by 45. However compared to the cumulative impact assessment undertaken in July 2019 this increase is slowing and this is reflected in these figures too.

Sadly despite a decrease last year, it appears that theft from person, theft other and robbery are all on the increase. Bearing in mind that these figures are for the entire city centre, for the entire 24 hour period, this could be a reflection on an increase in shoplifting or pickpocketing in the daytime economy.

Top Streets

Street Name	Sep 16 to Aug 17	Sep 17 to Aug 18	Sep 18 to Aug 19	% change 17/18 and 18/19
Briggate	870	965	965	0.0
Call Lane	669	604	659	9.1
Albion Street	819	606	504	-16.8
The Headrow	335	335	423	26.3
Woodhouse Lane	350	368	389	5.7
Boar Lane	303	323	337	4.3
Great George Street	206	246	214	-13.0
Merrion Street	140	179	205	14.5
New York Street	179	175	203	16.0
Kirkgate	149	203	185	-8.9
Cookridge Street	140	126	156	23.8

Briggate is once again the top street for all crime. Briggate has remained the top street throughout the previous three years however the level of offending has stabilised this year. However there has been an increase in offending on Call Lane again, with an additional 55 crimes occurring which is a 9% increase.

Albion Street has seen in reduction in crime again this year, by a relatively significant amount of 102 crimes. Two more premises have closed in this area (Players and Luda) leaving just Turtle Bay and MacDonalds open in the night time economy.

Day and Night Economies

The Police Report has provided a temporal chart 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 daytime economy (more accurately, during the afternoon).
- There are negligible levels of offences between the period 05:00 – 09:00 when compared to other periods during the day.
- Briggate tops the offence levels during night economy. 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 14:00 – 17:00. These are two streets which have increased foot traffic during these periods with daily commuters.

Peak Hours

This table show 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	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	36	40	30	42	49	45	85	76	92	94	69	47	29	9	6	12	11	17	20	27	33	27	32	37
Call Lane	12	6	19	14	26	61	85	104	111	119	35	24	4	0	0	0	2	1	1	4	3	8	9	11
Albion Street	23	11	12	13	14	16	23	25	23	22	14	3	1	5	3	11	13	21	24	36	50	57	44	40
The Headrow	24	25	22	30	22	18	11	5	11	10	7	0	2	6	7	7	12	13	29	26	35	34	37	30
Woodhouse Lane	7	3	5	7	21	39	70	68	61	40	13	2	1	3	0	4	1	4	6	7	4	6	12	5
Boar Lane	14	12	23	22	20	33	26	11	19	19	12	9	6	4	3	3	5	4	5	16	16	12	24	19
Great George Street	11	11	8	6	12	11	40	7	7	2	7	1	0	7	5	6	10	11	12	11	7	7	5	10
Merrion Street	11	14	6	9	7	9	21	26	17	26	8	2	0	1	1	0	1	3	6	11	8	2	3	13
New York Street	15	10	11	10	15	7	10	4	4	4	1	6	2	9	6	6	8	9	14	12	2	14	11	13
Kirkgate	3	3	6	6	7	7	8	7	4	5	4	1	0	2	5	4	13	17	14	11	14	15	22	7
Cookridge Street	3	11	11	11	8	5	31	26	18	6	3	0	1	1	2	0	0	3	2	2	4	4	1	3
Vicar Lane	7	6	3	9	8	6	15	5	5	5	4	2	0	2	3	8	7	2	5	8	6	8	13	9
New Briggate	9	8	6	5	12	12	16	5	9	8	5	2	1	0	0	1	3	3	2	3	5	4	12	12
Park Row	9	3	11	6	10	9	14	2	3	0	1	0	1	3	1	1	4	3	3	5	7	11	12	14
Merrion Way	5	6	5	1	5	0	10	4	0	0	0	0	1	1	1	4	4	8	10	10	9	8	17	12
Duncan Street	3	4	3	8	4	5	13	12	14	13	9	2	0	0	0	0	0	1	2	1	1	1	1	2
Dyer Street	6	3	7	7	4	3	6	2	1	1	6	3	0	2	5	0	4	6	2	5	3	5	8	4
Lands Lane	4	1	1	0	2	0	1	0	1	1	1	1	0	0	1	6	1	1	5	8	12	17	13	13
Hirsts Yard	0	0	2	0	2	2	11	13	17	22	16	0	0	1	0	0	0	0	1	0	0	0	0	0
Calverley Street	1	1	1	2	3	0	15	2	0	1	0	1	0	0	0	5	6	9	5	11	5	4	1	2
Greek Street	1	2	7	4	6	10	12	13	11	3	0	0	0	0	0	0	0	2	0	0	0	1	0	2
Eastgate	2	5	7	1	1	6	4	3	6	0	1	2	2	3	0	1	2	1	3	5	4	3	5	6
George Street	1	3	0	3	0	0	8	0	0	0	0	1	0	0	0	0	9	11	8	7	4	7	8	2
York Street	3	1	3	2	1	0	4	0	1	4	1	0	0	4	4	5	4	2	6	2	2	1	6	3

Temporal chart by top street (last 12 months)

This show peak hours for offending are as follows:

Briggate	00:00 – 04:00
Call Lane	23:00 – 03:00
Duncan Street	00:00 – 04:00
Woodhouse Lane	00:00 – 03:00
Albion Street	13:00 – 17:00
Boar Lane	23:00 – 00:00
Greek Street	23:00 – 02:00
Park Row	17:00 – 18:00 and 00:00 – 01:00
Merrion Street	00:00 – 03:00
New Briggate	22:00 – 00:00

Top Streets

Street Name	Day	Night	Sum
Briggate	296	669	965
Call Lane	55	604	659
Woodhouse Lane	60	329	389
Boar Lane	131	206	337
Albion Street	328	176	504
The Headrow	262	161	423
Merrion Street	60	145	205
Cookridge Street	26	130	156
Great George Street	102	112	214
New Briggate	55	88	143
Duncan Street	12	87	99
Hirsts Yard	2	85	87
New York Street	121	82	203
Vicar Lane	78	68	146
Greek Street	6	68	74
Park Row	74	59	133
Kirkgate	127	58	185
Dyer Street	50	43	93
Eastgate	37	36	73
Merrion Way	90	31	121
Calverley Street	49	26	75
York Street	42	17	59
George Street	57	15	72
Lands Lane	81	9	90

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. This has not changed in the last year. Care must be taken when comparing streets as the length of streets should be taken into consideration. Also, 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 1,723 alcohol related violent crimes in the past year. Woodhouse Lane and Albion Street show a total of 893 crimes.

Hotspots Heat Maps

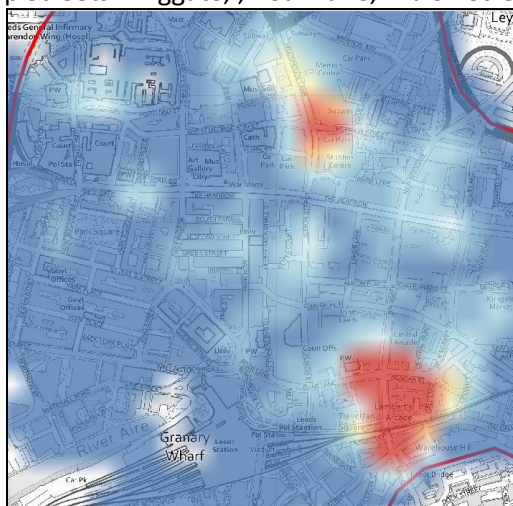
The hotspots are based on the volume and proximity of the location. The dark red denotes areas of greatest density and risk.

Sep 16 to Aug 19 – Assaults

Peak Time: 23:00-01:00

Risk days: Saturday

Top Streets: Briggate, , Boar Lane, Albion Street



Sep 16 to Aug 19 – Drunk & Disorderly

Peak Time: 21:00-01:00

Risk days: Thursday, Friday, Saturday

Top Streets: Briggate, Boar Lane, Call Lane



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	36	40	30	42	49	45	85	76	92	94	69	47	705
Call Lane	12	6	19	14	26	61	85	104	111	119	35	24	616
Boar Lane	14	12	23	22	20	33	26	11	19	19	12	9	220
Duncan Street	3	4	3	8	4	5	13	12	14	13	9	2	90

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 23:00 but the occurrences jump up after 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	3	5	7	21	39	70	68	61	40	13	2	336
Albion Street	23	11	12	13	14	16	23	25	23	22	14	3	199
Merrion Street	11	14	6	9	7	9	21	26	17	26	8	2	156
Total	41	28	23	29	42	64	114	119	101	88	35	7	691

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 64 to 114, reaching a peak at 01:00 before slowly dropping back down after 03:00. For the purposes of the cumulative impact assessment the peak hours are midnight to 03:00.

Nuisance Statistics

As in previous years, the data 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 previously showed an increase but during 2018/19 has shown a small decrease.
- Youth nuisance has decreased in the previous 12 months.
- Headrow and Vicar Lane showed the largest increases in calls during 2018/19.

Nuisance type	Sep 16 to Aug 17	Sep 17 to Aug 18	Sep 18 to Aug 19	% change 16/17 & 17/18	% change 17/18 & 18/19
Adult nuisance – non alcohol	398	630	771	58.3	22.4
Adult nuisance – alcohol	191	288	277	50.8	-3.8
Youth related	88	196	168	122.7	-14.3
Neighbour related	29	34	20	17.2	-41.2
Littering/drug paraphernalia	21	27	33	28.6	22.2
Fireworks/snowballing	15	11	20	-26.7	81.8
Nuisance car/van	12	17	28	41.7	64.7
Nuisance motorcycle/quad	15	13	24	-13.3	84.6
Traveller related	2	1	4	-50.0	300.0
Total	771	1217	1345	57.8	10.5

Breakdown of nuisance type 01/09/2016 – 31/08/2019

Street name	Sep 16 to Aug 17	Sep 17 to Aug 18	Sep 18 to Aug 19	% change 17/18 & 18/19
Briggate	60	123	114	-7.3
Boar Lane	32	80	71	-11.3
The Headrow	41	49	71	44.9
Albion Street	34	73	68	-6.8
Great George Street	45	51	63	23.5
Vicar Lane	11	20	43	115.0
York Street	21	33	35	6.1
Kirkgate	15	23	35	6.1
Dyer Street	16	33	35	6.1
New York Street	15	33	35	6.1

Top ten street locations between 01/09/2016 – 31/08/2019

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.

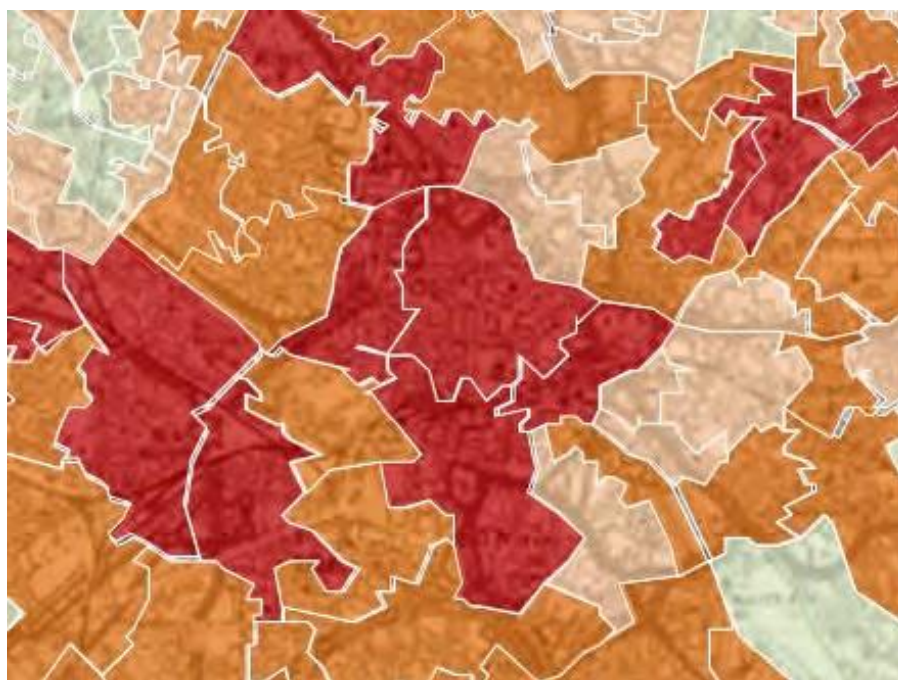
Weighting of Data - All data sources are not equally important in respect of the licensing objectives. Therefore, based on knowledge and experience of the Responsible Authorities, each data set has been given a different weighting which will affect how much it contributes to the overall ranking.

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 area in the lower part of the city be maintained without change. However the closure of three large premises in Albion Street has led to an area that is no longer predominantly in the night time economy. As such it is not appropriate to include it in the red area in the upper part of the city. The new area is shown in the map at the beginning of this document.

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. Part of this work is providing training on safeguarding, drugs, alcohol and vulnerability.

A review of a premises on Call Lane that had become associated with serious crime and serious disorder has led to the closure of that premises. Operators in this area are reporting that the area feels safer and it is hoped that this will be reflected in the crime statistics when they are reviewed at the end of 2020. In the meantime, West Yorkshire Police and the licensing authority will continue to work with and support businesses in that area to reduce alcohol related violent crime. Part of this work will be to concentrate on applications for activities during the peak hours in all the red areas.

Applications received for activities outside of peak hours will be encouraged especially those that include a daytime element or types of business that do not have alcohol consumption as their focus.

Additionally, the Licensing Authority is aware that there is a view that specifying areas as cumulative impact areas, and rigidly refusing all applications leads to stagnation in the area. However by concentrating on peak times, and by encouraging other types of business, it is hoped that the red areas can evolve and change with market forces and move beyond the high volume drinking establishments associated with alcohol related disorder and crime perpetrated on customers who are vulnerable due to excessive alcohol consumption.

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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The Police Report produced by Leeds District Analytical Unit is available on request from Entertainment Licensing.



Report author: Andrew White

Tel: 37 81562

Report of Taxi & Private Hire Licensing Manager

Report to Licensing Committee

Date: 28 January 2020

Subject: Taxi & Private Hire Licensing – Proposed working group on private hire operators, ride hailing apps and cross border working

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? If relevant, Access to Information Procedure Rule number: Appendix number:	☐ Yes	☒ No

Summary of main issues

- 1 This report presents to committee members the proposed arrangements for a working group, led by members of the Licensing Committee, on private hire operator conditions, to cover issues such as ride hailing smartphone apps; kiosks, and cross border working.
- 2 The resulting recommendations would be discussed with neighbouring authorities and consulted upon before any new policies and conditions, or practical arrangements would be developed.

Recommendations

1. That committee members note the purpose and content of the information in this report.
2. That more than three committee members make themselves available for working group meetings, and to consider written and other information.

1 Purpose of this report

- 1.1 To seek committee members' input to a working group on private hire operators, ride hailing apps and cross border working.
- 1.2 To share an outline for the terms of reference for a working group, identifying the key issues, options and implications which need to be considered, and the different groups of stakeholders or advisers who can provide valuable input to the working group.

2 Background information

- 2.1 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 to make sure they remain up to date and effective.
- 2.2 At the December Licensing Committee, members indicated their preference for progressing a review of private hire operators, ride hailing apps and cross border working, with a view to developing new policies and enforcement or other supporting and compliance arrangements.
- 2.3 The legal basis for licensing private hire operators is included in sections 55 and 56 of the Local Government (Miscellaneous Provisions) Act 1976. The most recent guidance from the Department of Transport in 2019 included some recommendations for licensing of operators. The key requirements remain comparatively unchanged:
 - A private hire operator must be a fit and proper person to hold a licence;
 - The private hire vehicle, private hire driver and private hire operator must all be licenced by the same licensing authority;
 - A hackney carriage must be booked as a private hire vehicle for journeys starting outside of its licensing area.

In 2015, the Deregulation Act amended section 55 to permit to sub-contracting of a booking from one operator to another.

3 Main issues

- 3.1 The council has had the current policy for private hire operators since 2014, attached at **Appendix 1**. However, for a number of related and overlapping reasons, the policy and supporting arrangements are in need of discussion and revision.
- An increase in the scale of private hire operators who are licenced in more than one licensing authority and operate vehicles across local authority licensing areas;
 - The rise in use of smartphone apps and kiosks;
 - The growth in observed cross border working (regular working outside a licence area);
 - The difference between licensing authority conditions, enforcement capacity and licensing fees, which encourages ‘licence shopping’;
 - Limited availability of wheelchair accessible vehicles in the private hire fleet; and
 - Concern about the downward pressure on some fares, driver wages, and implications for passenger safety;
- 3.2 Committee members have previously expressed concern about these issues, and requested a working group discussion and review of private hire operator conditions for this authority, and among neighbouring authorities. In addition, there are a limited number of recommendations relating to operators in the Department for Transport Statutory Guidance (2019), which may also be included in the review. It may also be useful to discuss other matters such as executive private hire operators, and implications of climate emergency and the Leeds Clean Air Zone for operators.

Increase in private hire operators working across local authorities

- 3.3 Over the past several years, there has been a significant increase in the number of vehicles and drivers working for operators who are licensed across more than one licensing authority. The largest operator has grown to almost 1500 vehicles and more than 1650 drivers over the past five years since it as first licensed in Leeds, and has also grown significantly in the majority of the neighbouring authorities, and those vehicles are visible on the operator’s app for passengers wishing to travel in Leeds.
- 3.4 The overall numbers of vehicles and drivers in Leeds has not changed significantly in the majority of the large or medium sized operators. The exception is in large app-based operators, one of which has approximately doubled in size over the past three years. This indicates that in cities such as Leeds, the most likely areas of growth are likely to be in operators who work across local authority boundaries and utilise new technology. There

are a number of other large/international ride hailing firms who may seek to be licensed to operate in Leeds.

3.5 The key feature of these types of operators for licensing authorities is that the operators may not be committed to the local nature of licensing as set out in the Local Government Miscellaneous Provisions Act 1976, and this feature is fundamentally changing the nature of competition in, and regulation of, the industry. These types of operators are prepared to locate in one licensing authority and operate across a region, or locate in more than one licensing authority.

3.6 The working group may wish to consider evidence to include specific conditions for private hire operators who are licensed both in Leeds and in other authorities, or large scale private hire operators:

- Car parking provision, whether on the operator's base or at alternative location;
- Driver administration and management, including identity management;
- Complaint handling procedures and arrangements;
- Measures to track or cap drivers' working hours;
- Use of drivers who have previously been refused or revoked in Leeds;
- Use of vehicles which do not meet Leeds licensing standard; and
- Restriction of number of new private hire vehicle or driver licences, either in total or by operator, which following Glasgow City Council in April 2019, is not within scope of operator conditions, but worth discussing in a working group.

The rise in use of smartphone apps

3.7 Linked to the growth of new ride hailing firms over the past decade, it is now commonplace for many passengers to book journeys using an app on a smartphone, rather than a face to face visit or phone call to a private hire office. The apps usually do not distinguish between a locally licensed driver and a driver who is licensed by a different authority, but not in the area where the booking is being made.

3.8 The working group may wish to consider evidence to include specific conditions for the use of smartphone apps for private hire operators:

- Private hire bookings;
- Requiring 'geo-fencing' of certain key locations to prevent traffic congestion and plying for hire;

- Regulation of private hire booking kiosks, such as iKabbi;
- Regulation of the app itself – use/misuse;
- Regulation of driver hours on the app; and
- Ways to give customers using the app to express a preference for a locally trained and licensed driver.

The growth in observed cross border working

- 3.9 As has been previously discussed at Licensing Committee, there has been a marked growth in observed and recorded cross border working in Leeds. The council now has recorded details of hundreds of vehicles which are licensed in neighbouring authorities, and recorded as being driven in Leeds.
- 3.10 These vehicles are not breaking any laws or regulations. However, both Leeds City Council and the ‘home’ licensing authority have a responsibility towards the passengers using those vehicles in Leeds.
- 3.11 The working group may wish to consider whether it is possible or to seek evidence to include specific conditions to respond to the growth in cross border working, such as:
- Placing a cap on the number of private hire drivers and vehicles in individual authorities and in the region (subject to considering this from a legal point);
 - Placing restrictions on the advertising of and incentives to work at cross border events;
 - Ways to give customers using apps to express a preference for a locally trained and licensed driver;

The difference between licensing authority conditions, enforcement capacity and licensing fees, which encourages ‘licence shopping’

- 3.12 There are limitations on the powers of licensing authorities to impose ‘intended use’ conditions on operators, drivers and vehicles. As has been previously discussed at Licensing Committee, there has been a project across the five West Yorkshire authorities and City of York to address the risks posed by regular cross border working and licence shopping (i.e. choosing to licence in a different authority).
- 3.13 However, the working group may wish to consider evidence to include further areas of licensing to respond to and reduce licence shopping and involve representatives from other West Yorkshire and York authorities:

- Including operator conditions, operator training and DBS checking, in the harmonisation work programme;
- Requiring a minimum standard of enforcement capacity in licensing teams (e.g. one enforcement officer per 500 vehicles, which is not within scope of operator conditions, but worth discussing in a working group); and
- Requiring a minimum standard of enforcement casework in licensing teams (in terms of hours spent on taxi and private hire licensing, division between on street and complaint investigation, which is not within scope of operator conditions, but worth discussing in a working group);

Limited availability of wheelchair accessible vehicles in the private hire fleet

- 3.14 There is limited availability in the private hire fleet of wheelchair accessible vehicles. Table 1 shows how, while 50% of the hackney carriage fleet is wheelchair accessible, only 2% of the private hire operator fleet is wheelchair accessible. A review of the operator conditions should consider ways to increase provision of wheelchair accessible private hire vehicles.

Table 1: Summary of Wheelchair Accessible Vehicles

	Contract Vehicle	Hackney Carriage	Private Hire Executive	Private Hire Novelty	Private Hire Vehicle	Grand Total
WAV	11	266			76	353
Total	27	534	22	2	4476	5061
% WAV	41%	50%	0%	0%	2%	7%

- 3.15 The working group may wish to consider evidence to include further areas of licensing to address the shortfall in wheelchair accessible vehicles:
- Including a minimum percentage of the fleet for each operator to be composed of wheelchair accessible vehicles by a stated date;
 - Offering reduced operator fees to operators whose wheelchair accessible vehicles exceed a stated percentage of the fleet;

Concern about the downward pressure on some fares, driver wages, and implications for passenger safety

- 3.16 The committee has heard some concerns on the downward pressure on driver take home pay as a result of the competition from new entrants, app-based operators and cross border operators. The council has heard that

some drivers are regularly earning below the minimum wage level, once deductions are made. In the UK, all hackney carriage drivers and the majority of private hire drivers are currently classified as self-employed (although there was a legal case in January 2019 when three Addison Lee drivers were found at an Employment Appeal Tribunal to be workers, not self-employed contractors, and there is a pending Supreme Court judgment on the employment status of one app-based operator's drivers).

- 3.17 While drivers are likely to continue to work a range of hours, and work patterns, there is a potential link between lower hourly pay for drivers and reduced passenger safety. Drivers may be tempted to work longer hours than is safe to work, unless restricted from doing so by their operator, may be tempted to work without bookings and ply for hire.
- 3.18 The working group may wish to consider evidence to encourage operators to ensure that they are able to offer drivers enough hours to exceed minimum wage/living wage levels, that hours are restricted to reduce risk to passengers and road users, and do not increase their numbers of drivers and vehicles so rapidly that they are unable to secure work for their drivers:
- Regulation of driver hours;
 - Reports on typical driver take home pay or commitment to minimum or living wage;

4 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.1 The working group would have a remit to hear views from stakeholders and suggest policy changes. It is very likely that the council would plan to consult on any proposed policies, financial or practical changes.
- 4.1.2 The council would also plan to discuss with the other authorities in the West Yorkshire & York group to see if the Leeds recommendations could be used to help set common minimum standards for operators. This could also involve consultation or engagement in those authorities, depending on the degree of change from the current policies and arrangements.

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 will be undertaken where the proposed policies are considered.

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 Taxi & Private Hire Licensing policies contribute to the following 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 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. It is likely that the working group will generate recommendations for new policies and practical arrangements, each of which will need to be costed.

4.5 Legal Implications, Access to Information and Call In

- 4.5.1 If there are possible legal implications arising from any review of private hire operator policies and arrangements, they will be considered.

4.6 Risk Management

- 4.6.1 The council has identified the actions of drivers and vehicles licensed in other licensing authorities as a potential risk to passengers in Leeds. In particular, the current risks identify as a potential risk to passengers in Leeds posed by drivers and vehicles working away from their home licensing authority whose licence may be suspended or whose vehicle may not be in a roadworthy condition.

- 4.6.2 The policy harmonisation work with the West Yorkshire and York authorities has focused on six areas to address the most important risks:

CCTV in vehicles

Convictions/suitability

Cross-border enforcement

Driver training

Information sharing between authorities

Vehicle conditions

- 4.6.3 The taxi and private hire licensing team will conduct a risk workshop with the council's intelligence team to review existing risks and actions and identify any new risks.

5 Conclusions

- 5.1 The report has outlined the background to the council establishing a working group to review private hire operator conditions, ride hailing apps, kiosks and cross border working. The report has summarised the key features of the current arrangements, and indicated areas where evidence might be sought to review and update the relevant policies, in Leeds, and for consideration by neighbouring authorities.

- 5.2 The report proposes arrangements for a working group, including composition of the group and the format of recommendations.

- 5.3 The recommended policies and arrangements will then be discussed with neighbouring authorities as part of policy harmonisation and consultation will also take place.

6 Recommendations

- 6.1 That committee members note the purpose and content of the information in this report.
- 6.2 That more than three committee members make themselves available for working group meetings and to consider written and other information.

7 Background documents

Leeds City Council Licensing Committee Report on Cross Border working and Responses, November 2019:

<https://democracy.leeds.gov.uk/documents/s196438/Taxi%20and%20Private%20Hire%20Licensing%20-%20Cross-Border%20Working%20and%20Responses.pdf>

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

Department for Transport Taxi and Private Hire Vehicle Statistics, England: 2018

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/751202/taxi-and-phv-england-2018.pdf

Task and Finish Group for DfT, Taxi and Private Hire Vehicle Licensing: Steps towards a safer and more robust system, September 2018:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/784216/taxi-phv-licensing-protecting-users-draft-stat-guidance.pdf

Appendix 1 Current Leeds City Council Private Hire Operator Conditions

Appendix 2 Current Leeds City Council Executive Private Hire Operator Conditions

Appendix 3 Working group for Private Hire Operators, ride hailing apps and cross border working terms of reference



Standard Conditions attached to a Private Hire operators licence

Taxi and Private Hire Licensing

Policy in respect of Private Hire Operator Licences and Conditions – standard passenger vehicle

Background

The Local Government (Miscellaneous Provisions) Act, 1976 (LGMP), was created to enable Conditions of safety to be placed upon drivers, vehicles and Operators making private contracts for vehicle with driver hire services. Private Hire at that time was concentrated on saloon vehicles offering, in the main, local journeys.

The Private Hire sector has grown and extended significantly and there are now a much wider range of vehicles, services and availability of technology to assist in booking a service.

The Road Safety Act, 2006, along with best practice guidance issued by the Department for Transport (DfT) has caused Leeds City Council to consider licensing a wide range of vehicles and services. This policy applies to the more standard types of saloon or wheelchair accessible vehicles.

Policy Statement

The issues around the operating of a business involving Private Hire vehicles has the same business, legal and public safety principles as other areas of licensed activity by the Local Authority.

Public safety is paramount. It is very important to Leeds City Council that Operators also fit comfortably into their environment and are not the cause of residential nuisance and contribute positively to the image of the City and take ownership of a civic responsibility.

Operators are a major factor in contributing to public safety by ensuring that they and their drivers adhere to this policy and the conditions upon the various licences.

The aim of the policy is to increase the professionalism of the trade through business improvements and best practice; increasing both the level of customer service offered and that of public safety.

Elected Members of the Council approved the policy and conditions and were emphatic in insisting that licensed Operators carry a significant responsibility in meeting the expectations of the public and contributing positively to public safety. Members asked that the licensing responsibilities and expectations of the Council were impressed upon Operators.

Some of the issues associated to particular conditions are illustrated as footnotes to assist those who are the subject of the conditions, or those who apply them, to do so consistently.

Customer focus, business improvements and best practice – none policy issues

In preparing this policy and conditions there was consultation with both the licensed trade and the general public.

Some suggestions raised during consultation have been grouped under this heading, but they do not form part of the approved policy. The controlling legislation, or liability for certain acts, or failures to act, might lie within other specific legislation. The Council feels that those areas should remain outside of conditions attached to a Private Hire Operator licence, but nevertheless are worthy of highlighting as good practice. Significant breaches of other primary legislation might still be considered as factors contributing to a 'fit and proper person' test.

Corporate clothing (shirt or outer garment)

There are distinct benefits for this in terms of enhanced safety for customers and also improving the image of the trade in the city. There appears to be a positive link in supplying a uniform style shirt with the company logo on it and customer satisfaction along with the professional outlook of the Operator. However, it is thought to be beyond licensing control but should be considered as a good business practice by Private Hire Operators.

Staff training and public access to private hire operator premises and health and safety considerations

It would be good practice for each Private Hire Operator (except single vehicle companies) to ensure that all of their call handling staff have received:

- Accredited customer service training
- Data protection training
- Be subject to a DBS

DBS disclosure is thought to be important considering the amount of personal and secure information that can be collected. It is felt that the practice of using totally unqualified or untrained staff is inappropriate. Concerns within the trade are that people are 'employed' outside of all of the employment law, HM Revenue and Customs arrangements, minimum wage legislation and outside of other financial scrutiny arrangements that should be in place.

The Data Commissioner retains responsibility for monitoring the 'data controller' the Private Hire Operator. However, if there were to be breaches of data security the Council reserves the right to take compliance or other formal action against the private hire operator to reduce the risk of crime or danger to public safety. HM Revenue and Customs or the Health and Safety Executive are the appropriate authority for some of the proposals. Whilst there may be some issues which might be poor business practice or worse it is thought to be beyond licensing control.

Where there is a public waiting area, measures must be in place to keep all personal audio and written data private and secure.

As the Operator you are responsible for the safety of staff and the public on the premises and you are advised to undertake a full review by an appropriately qualified health and safety officer.

Officers may inform the appropriate regulatory body if they have a concern.

Record of driver hours

In contrast to the regulation of hours worked by a PSV or HGV driver, a self-employed Private Hire driver has no such legal restrictions on them. If they were the subject of a contract of employment with the Private Hire Operator then there would be a restriction of 48 hours per week averaged over a 17 week period, but that is the only legal constraint. The consequences of driver fatigue all too often appear following some serious road traffic collision and whilst the driver may be held accountable for any subsequent fatality it is an issue that the Private Hire Operator should be aware of when they use a Private Hire driver in those circumstances. There are many full time drivers but also others who use their Private Hire driver licence as a secondary form of income.

This issue requires an awareness by Private Hire Operator's and it would be best practice for Private Hire Operator's to be alert to the signs of tiredness and exhaustion and you may wish to consider your own liability in not taking full account of such issues when entering into a contract arrangement with a customer.

Fare awareness

This is often the subject of complaint by the travelling public and is frequently the root of arguments. That situation can be improved upon by clearer information at the time of booking and a visible notice showing how fares are calculated on the Private Hire Operator web-site or public waiting area, to be easily read by any person seeking to hire a Private Hire vehicle or Hackney Carriage at those premises. It would be helpful if at every point of producing such information it was pointed out "fares should be agreed before the journey". Where the vehicle uses a meter, this should be clearly explained and on what occasions it is not used (pre-arranged contract fares, out of Licensing District fares etc).

The more information that can be visible to passengers the better it is for your driver, your business reputation, and, of course, the public. Being 'upfront' with this can help reduce the risk of escalating arguments and create a safer environment for the driver.

Vehicles operated under the licence – planning regulations

Planning legislation has primacy and responsibility for enforcing breaches of planning rests with that department and cannot be undertaken by Licensing Officers. However Licensing Officers will support communities where complaints are made in assisting enforcement by planning and Regulatory Officers and also by seeking an early resolution to a problem through the relevant Private Hire Operator.

Safety standards of licensed vehicles under the operating licence

Officers have already presented a report to Members explaining that they will consider the prosecution of Private Hire Operators for defective vehicles used in the course of their business and it is intended to continue with that theme and also offences where there is no vehicle insurance in place.

On rare occasions that may be out of the control of the Private Hire Operator but control measures can be put in place which would help the Private Hire Operator reduce their personal risk of prosecution and increase public safety.

To increase public safety and reduce the risk of prosecution to themselves, Private Hire Operators are strongly advised to maintain a monthly record of vehicle inspections carried out by them on their operating licence to ensure checks on tyres, Council livery, accident damage, condition of interior etc, as prescribed by the Council and a check list of expiry dates of the Private Hire driver licence, Private Hire vehicle licence and MOT expiry dates. The personal responsibility of the licensed Private Hire Operator for the safety of their customer is inescapable and each Private Hire Operator should be able to demonstrate their commitment to road safety.

Set out in this booklet are the pre-conditions to the consideration of the grant of a Private Hire Operator licence. Additionally, once licensed, a Private Hire Operator must continue to meet these standard pre-conditions.

Standard Conditions attached to a Licence to Operate a Private Hire Vehicle

Local Government (Miscellaneous Provisions) Act, 1976 Part 2

All licences issued by the Council in connection with the driving and operation of Private Hire vehicles are in accordance with the provisions of the 1976 Act. Operators, Drivers and Proprietors should be familiar with this Act, the provisions of the Town Police Clauses Act and the Equality Act effecting Private Hire licences.

The following Conditions apply to all Operators of Private Hire vehicles, licensed or seeking to be licensed. In certain circumstances additional appropriate Conditions may be attached to an individual licence which could be set out as an addendum, by way of a formal notice served upon the licensed Operator.

Exceptions to vary conditions will be recorded on the licence and the reason for the variance.

The Council informs of changes to its Conditions by publicising them in a variety of ways. It is the responsibility of the licence holder to be familiar with those changes and seek appropriate advice and guidance if in doubt.

Additional copies of these Conditions can be obtained, free of charge, by visiting the Taxi and Private Hire Licensing office, downloading from the Council's website or requesting a copy be sent by post. It is also a Condition of the Operators licence that a copy is available for viewing.

Councillors have considered carefully the following Conditions and emphasise that they are essential requirements. Failure to observe may lead to the suspension of the operating licence and consideration of licence revocation and prosecution (there are explanatory notes at the end of these Conditions).

1. OPERATOR LICENCE – THE APPLICATION PROCESS

Any person wishing to acquire a licence to operate a Private Hire vehicle shall be a 'fit and proper person' and produce such information as reasonably required by the Authority or undertake such appropriate training and testing as required to assist in establishing that assessment.

The application to the Council shall be solely in their name on the prescribed form, and they must pay such fee as prescribed by the Council. Such fee is not returnable and may be set to enable the Council to tier fees appropriately relative to the number of vehicles operated.

Every applicant for an Operator's licence shall be required to disclose on the application form details of:-

- a) any conviction or finding of guilt (criminal or driving matter);
- b) any caution (issued by the Police or any other agency);
- c) issue of any Magistrate's Court summons against them;
- d) issue of any fixed penalty notice for any matter (excepting fixed penalty notices for standard parking offences);
- e) any harassment or other form of warning or order within the criminal law including Anti-Social Behaviour Orders or similar;
- f) their arrest for any offence (whether or not charged)

2. POINT OF ENTRY TRAINING AND ASSESSMENT

Every applicant for an Operator licence shall be required to: -

- i. Complete the appropriate application form
- ii. Complete a DBS Disclosure form
- iii. Undertake English language, literacy and numeracy testing
- iv. Attend a Private Hire Operator training and appropriate assessment

3. BUSINESS PARTNERSHIPS

Every applicant shall in addition to the information specified in the above two paragraphs, provide the name, date of birth and address of any person if the applicant proposes to operate the business in partnership with any other person(s) and undertake the same 'fit and proper person' assessment and training and testing requirements.

Each Operator licence issued by the Licensing Authority shall be issued only in the name of the applicant and that person shall be deemed solely responsible as the Operator upon the licence being granted and the licence is not transferable from the first mentioned person to another person.

4. LENGTH OF LICENCE

Each Operator licence issued by the Licensing Authority shall be valid for such a period as the Licensing Authority may decide, subject to any changes to primary legislation.

5. TRADING NAME ¹

It is a pre-requisite to the grant of a Private Hire Operator licence to ensure that any potential confusion is removed when a preferred operating name is put forward. This would also apply to those names which might conflict with the operating name within a neighbouring Local Authority.

6. PLACE OF BUSINESS ²

A licensed Operator will only conduct the business from the booking office address specified on the licence;

- i. Each booking office address requires a separate licence. (NB: any licensed Operator wishing to conduct a business from any address other than that specified on the Operator licence shall make application to the Licensing Authority on the prescribed forms which will be regarded by the Licensing Authority as a new application for an operator licence, and the applicant shall satisfy the requirements of the Licensing Authority accordingly). An application on or within the grounds of liquor licensed premises will not ordinarily be accepted.
- ii. The current Operator licence must be displayed at the business premises to which the licence relates in a prominent position at all times in view of the general public with the exception of such times as the licence is presented to the Licensing Authority for amendment, or it is required to be produced for inspection by an Authorised Officer of the Licensing Authority or a Police Constable.
- iii. The licensed Operator shall provide, at the address from which the business is conducted as specified on the operator licence, an enclosed area where the public have a right of access for the purposes of making a booking for the services of a licensed vehicle or awaiting the arrival of a licensed vehicle subsequent to any booking.

- iv. No operator shall cause or permit any such area to be used by them or other persons for any other purpose than that outlined above².
- v. All licensed Operators shall have in force a Public Liability Insurance policy providing a minimum of £2,000,000 indemnity in respect of any one incident where there is public access to a booking office.
- vi. All licensed Operators shall have in force an Employers Liability Insurance policy complying with the Employers Liability (Compulsory Insurance) Act 1969 covering death or personal injury arising out of any incident during the course of a person's employment.

7. OFF STREET PARKING

- i. During the currency of the licence, the Operator shall ensure designated off-street parking provision at all times for the number of vehicles being operated.
- ii. No licensed Operator shall use any land or premises for the said purpose where that Operator does not have lawful right of use of that land or premises. The Operator, if required to do so by an Authorised Officer of the Licensing Authority or Police Constable, shall produce such documentary evidence as may be reasonably required to establish the Operator's lawful right to use such land or premises for the purposes of providing off-street parking provision for private hire vehicles.

8. ADVERTISING

- i. No Operator may use the word **TAXI** or **CAB** or **HACKNEY CARRIAGE** or any combination or derivation thereof in any advertising manner in any media, and any such advertising shall include the words Licensed Private Hire.
- ii. Where any Operator in the course of business uses the trading name of business address specified on the Operator licence to offer the services of a Hackney Carriage to the general public, the Operator shall not use the words **TAXI** or **CAB** or **HACKNEY CARRIAGE** or any combination or derivation thereof in any advertising manner unless the number of Hackney Carriages that the Operator can offer (without engaging the services of any other company or trading concern) is not less than 49% of the number of licensed private hire vehicles specified on the form OPVS.

9. NOTIFIABLE ALTERATIONS

- i. **Place of Residence*** - During the currency of the licence, the Operator shall notify the Licensing Authority in writing of any temporary change of residence which is for a period in excess of 21 days. In either case, the Licensing Authority shall be notified in writing within 7 days of such change taking place.
- ii. **Radio Equipment*** - Where any licensed Operator is granted a licence by the DTI to use radio equipment, and where that equipment is to be used for the purposes of conducting the business specified on the Operator licence, the Operator shall within 7 days of the grant of a licence issued by the DTI (or agencies) notify the Licensing Authority in writing stating the serial number and letters of the licence and any transmission frequencies authorised for use. The Operator shall also notify the Licensing Authority in writing of any authorised change in transmission frequencies or of any additional frequencies within 7 days of such changes taking place.
- iii. **Disposal of Business*** - Each Private Hire Operator, when disposing of any business interest, shall within 14 days give notice in writing to the Licensing Authority that the business registered in his/her name has terminated.

10. ABSENCE FROM BUSINESS AND COMMUNICATION WITH PRIVATE HIRE OPERATORS ³

- i. Private Hire Operators must notify the Council and nominate a responsible person to take responsibility on an interim basis if they are absent for 15 days or more and supply contact detail of the manager to the local Authority.
- ii. At all times the Private Hire Operator will ensure that the local Authority has his/her most up to date contact detail including a mobile telephone number and email address. There should be a generic email address for the company and a confidential email address for the Operator so that sensitive information can be properly handled and held confidentially by the Operator.

11. PUBLIC COMPLAINTS ABOUT A PRIVATE HIRE OPERATOR SERVICE ⁴

- i. Private Hire Operators must maintain a register of complaints by the public in a format approved by the Council (computerised or hard copy). The format of the complaints register must be maintained in the manner prescribed by the Council.
- ii. Upon receiving any 'specified complaint' or allegation regarding any person licensed by the Authority Operators must report it immediately when the licensing office is open, and in any other event within 72 hours.
- iii. The specified complaints or allegations are:
 - of sexual misconduct, sexual harassment or inappropriate sexual attention
 - racist behaviour
 - Violence
 - Dishonesty
 - breaches of equality

In straight forward terms, allegations of criminal behaviour whilst acting as a Private Hire Driver.

- iv. 'Low level' complaints can build up a business profile that can be indicative of a professional development need, or in the worst case the concealing of some potential significant offending or allegations of unsafe behaviour.

These concerns are to be dealt with by a requirement to maintain a 'register of complaints' and outcomes, for inspection by the Authority for a set period, of 12 months.

- v. The format of the complaints register must be maintained in the manner prescribed by the Council.

12. SPECIFIED VEHICLES

No licensed Operator shall operate any Private Hire vehicle other than those which have been listed by an Authorised Officer of the Licensing Authority on the Operator Vehicle Schedule (Form OPVS). Any alteration to the form OPVS shall only be made by an Authorised Officer of the Licensing Authority.

When a licensed Operator ceases to operate any vehicle specified on the OPVS, the Operator shall forthwith, and in any event not later than 72 hours, notify the Licensing Authority for amendment by an Authorised Officer.

13. SPECIFIED DRIVERS

- i. The Operator shall notify the Licensing Authority of each and every Private Hire driver employed or used by the operator in his Operator Driver Schedule (Form OPDS). Where an Operator ceases to employ or use any licensed private hire driver, the Operator shall forthwith, and in any event within 72 hours, notify the Licensing Authority in writing and present the form OPDS to the Licensing Authority for amendment by an Authorised Officer. The Private Hire driver licence must be returned to the driver.
- ii. Each Operator will retain at the address from which the business is conducted, the Private Hire driver licence of every licensed Private Hire driver employed or used by that Operator.
- iii. The Private Hire driver licences shall be available at all times for inspection by any Authorised Officer of the Licensing Authority or Police Constable who may take the licence(s) away from the premises if so required.
- iv. Every Private Hire driver licence retained by the Operator must display the trade name and Operator licence number relating to his licence.

14. ACCEPTANCE OF BOOKINGS AND STANDARD OF SERVICE

- i. Every contract for the hire of a Private Hire vehicle shall be deemed to be made with the licensed Operator who accepted the booking, whether or not that licensed Operator subsequently provides the vehicle(s).
- ii. The Operator shall provide a prompt, efficient and reliable service to members of the public at all times and shall ensure that when a private hire vehicle has been hired to be in attendance at an appropriate time and place, that vehicle shall, unless delayed or prevented by sufficient cause, punctually attend at that time and place. Operators are reminded that even upon the transfer of a booking to another licensed Private Hire Operator they remain accountable for that service delivery.

15. RECORD OF BOOKINGS

- i. The records required to be kept by the Private Hire Operator under section 56(2) of the Local Government (Miscellaneous Provisions) act 1976, shall be kept in a suitable bound book, the pages of which shall be consecutively numbered. Entries must only be made at the time the booking is received and there should be no blank pages or lines whatsoever in the booking record.
- ii. The Private Hire Operator, before the commencement of each journey, shall enter or cause to be entered in the record book or computer data base the following details for every booking of a Private Hire Vehicle invited or accepted by the operator or their agent;
 - a) The time and date of the booking and the time required – the 24 hour clock shall be used.
 - b) The full name of the hirer and contact number used in making the booking.
 - c) A detailed point of pick-up (not simply Boar Lane or Headingley etc).
 - d) The specific destination address.
 - e) The driver's identifying number /name.
 - f) Private Hire Operators shall ensure that the booking record can clearly identify the plate number of the Private Hire vehicle and badge number of the Private Hire driver for every journey.
- iii. In the event of a failure of the computer data base the paper records shall be maintained in compliance with the preceding conditions for those Private Hire Operators who are not operating a computerised booking system. A computer data base should have the facility to print a paper record.

- iv. Records should be kept in English and securely retained for at least 12 months following the date of the last entry or for such period as required by an Authorised Officer.
- v. All records shall be maintained and kept up-to-date at all times, and shall be available for inspection at all reasonable times without notice by an Authorised Officer, the Police or VOSA. For the purpose of further investigation, records may be removed from the premises if so required or copied to disk, in the case of computer records. The Private Hire Operator or responsible manager will certify them as a true and accurate record. GPS information must be securely stored when so required by the Council.

A copy of any document or recording shall be made available for collection by any duly Authorised Officer of the Council.

16. PAPER RECORDS OR COMPUTERISED BOOKING RECORDS?

Private hire operators shall keep a record of their bookings via the following method;

- i. The status quo in respect of the conditions prior to the adoption of these conditions will remain in place (unless the Operator elects to move to an approved computerised booking system) but where there has been a breach of correct record keeping, in addition to any other sanction, there may be a requirement to move from paper records to an 'approved computerised system'.
- ii. Following the adoption of these conditions newly licensed Private Hire Operators shall keep a record of their bookings via the following method.

Sole operator	Paper records
2 – 9 Cars	Paper Records
10 – 19 Cars	Approved computerised system
20+ Cars	Booking and dispatch system

- iii. Where there has been a breach of correct record keeping, in addition to any other sanction, there may be a requirement to move from paper records to an 'approved computerised system'.

17. TELEPHONE VOICE RECORDING OF BOOKINGS

- i. Private Hire Operators (not sole Operators) shall utilise an approved voice recording system for incoming advance bookings which corresponds with the required detail in the booking records. The recordings must be kept securely, as directed by Authorised Officers, and in a manner that enables a speedy recovery of transactions. The technology must be approved in writing by the Council.
- ii. Private Hire Operators are not permitted to accept telephone bookings forwarded by their PHDs.

18. 'OUT OF TOWN' HACKNEY CARRIAGES ACTING AS PRIVATE HIRE VEHICLES IN THE LEEDS LICENSING DISTRICT

- i. SCHEDULE OF DRIVERS
 - a. The Private Hire Operator shall notify the Licensing Authority forthwith, and in any event within 72 hours of each and every Hackney Carriage driver employed or used for Private Hire bookings via the Operator Driver Schedule (Form OPDS - HCD); this will include Hackney Carriage drivers licensed by this or other Authorities.

- b. Where a Private Hire Operator ceases to employ or use any such licensed Hackney Carriage driver, the Operator shall forthwith, and in any event within 72 hours, notify the Licensing Authority in writing and present the corrected form OPDS - HCD to the Licensing Authority for amendment by an Authorised Officer.
- c. The Private Hire Operator shall retain a copy of the Hackney Carriage driver licence granted by this or any other authority along with a copy of the driver's DVLA licence, and any other driver of that vehicle, and forward a copy of those documents to the Leeds City Council Licensing Office forthwith, and in any event within 72 hours of registering that driver on the form (OPDS - HCD).

ii. SCHEDULE OF VEHICLES

- a. The Private Hire Operator shall notify the Licensing Authority forthwith, and in any event within 72 hours of each and every Hackney Carriage vehicle employed or used by the operator on the Operator Vehicle Schedule (Form OPVS - HCV), this includes those Hackney Carriage vehicles licensed by this or other Authorities.
- b. Where a Private Hire Operator ceases to employ or use any such licensed Hackney Carriage vehicle, the Operator shall forthwith, and in any event within 72 hours, notify the Licensing Authority in writing and present the form OPVS- HCV to the Licensing Authority for amendment by an Authorised Officer.
- c. The Private Hire operator shall retain a copy of the Hackney Carriage vehicle licence granted by another Authority along with a copy of the MOT certificate, certificate and policy of insurance and vehicle registration document and forward a copy of those documents to the Leeds City Council, Taxi & Private Hire Licensing Office within 72 hours.

iii. ADVERTISING ON VEHICLES

- a. Where a Hackney Carriage vehicle is licensed by another Authority, such a Hackney Carriage driver or Hackney Carriage vehicle is expressly prohibited from using any literature, any documentation, any advertising or displaying any signage associated to the Private Hire Operator or Leeds City Council which suggests or might lead to a misunderstanding that the vehicle is licensed by this Authority.

iv. TELEPHONE BOOKINGS

- a. The receipt of advance bookings by the licensed Operator for Hackney Carriage vehicles licensed by another Authority or which are subsequently allocated to a HCV licensed by another Authority must be maintained in a completely separate register of bookings and in the same format as condition 14. If a computerised booking system is in place those booking records must be kept in a completely separate and distinct area of the systems hard drive to enable easy inspection by the Council.
- b. A separate telephone line and telephone number must be used and installed by the Private Hire Operator and used for Hackney Carriage vehicles licensed by another Authority which are undertaking Private Hire bookings within that operating base.

There must be a pre-recorded intercept message on the unique booking telephone line which clearly states to prospective customers the following:

"The driver and vehicle you are about to book are not licensed by Leeds City Council and Leeds City Council is not empowered to take licensing action against them in the event of a complaint. In the event of a complaint customers will have to deal with that other Authority where they may be licensed."

- c. The caller should then be reminded of the Private Hire Operator main number and given the option to be redirected to “a Leeds City Council licensed driver and vehicle”.
- d. In any advertising literature or web information, a form of words must be used which clearly states to prospective customers the following:

“The driver and vehicle you are about to book are not licensed by Leeds City Council and Leeds City Council is not empowered to take licensing action against them in the event of a complaint. In the event of a complaint customers will have to deal with that other Authority where they may be licensed.”

19. TRAINING TO EXPECTED STANDARDS OF SERVICE AND SAFETY DURING THE LIFETIME OF A LICENCE ⁵

- i. During the lifetime of a Private Hire Operator licence, an Authorised Officer of the Council may require a licence holder to undertake reasonable and appropriate training to meet these expectations and requirements. Such a requirement would be in writing. A reasonable time scale of up to 3 months will be set for the training to be successfully undertaken at a place designated by the Council. If there is a refusal or failure to attend, or the licensed Operator does not meaningfully participate in the training or attain the training accreditation the licence may be suspended and consideration given to its revocation. The cost of such training will be borne by the licence holder.
- ii. Similarly, the same considerations set out in the preceding paragraph will apply to those who manage distinct areas of the operating business or business partner(s).

20. REQUIREMENTS TO REPORT CONVICTIONS & ASSOCIATED INCIDENTS

- i. Any of the following events must be reported in writing to the Taxi & Private Licensing office within 72 hours during the currency of a licence giving full details:
 - a. any conviction or finding of guilt (criminal or driving matter);
 - b. any caution (issued by the Police or any other agency);
 - c. issue of any Magistrate’s Court summons against them;
 - d. issue of any fixed penalty notice for any matter;
 - e. any harassment or other form of warning or order within the criminal law including Anti-Social Behaviour Orders or similar;
 - f. their arrest for any offence (whether or not charged)
- ii. When required a licensed Private Hire Operator will undertake a Disclosure and Barring Service (DBS) vetting at his/her own expense and within a timescale set by the Council. Such a requirement may be on the basis of the Council’s responsibility to ensure continued public safety and monitor licensed private hire operators.

21. GUIDE DOGS

- i. Every Proprietor, Driver and Operator of a licensed Private Hire vehicle shall ensure that guide dogs are carried within the passenger compartment of the vehicle on request.
- ii. Operators are reminded of their responsibilities under the Equality Act, 2010, and are advised that discrimination could seriously and adversely impact upon their operating licence.

22. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976, PART 2

All licences in connection with the driving and operation of Private Hire vehicles and all conditions attached to the grant of such licences are issued by the Licensing Authority in accordance with the provisions of the 1976 Act.

Each Private Hire Operator shall make themselves aware of the provisions of the 1976 Act and any other relevant legislation including the Licensing Authority conditions attached to the grant of a Private Hire Operator, driver or vehicle licence.

PLEASE NOTE THAT SHOULD YOU FEEL AGGRIEVED BY ANY OF THE CONDITIONS IMPOSED ON THE LICENCE, YOU HAVE THE RIGHT OF APPEAL TO A MAGISTRATES' COURT WITHIN 21 DAYS FROM THE DATE WHEN THIS LICENCE WAS ISSUED TO YOU.

Explanatory notes

1. Trading name

It is not the intention to restrict the appropriate or innovative naming of a Private Hire business but it has been a source of frustration in the past to the trade and Officers. There are examples of a Private Hire Operator selling the business in 'good will' only for a new Operator to open a short while later with a very similar business name. Sometimes this is not dealt with in contractual arrangements and can lead to confusion with the public (as well as ill will within the trade). Similarly, where a Private Hire Operator licence is revoked or suspended it seems inappropriate that the identical operating name or one closely associated to that is taken into use. Again this can be confusing for customers and drivers, and perhaps undermining of the council's regulatory sanctions.

2. Place of business

With the event of 'app' technology there may be no necessity for potential customers to visit an Operator base. Accordingly the previous requirement has been adjusted to reflect new operating practices.

Where the facility for customers to visit the premises to book does exist, Private Hire Operators are reminded of the best practice guidance under 'Staff training and public access to Private Hire Operator premises'. The premises shall be kept clean, adequately illuminated, heated and ventilated and shall conform to any other relevant legal requirements.

Licence holders need to be acutely aware of the risks associated with children or young people frequenting premises for non- business purposes and there can be no compromise in the necessity of the Private Hire Operator to intervene and stop such activity.

Licensed premises could be targeted by criminals using drivers to facilitate the grooming of children, trafficking, or supply drugs or contraband tobacco etc.

It would be expected that the assistance of the Police would be sought, where there should be a concern, but that does not diminish the responsibility of the Private Hire Operator to tightly control and prevent such occurrences. With such strong cautionary advice in place upon the licence, Private Hire Operators need to consider how breaches of this requirement might be used by the Police in any criminal proceedings brought against the Private Hire Operator.

3. Absence from business and communications with PHOs

This is a concern of Officers who frequently cannot contact the Operator or on some occasions determine who is managing the company in his absence. It is not intended to restrict the Private Hire Operator practice but to ensure that the business is conducted properly, with appropriate accountability and reasonable access to a responsible manager(s) in that period of absence. This is an issue which has been recognised by way of Condition in some other Local Authority areas.

4. Public complaints about a Private Hire Operator service

It is not for the Operator to decide not to record or report the allegation or complaint because they are unsure if it is valid. This is a straight forward reporting requirement so that Officers can make neutral enquiries which will include a conversation with the Operator or staff. It is understood that there can be difficult customers and Operators should use their skills to resolve as many service delivery complaints as possible. It will so become apparent if there is a training/development need as a particular driver complaint profile develops and Operators should be mindful of that and highlight the issues to Officers.

5. Training to expected standards of service and safety during the lifetime of a licence.

Generally this was considered to be important to the trade during consultation but a thread of concern ran through the consultation briefings in respect of how it would affect those currently licensed. Building upon the thoughts of the existing Private Hire Operators there are undoubtedly significant business improvement and public safety benefits to be gained with the training indicated by the Private Hire Operators consultees.

There is stability and a lot of experience within the current licensed Private Hire Operators and Officers feel that appropriate training, when necessary, could be more beneficial than demanding a CPC qualification. If at the point of entry the PHO applicant holds an appropriate industry related qualification the briefing exercise module would be sufficient and there would not be the need to undertake the training and testing module unless there was considered to be a clear lack of relevant knowledge.

- Applicants, business partners and responsible managers will be required to undertake a Private Hire Operator training and assessment at the point of entry to the trade. This should incorporate legislation and knowledge in respect of Private Hire Operator, Private Hire Drivers, Private Hire vehicle legislation and conditions knowledge. Equality training and customer care will also be a requirement. A licence will not normally be granted until the appropriate training and assessments have been passed.
- Existing licensed Operators, at the time of approval of these conditions will remain unaffected by the training requirements unless there is a substantiated concern about breaches of conditions or associated poor practice.
- Similarly, the same considerations set out in the preceding paragraph will apply to those who manage distinct areas of the operating business or business partner(s).
- That all existing Private Hire Operators attend at their own expense a formal briefing sessions at a standard training fee set by the Council.

Taxi and Private Hire Licensing

225 York Road

Leeds

LS9 7RY

Tel: 0113 3781570

Email: taxiprivatehire.licensing@leeds.gov.uk

www.leeds.gov.uk/taxis

Section Opening Hours

Monday - Thursday

08.00 - 15.30

Friday

08.00 - 15.00

Staff Training

3rd Tuesday in every month

08.00 - 10.00

Taxi and Private Hire Licensing

Legal, Licensing & Registration

Standard Conditions attached to an
Executive Private Hire Operator Licence

POLICY IN RESPECT OF CONDITIONS ATTACHED TO THE GRANT OF A PRIVATE HIRE EXECUTIVE OPERATOR LICENCE

Background

The Local Government (Miscellaneous Provisions) Act, 1976 (LGMP), was created to enable Conditions of safety to be placed upon drivers, vehicles and Operators making private contracts for vehicle with driver hire services. Private Hire at that time was concentrated on saloon vehicles offering, in the main, local journeys.

The Private Hire sector has grown and extended significantly and there are now a much wider range of vehicles and services.

The Road Safety Act, 2006, along with best practice guidance issued by the Department for Transport (DfT) has caused Leeds City Council to consider licensing a wide range of vehicles and services.

Policy Statement

The issues around the operating of a business involving Executive vehicles has the same business, legal and public safety principles as other areas of transport licensed by the Local Authority.

Public safety is paramount. It is very important to Leeds City Council that Operators also fit comfortably into their environment and are not the cause of residential nuisance.

Operators are a major factor in contributing to public safety by ensuring that they and their drivers adhere to this policy and the Conditions upon the various licences.

The Council recognises the very distinct role of Executive vehicles in the 'special event' arena of public transport and can accommodate some variations to its existing standard Private Hire Conditions.

The distinction between an Operator of standard Private Hire vehicles and the Operator of Executive vehicles is significant in terms of the type of client catered for and the type of service offered. The aim of the Council's policies and Conditions is to ensure that there are no overlaps in policy and Conditions with the standards of safety already existing in the licensed Private Hire sector.

The administrative and operating practices and procedures of a standard Executive vehicle must at all times, in every way, be distinct from the business conducted by a licensed Operator of standard Private Hire vehicles including advertising and call handling. Enquiries or bookings should be handled within a different business environment to any other business conducted by that Operator or on those premises. This includes a dedicated telephone line and stand alone internet site and email address. Any stationery or correspondence should refer only to the licensed business of the Private Hire Executive Operator.

Set out in this booklet are the pre-conditions to the consideration of the grant of a Private Hire Executive Operator licence. Additionally, once licensed, a Private Hire Executive Hire Operator must continue to meet these standard pre-conditions.

PRE-CONDITIONS ATTACHED TO THE GRANT OF A PRIVATE HIRE EXECUTIVE HIRE OPERATOR LICENCE

1. Any person wishing to acquire a licence to operate a Private Hire Executive vehicle shall be a fit and proper person and make the application to the Council solely in their name on the prescribed form and pay such fee as prescribed by the Council. Such fee shall not be returnable under any circumstance, save at the sole discretion of the Council.
2. Every applicant for an Operators licence shall be required to undertake: -
 - (i) Complete the appropriate application form and a CRB Disclosure form
 - (ii) Undertake English language, literacy and numeracy testing
 - (iii) Attend a Private Hire Executive Operator Seminar
3. Every applicant shall in addition to the information specified in the application process provide the name, date of birth and address of any person the applicant proposes to operate the business in partnership with at any time.
4. Each Operator licence issued by the Licensing Authority shall be issued only in the name of the applicant and that person shall be deemed solely responsible as the Operator upon the licence being granted and the licence is not transferable from the first mentioned person to another person.
5. Each Operator licence issued by the Licensing Authority shall be valid for such a period as the Licensing Authority may decide.
6. Every applicant for an Operators licence shall demonstrate compliance with the policy.

CONDITIONS ATTACHED TO A LICENCE TO OPERATE A PRIVATE HIRE EXECUTIVE VEHICLE

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT, 1976 PART 2

All licences issued by the Council in connection with the driving and operation of Private Hire Executive vehicles are in accordance with the provisions of the 1976 Act. Drivers, Operators and Proprietors should be familiar with this Act, the provisions of the Town Police Clauses Act and the Disability Discrimination Act effecting Private Hire licences.

The following Conditions apply to all Operators of Executive vehicles, licensed or seeking to be licensed, and in whole to the vehicle Proprietor and in whole or part to licensed Operators and drivers. In certain circumstances additional appropriate Conditions may be attached to an individual licence which could be set out as an addendum to Section 1, by way of a formal notice served upon the licensed Operator.

The Council informs of changes to its Conditions by publicising them in a variety of ways. It is the responsibility of the licence holder to be familiar with those changes and seek appropriate advice and guidance if in doubt.

Additional copies of these Conditions can be obtained, free of charge, by visiting the Taxi and Private Hire Licensing office, downloading from the Council's website or requesting a copy be sent by post. It is also a Condition of the Operator's licence that a copy is available for viewing.

Councillors have considered carefully the following Conditions and emphasise that they are essential requirements. Failure to observe may lead to immediate suspension of the vehicle licence and consideration of licence revocation and prosecution¹ (there are explanatory notes at the end of these Conditions).

1. Operator Licence

Every applicant shall in addition to the information specified in the application process provide the name, date of birth and address of any person the applicant proposes to operate the business in partnership with at any time, who shall also be the subject of CRB vetting.

Each Operator licence issued by the Licensing Authority is issued only in the name of the applicant and that person shall be deemed solely responsible as the Operator upon the licence being granted and the licence is not transferable from the first mentioned person to another person.

Each Operator licence issued by the Licensing Authority shall be valid for such a period as the Licensing Authority may decide.

The current Operator licence must be displayed at the business premises to which the licence relates in a prominent position at all times in view of the general public with the exception of such times as the licence is presented to the Licensing Authority for amendment or it is required to be produced for inspection by an Authorised Officer of the Licensing Authority or a Police Constable.

Each Operator, when disposing of any business interest, shall within 14 days give notice, in writing, to the Licensing Authority that the business registered in his/her name has terminated².

The Operator shall notify the Council in writing of any change of address during the period of the licence within seven days of such change taking place.

The Operator will, if there is public access, have on display a copy of the Operator's, driver's and vehicle Conditions to be viewed by any person.

The Operator will supply, free of charge, a copy of those Conditions to any person requiring them.

2. Place of Business

A licensed Operator will only conduct the business from the booking office address specified on the licence, each booking office address requires a separate licence.

NB: Any licensed Operator wishing to conduct a business from any address other than that specified on the Operator licence shall make application to the Licensing Authority on the prescribed forms which will be regarded by the Licensing Authority as a new application for an Operator licence and the applicant shall satisfy the requirements of the Licensing Authority accordingly.

An application on or within the grounds of liquor licensed premises will not be accepted.

Where there is public access the licensed Operator shall provide, at the address from which the business is conducted as specified on the Operator licence, an enclosed area to which the public have right of access for the purposes of making a booking for the services of a licensed vehicle or awaiting the arrival of a licensed vehicle subsequent to any booking. No Operator shall cause or permit any such area to be used by them or other persons for any other purpose than that outlined above.

The premises shall be kept clean, adequately illuminated, heated and ventilated and shall conform to any other relevant legal requirements.

All licensed Operators shall have in force a Public Liability Insurance policy in the name of the Company providing a minimum of £2,000,000 indemnity in respect of any one incident. The cover will not be limited to the business premises and must provide insurance cover in the event of a customer or member of the public suffering damage, loss or injury as a result of its business activities.

All licensed Operators shall have in force an Employers Liability Insurance policy complying with the Employers Liability (Compulsory Insurance) Act 1969 covering death or personal injury arising out of any incident during the course of a person's employment.

3. Advertising

No Operator may use the word **TAXI** or **CAB** or **HACKNEY CARRIAGE** or any combination or derivation thereof in any advertising manner in any media, and any such advertising shall include the words Licensed Private Hire Executive Vehicle – Advance Bookings Only.

Where any Operator in the course of business uses the trading name or business address specified on the Operator licence to offer the services of a Hackney Carriage to the general public, the Operator shall not use the words **TAXI** or **CAB** or **HACKNEY CARRIAGE** or any combination or derivation thereof in any advertising manner unless the number of Hackney Carriages that the Operator can offer (without engaging the services of any other company or trading concern) is not less than 51% of the number of licensed private hire vehicles specified on the form OPVS.

4. Acceptance of Bookings

Every contract for the hire of a Private Hire Executive vehicle shall be deemed to be made with the licensed Operator who accepted the booking, whether or not that licensed Operator subsequently provides the vehicle(s).

The booking is exclusive to an Executive vehicle and may not be transferred to a standard Private Hire vehicle or other category of licence.

A booking with a licensed Operator may not be transferred to any Operator not licensed by this Authority.

5. Record of Bookings

Each licensed Operator shall keep a full and accurate record of every booking of a Private Hire Executive vehicle in a register, details to include:-

- (i) Time and date of booking
- (ii) Time required
- (iii) Customer's name
- (iv) Particulars of the journey (from and to)
- (v) The nature of the 'special event' and the vehicle used

These records must be maintained in a bound book with consecutively numbered pages. Operators must be able to identify from their records which Private Hire Executive vehicle has undertaken any particular job, e.g. call sign, plate number.

All bookings are for exceptional events and must take place in a formal manner including the exchange of a written contract and acceptance prior to the commencement of a journey

The register must be maintained up to date at all times, and shall be retained at the address from which the business is conducted as specified in the Operator licence for a period of not less than 12 months from the date of the last entry in the register.

The register(s) shall be available at any time without notice by an Authorised Officer of the Licensing Authority or a Police Constable who shall be empowered to take away the register(s) from the premises if required.

Licensed Operators who wish to operate a computer booking record system must have the approval in writing of the Licensing Authority, and **must** adhere to all other relevant conditions.

6. Specified Vehicles

No licensed Operator shall operate any Private Hire Executive vehicle other than those which have been listed by an Authorised Officer of the Licensing Authority on the Operator Vehicle Schedule (form OPVS). Any alteration to the form OPVS shall only be made by an Authorised Officer of the Licensing Authority.

When a licensed Operator ceases to operate any vehicle specified on the OPVS, the Operator shall forthwith, and in any event not later than 72 hours, notify the Licensing Authority, in writing, for amendment by an Authorised Officer.

7. Off Street Parking

During the currency of the licence, the Operator shall ensure designated off-street parking provision at all times for the number of vehicles being operated.

No licensed Operator shall use any land or premises for the said purpose where that Operator does not have lawful right of use of that land or premises. The Operator, if required to do so by an Authorised Officer of the Licensing Authority or Police Constable, shall produce such documentary evidence as may be reasonably required to establish the Operator's lawful right to use such land or premises for the purposes of providing off-street parking provision for Private Hire Executive vehicles.

8. Specified Drivers

The Operator shall notify the Licensing Authority of each and every Private Hire Executive driver employed or used by the Operator in his Operator Driver Schedule (Form OPDS). Where an Operator ceases to employ or use any licensed Private Hire Executive driver, the Operator shall forthwith, and in any event within 72 hours, notify the Licensing Authority in writing and present the form OPDS to the Licensing Authority for amendment by an Authorised Officer. The Private Hire Executive driver licence must be returned to the driver.

Each Operator will retain at the address from which the business is conducted, the Private Hire Executive driver licence of every licensed Private Hire Executive driver employed or used by that Operator.

The Private Hire Executive driver licences shall be available at all times for inspection by any Authorised Officer of the Licensing Authority or Police Constable who may take the licence(s) away from the premises if so required.

Every Private Hire Executive driver licence retained by the Operator must display the trade name and Operator licence number relating to his licence.

Once licensed as a Private Hire Executive vehicle a vehicle can only be driven by a driver who has a Private Hire Executive driver licence for this type of vehicle and the Operator may only use such a driver.

9. Standard of Service

The Operator shall provide a prompt, efficient and reliable service to members of the public which at all times complies with all the Conditions associated to Private Hire Executive Operators, drivers and vehicles and shall ensure that when a Private Hire Executive vehicle has been hired to be in attendance at an appropriate time and place, that vehicle shall, unless delayed or prevented by sufficient cause, punctually attend at that time and place.

10. Disability Discrimination³

Every licensed Operator must conform to the requirements of the Disability Discrimination Act, 2005, and associated legislation.

11. Complaints

Operators, on receiving any complaint of a serious nature, particularly including dishonesty, indecency, violence, disability discrimination or drugs, regarding any person licensed by the Authority, must immediately inform the Taxi and Private Hire Licensing Section as to the identity of the person involved and the nature of the complaint. All accompanying information, documentation and records must be supplied. This should be done immediately but no later than 72 hours.

12. Lost Property

Any property or articles of any description left in a Private Hire Executive vehicle by a passenger shall forthwith, and in any event not later than 72 hours, be delivered to the Police Station for the area which the licensed Operator is based. Appropriate enquiries should be made by the driver to return the property to the owner but nevertheless must be lodged with the Police, in line with the stated time scales in this Condition. A record of the property receipt should be retained for a period of 6 months by the driver whose responsibility it was to take care of the property when found.

13. Radio Equipment

Radio or other data communication equipment for use in the communication of bookings from the Private Hire Executive Operators base station cannot be fitted.

14. Requirements to Report Convictions & Associated Incidents⁴

- (a) Any of the following events in respect of the Operator, Manager, business partner or any one holding office if it is a limited company, must be reported in writing to the Taxi & Private Licensing Section within 72 hours during the currency of a licence giving full details:-
 - (i) Any conviction (criminal or driving matter)
 - (ii) Any caution (issued by the Police or any other agency)
 - (iii) Issue of any Magistrate's Court summons against them
 - (iv) Issue of any fixed penalty notice for any matter;
 - (v) Any harassment or other form of warning or order within the criminal law, including Anti-Social Behaviour Orders or similar
 - (vi) Their arrest for any offence (whether or not charged)
- (b) When required a licensed Operator will undertake enhanced Criminal Records Bureau (CRB) vetting at his/her own expense and within a timescale set by the Council. Such a requirement may be on the basis of the Council's responsibility to ensure continued public safety and monitor licensed drivers.

EXPLANATORY NOTES

1. Health and Safety of Passengers (Duty of Care)

Most people will be aware that employers have a duty of care to their employees, but the Health and Safety at Work Act, 1974, goes further. Part 1, Section 3 (2) states “it shall be the duty of every self-employed person to conduct his undertaking in such a way as to ensure, so far as is reasonably practicable, that he and other persons (not being his employees) who may be affected thereby are not exposed to risks to their health and safety”. Operators, drivers and Proprietors are advised that a failure to safeguard passengers could have serious implications for the licence holder, and the licence.

2. Licences granted to Operators are personal licences and are not transferable. Any new Operator must satisfy all the Council’s pre-conditions to the grant of a licence. Operating businesses cannot be operated by an unlicensed Operator. Prior to the transfer of any business the proposed purchaser should have satisfied the Council that he is a “fit and proper” person and obtained the appropriate Operator licence.
3. Legislation effecting the provision of public transport has undergone significant change, (for example, Disability Discrimination, Health & Safety, road safety bills) and there are increased expectations within society that a service will be delivered professionally and fairly to all. Many of these issues do in fact have serious consequences for drivers within the criminal law, but it is also important to the Council that its values and principles are displayed by licensed drivers. They should conduct themselves in a way that reflects positively on the licensing policy of the Council and benefits those passengers using private hire transport.

4. Meaning of Convictions

How criminal allegations are finalised by law enforcement agencies has significantly changed since the Act setting out the legislation and Conditions for Private Hire licensing was introduced. There are now a variety of disposal methods for sentencing which have been introduced in recent years. Many of these do not necessitate the alleged offender appearing before the courts to be sentenced. Formal ‘Cautions’ within Home Office guide lines are more frequently used in appropriate cases and ‘Fixed Penalty Fines’ can be issued for a range of criminal offences. There are also a variety of constraining orders issued by the Courts (Criminal and Civil) intended to control the behaviour of individuals. All these disposal methods have a common thread to actual convictions and are indicative of an individual’s behaviour. These may be considered by the Council to consider the suitability of a licensed driver to continue to hold a licence. Similarly, the issue of summonses or the arrest and release on bail, with or without charge, can indicate there has been an event which may cause the Council to review the suitability of a licensed driver to continue to hold a licence. Each case will be considered on its own merits. Because of the public safety issues involved in Private Hire work the Council has been exempted from the provisions of the Rehabilitation of Offenders Act, 1976.

Taxi and Private Hire Licensing

225 York Road

Leeds

LS9 7RY

Tel: 0113 37 81570

Email: taxiprivatehire.licensing@leeds.gov.uk

www.leeds.gov.uk/taxis

Section Opening Hours

Monday - Thursday 08.00 - 15.30

Friday 08.00 - 15.00

Staff Training 3rd Tuesday in every month 08.00 - 10.00

Licensing Committee Working Group Terms of Reference

Private Hire Operators, ride hailing apps and cross border working



January 2020

1. Purpose

1.1. Following recent discussions at Leeds City Council's Licensing Committee, an informal working group has been established to consider the policy/ies for and enforcement of Private Hire Operators, ride hailing applications (apps) and cross border working licensed by Leeds City Council and in the Leeds area.

2. Objectives

2.1. The working group is tasked with considering evidence relating to the policies for private hire operators, use of ride hailing apps, and cross border working, and making recommendations for actions to address any priority issues identified. Specifically, including the following, although other ideas and proposals may be discussed and developed:

- Reviewing and updating the council's current Private Hire Operator conditions for vehicle conditions:
 - Number of vehicles;
 - Vehicle livery; and
 - Type of vehicle – whether a minimum percentage of vehicles should be wheelchair accessible;
- Reviewing and updating the Private Hire Operator conditions for the employees of the operator.
- Reviewing and updating the provision in the Private Hire Operator conditions for what constitutes a valid booking:
 - For journeys starting or ending in the Leeds area;
 - For Private Hire Operators with drivers and vehicles licensed in both Leeds and other licensing authority areas;
 - For the use of smartphone apps; and
 - For the use of kiosks;
- Reviewing and updating the provision in the Private Hire Operator conditions relating to Private Hire Drivers:
 - Number of drivers;
 - Driver recruitment and identification checking;
 - Driver working hours and levels of takehome pay; and
 - Advertising events to drivers outside of the licensed area.
- Making specific and prioritised recommendations, policy and administrative, for awareness and action to address identified and evidenced issues, such as:
 - Impact of any of the changes on any other taxi and private hire licensing policies and operations?

2.2. The group should provide a concise report summarising its findings to the chair of Licensing Committee and Taxi within 1 month of the final meeting and, subject to its conclusions, including:

- Recommended policy/ies; and
- Recommended guidance or supporting information.

3. Membership

3.1. We want to ensure that a broad range of views are sought, including from a sub group (min 3) of members of Licensing Committee, passengers, from both sides (taxi/private hire) of the trade, from licensing or enforcement officers, from other licensing authorities and passengers.

3.2. The working group will therefore be comprised of:

- A Chair, who is a member of the Licensing Committee;
- A minimum of two other members of Licensing Committee;
- Taxi and Private Hire Licensing Manager;
- A maximum of three people representing passengers;
- A representative of the council's Information Management team;
- A maximum of six people representing drivers, proprietors and operators (two taxi, four private hire); and
- A maximum of three people representing licensing and enforcement;

3.3 The group will also invite evidence and input from other interested and expert parties, who will not be formal members of the group, such as:

- Officers from other licensing authorities; and
- Other expert witnesses as may be identified.

3.4. One officer from taxi and private hire licensing will attend to provide minutes and action point support to the group.

4. Governance

4.1. These Terms of Reference will be finalised in correspondence and agreed formally during the first meeting of the working group. Any proposed changes should be sent to the Chair of Licensing Committee for consideration at least a week before the first meeting, and are subject to mutual agreement between the group and the chair of Licensing Committee.

4.2. The group may hold up to five meetings before its summary document is issued.

4.3. The final version of the summary document must be issued within one month of the group's final meeting.

4.4. The group will aim to reach a consensus view, but where that is not possible, differences of view will be recorded in the summary document.

4.5. Meetings will normally be held at Leeds Civic Hall.

4.6. Meeting papers will be issued electronically at least three working days prior to each meeting.

LICENSING COMMITTEE WORK PROGRAMME 2018/19 - LAST UPDATED 17/01/20 (JG)

ITEM	DESCRIPTION	Officer	TYPE OF ITEM
Meeting date: 3rd March 2020			
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
Licensing, Planning and Supporting the Public	To consider a report by the Chief Officer, Elections and Regulatory which sets out proposals to support the public on Licensing and Planning issues.	S Holden	B
Meeting date: 7th April 2020			

Key:

RP – Review of existing policy

DP – Development of new policy

PM – Performance management

B – Briefings

SC – Statutory consultation

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