
Meeting	Licensing And Regulatory Committee
Date	2 September 2024
Present	Councillors Melly (Chair), Cuthbertson (Vice-Chair), Baxter, Clarke, Hook, Kilbane, Knight, Mason, Nicholls and Warters
In Attendance	Sandra Branigan, Senior Lawyer Matt Boxall, Head of Public Protection David Cowley, Taxi Licensing Manager
Apologies	Councillors Ravilious, Smalley, Widdowson and Wilson

54. DECLARATIONS OF INTEREST (5.35PM)

Members were invited to declare any personal interests not included on the Register of Interests, any prejudicial interests, or any disclosable pecuniary interests that they might have in respect of business on the agenda. There were none.

55. MINUTES (5.35PM)

Resolved: That the approval of minutes of the meeting held on 11 June be deferred to the next meeting.

56. PUBLIC PARTICIPATION (5.36PM)

It was reported that there had been three registrations to speak at the meeting under the Council's Public Participation Scheme.

Andrea Piette spoke under the general remit of the committee on the draft Street Trading Policy. She noted her involvement with two street trading companies. She explained that street traders represented independent businesses and the proposed policy treated them like seasonal events companies. She expressed concern regarding the impact of the draft Street Trading Policy and proposed a street trading charter, explaining how this would benefit street traders. She asked the Committee to approve a street trading charter.

Tom Jackson spoke under the general remit of the committee on the draft Street Trading Policy. He asked the committee to show support for street traders. He explained that his parents had started their street trading business in 1981 and were a success story in York. He explained how street traders supported suppliers and provided employment and he noted the stress endured from worry over the draft Street Trading Policy. He noted that there was public support for the street traders with 2000 signatures on a petition regarding the draft policy. He explained the Street Trading Charter that the York Street Traders Association proposed the Council adopt.

Flick Williams spoke on agenda item 4 Taxi Licensing Update Report. She welcomed the information in the report and the information on enforcement actions. She was disappointed that there were still three vacant hackney carriage vehicles and hoped they would be deployed as soon as possible. She explained that she had been made aware of a wheelchair user unable to get a vehicle from Ripon to York and that it would be interesting to see if other people used executive vehicles when they were not able to get wheelchair accessible vehicles. She also asked for reports to refer to disabled people.

At this point a Member asked for an update on street traders to which the Chair advised that it could not be considered at the meeting as the report had not been published as part of the agenda. The Chair undertook to contact Members and speakers following the meeting. The Member requesting the update expressed support for the Street Trading Charter.

There had also been a written representation from Daniel Zoccolan on the Street Trading Policy.

57. TAXI LICENSING UPDATE REPORT (5.49PM)

Members considered a report advising them of the current situation relating to the new Hackney Carriage Vehicle (HCV) licence allocations. The Taxi Licensing Manager outlined the report noting that the recommendation had been taken to and approved by the Executive and Council to make available nine new hackney carriage vehicle licences (two licences that had not been renewed at that time, plus seven additional licences). This was increased to ten as a licence had been made available.

The Taxi Licensing Manager reported that there had been 22 expressions of interest which had increased to 30, and there

was a number of applications on the list with three more currently being applied for and five individuals on the list. In response to questions from Members he explained why some applicants may withdraw their application and that of the two funding schemes, one was from the council (where all funding had been allocated) and one was from the government. He confirmed that some applications had been withdrawn because of the cost. A Member endorsed the vehicles for use in the city.

Resolved: That the report be noted.

Reason: In order to be updated on taxi licensing.

58. TAXI LICENSING - UNMET DEMAND SURVEY AND HACKNEY CARRIAGE VEHICLE ALLOCATION (5.55PM)

Members considered a report that invited them to instruct officers on the council's approach to the hackney carriage 'unmet demand survey'. The taxi Licensing Manager gave an overview of the report noting the officer recommendation to approve option 2 to finalise and issue the three outstanding hackney carriage vehicle licences before undertaking the unmet demand survey. He noted that Best Practice Guidance now recommended that 'unmet demand surveys' are conducted at least every five years and that in the existing Taxi Licensing Policy the unmet demand survey was every three years.

In answer to Member questions the Taxi Licensing Manager explained that the lead in time for company undertaking the unmet demand survey was two months. He was also asked and explained that the three outstanding hackney carriage vehicles would be issued in line with the policy.

The Committee had the following options available to them in making their decision:

Option 1: Continue the current position – as stated in the existing taxi licensing policy - and undertake the unmet demand survey in February 2025.

Option 2: Finalise and issue the three outstanding hackney carriage vehicle licences before undertaking the unmet demand survey.

Option 3: Undertake the unmet demand survey in February 2027 in accordance with the Best Practice Guidance.

Cllr Kilbane moved the officer recommendation to approve option 2 to finalise and issue the three outstanding hackney carriage vehicle licences before undertaking the unmet demand survey. This was seconded by Cllr Mason. Following a unanimous vote in favour it was:

Resolved: That approval be given to option 2, to finalise and issue the three outstanding hackney carriage vehicle licences before undertaking the unmet demand survey.

Reason: To enable officers to issue all the outstanding hackney carriage vehicle licences and ensure that the full impact of these additional licences is observed when undertaking the next unmet demand survey.

59. ENFORCEMENT ACTION UPDATE REPORT (6.01PM)

Members considered a report that informed them of the enforcement activity undertaken by the Licensing Enforcement Officers in 2023-24 in relation to taxis, alcohol, tobacco, vaping, street traders and animal licensing. The Head of Public Protection detailed the report. In response to questions from Members, he and the Taxi Licensing Manager explained that:

- Regarding taxi defects, 187 vehicles had been checked and of those, 79 were issued with rectification notices for defects.
- Of the two private hire drivers agreeing to take officers into the city centre from York Racecourse for cash (during covert test purchasing being undertaken) one had lost his licence, and the Bradford authority was acting against the other.
- police running safe routes with all enforcement partners was a conduit for enforcement partners.
- The reason for the unsuccessful prosecution of the premises selling a vape to a 14 year old was explained.
- An update on work with street traders was given.
- Of the 13 taxi driver licence revocations, some had come from complaints from other authorities. Also of the 104

complaints about taxi drivers, some would be referred to other authorities.

- If there was a complaint about a criminal offence, the council would look at the fit and proper test and the police would look at the criminal offence.
- Firework inspections included giving advice and test purchases.

Resolved: That the report be noted.

Reason: In order to be updated on enforcement action.

60. FORWARD PLAN (6.11PM)

Members considered the Committee Forward Plan for the 2024-25 municipal year. The Head of Public Protection explained that the draft policy had been put out for consultation and officers were grateful for feedback, of which different views had been expressed. He noted that the Street Trading Policy was a statutory policy.

The Head of Public Protection was asked and noted that the Street Traders Charter would be considered and explained the timescale for the consideration of the policy. He added that it had been hoped that the policy would be considered at the September meeting and as this had not been possible, street trading licences had been extended by six months. A Member expressed concern regarding licences being extended and the instability it presented to street traders. A Member asked and it was agreed there would be an update on street trading at the October or November meeting. A Member asked if officers could look at the quasi legal position with Make it York.

Resolved: That the Forward Plan be approved subject to the addition of a Street Trading update at the October or November meeting.

Reason: In order to keep the Forward Plan updated.

Cllr R Melly, Chair

[The meeting started at 5.34 pm and finished at 6.24 pm].