
Meeting	Licensing and Regulatory Committee
Date	16 January 2024
Present	Councillors Melly (Chair), Clarke, Kent, Kilbane, Ravilious, Rose, Wells, Cuthbertson (Vice-Chair), Hook, Knight, Mason and Nicholls
In Attendance	Matthew Boxall, Head of Public Protection David Cowley, Taxi Licensing Manager Sandra Branigan, Senior Solicitor
Apologies	Councillors Smalley, Widdowson and Warters

44. DECLARATIONS OF INTEREST (17:31)

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.

45. PUBLIC PARTICIPATION (17:31)

It was reported that there had been one registration to speak at the meeting under the Council's Public Participation Scheme. Flick Williams spoke on agenda item 5 Taxi Licensing Update Report in regard to disabled people and taxis in York. She explained the restrictions in getting a wheelchair accessible taxi and the exclusions that it created. She noted taxi best practice guidance in relation to people's access needs. She added that it was a considerable amount of time from the meeting whereupon the additional hackney carriage licences were agreed, and she urged the council to do everything in its power to address this.

46. MINUTES (17:35)

Resolved: That the minutes of the meeting held on 9 November 2023 be approved and signed by the Chair as a correct record.

47. RENEWAL OF A SEX ESTABLISHMENT LICENCE FOR FIRST FLOOR OF ZIGGY'S (KNOWN AS CLUB 55), 53-55

MICKLEGATE, YORK, YO1 6LJ
LICENCE NUMBER CYC-019257 (17:35)

Members considered a report seeking determination of an application to renew a Sex Establishment Licence for a Sexual Entertainment Venue (SEV) which had been made under the Local Government (Miscellaneous Provisions) Act 1982, Schedule 3 Control of Sex Establishments in respect of Ziggy's (Club 55), 53-55 Micklegate, York, YO1 6LJ.

The Licensing Manager outlined the report and annexes, noting the operating hours of the club. She confirmed that consultation had been carried out correctly and that there had been no complaints about the venue. She advised that there were no mandatory grounds for the refusal of the application, and she noted the discretionary grounds for refusal.

By virtue of paragraphs 10, 12 and 13 of schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended), the Committee had the following options available to them in making their decision:

Option 1 - Grant a renewal of the licence as requested.

Option 2 - Renew the licence with modified/additional conditions imposed by the licensing committee.

Option 3 - Refuse the application for renewal on one of the mandatory grounds or on one or more of the discretionary grounds within paragraph 12 to Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended).

Cllr Mason then moved and Cllr Clarke seconded approval of Option 1 to grant a renewal of the licence as requested. The Licensing Manager was asked and confirmed that Members could take into consideration the discretionary grounds for refusal. The Chair was asked and advised that the Committee had to determine the application against council policies and the Licensing Manager explained that through the policy the city could have a nil figure of sex establishments, the policy currently state a maximum of two at present. On being put to the vote with eleven in favour and one abstention it was;

Resolved: That, in accordance with Option 1, Members approved the grant of the renewal of the licence as requested.

Reason: To consider renewal of the sex establishment licence as required by the legislation.

48. TAXI LICENSING UPDATE REPORT (17:43)

Members considered a report that advised them of the current situation relating to new Hackney Carriage Vehicle Licence allocations. It also provided an update on of the current situation in relation to the Taxi Licensing Policy. The Taxi Licensing Manager outlined the report noting the current situation in relation to unmet demand and he confirmed that the next unmet demand survey would take place in 2024. The Senior Solicitor clarified that the report was for information only and should Members like to revisit the hackney carriage vehicle licence allocations a further report would be required at a future meeting of the committee.

The Taxi Licensing Manager advised that the deadline for the hackney carriage vehicle licence waiting list was the end of that week and should there be any withdrawals or places declined, the place would be offered to the next person on the waiting list. Resolved: That Members note the content of the report. A Member congratulated officers for their work on issuing the licences.

The Taxi Licensing Manager gave an update on the Taxi Licensing Policy noting that the working party consultation had finished in early 2023. He added that the formal consultation on the Policy had been delayed as the DfT published updated best practice guidance in November 2023. As a result of this, the update had been amended in the policy. He advised that the council website had been updated to include information for disabled taxi passengers and there was an updated list of wheelchair accessible vehicles and which operator the vehicles were registered to. He added that meetings had begun with companies that offered wheelchair accessible vehicles. It was noted that these meetings had taken place with the council Access Officer.

Resolved: That the current situations relating to new Hackney Carriage Vehicle Licence allocations and the Taxi Licensing Policy be noted.

Reason: In order to be updated on the current situations relating to new Hackney Carriage Vehicle Licence allocations and the Taxi Licensing Policy.

49. LICENSING ACT 2003 & GAMBLING ACT 2005 - STATEMENTS OF LICENSING POLICIES (17:54)

Members considered a report that advised that a formal review of the 'Statement of Licensing Policy' with regards to the Gambling Act 2005 (the 2005 Act) must be undertaken during 2024. It also advised that that a formal review of the 'Cumulative Impact Assessment' (CIA), which formed part of the 'Statement of Licensing Policy' with regards to the Licensing Act 2003 (the 2003 Act) must be undertaken during 2024. As the CIA formed part of the Policy, the Policy would also be reviewed. The Licensing Manager gave an overview of the report noting that as the policy needed to be reviewed every three years it would need to be published by January 2025. She was asked and noted that the local area profile could be updated at any time.

The Licensing Manager was asked and clarified that there was one Statements of Licensing Policy in relation to the Licensing Act 2003 and one in relation to the Gambling Act 2005. She was asked and confirmed that the four council priorities could be included in the policy. Concerning the Sexual Establishment Licence Policy, this could be reviewed at any time (the last time being 2017), she advised that this could be done once the review of the statutory policies is completed.

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

Option 1 – Determine that Members of the Committee will be part of the working groups that review both Policies and the CIA. Members expressing an interest with regards to which working group they would like to be part of.

Option 2 – Determine that Members will not be part of the working groups.

Cllr Rose then moved and Cllr Kent seconded approval of Option 1, to determine that Members of the Committee would be part of the working groups that review both Policies and the CIA.

On being put to the vote it was unanimously;

Resolved: That, in accordance with approval of Option 1, to determine that Members of the Committee would be part of the working groups that review both Policies and the CIA. Members expressing an interest with regards to which working group they would like to be part of.

The invite to be included in the working group would be extended to Members outside the Committee.

Reason: To make sure the Policies and Cumulative Impact Assessment are reviewed and published in accordance with the requirements of the Gambling Act 2005 and Licensing Act 2003.

Cllr Melly, Chair

[The meeting started at 5.30 pm and finished at 6.06 pm].

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