



**Notice of a public meeting of
Licensing & Regulatory Committee**

To: Councillors Mason (Chair), Wells (Vice-Chair), Barker, S Barnes, Galvin, Hook, Hunter, Melly, D Myers, Norman, Orrell, Pearson, Warters, D'Agorne and Wann

Date: Tuesday, 17 November 2020

Time: 5.30 pm

Venue: Remote Meeting

AGENDA

1. Declarations of Interest

At this point in the meeting, Members are asked to declare:

- any personal interests not included on the Register of Interests
- any prejudicial interests or
- any disclosable pecuniary interests

which they may have in respect of business on this agenda.

2. Minutes

(Pages 3 - 14)

To approve and sign the minutes of the meetings held on 18 March 2020 and 25 September 2020.

3. Public Participation

At this point in the meeting members of the public who have registered to speak can do so. Members of the public may speak on agenda items or on matters within the remit of the committee.

Please note that our registration deadlines have changed to 2 working days before the meeting, in order to facilitate the

management of public participation at remote meetings. The deadline for registering at this meeting is at 5.00pm on Friday 13 November 2020.

To register to speak please visit www.york.gov.uk/AttendCouncilMeetings to fill out an online registration form. If you have any questions about the registration form or the meeting please contact the Democracy Officer for the meeting whose details can be found at the foot of the agenda.

Webcasting of Remote Public Meetings

Please note that, subject to available resources, this remote public meeting will be webcast including any registered public speakers who have given their permission. The remote public meeting can be viewed live and on demand at www.york.gov.uk/webcasts.

During coronavirus, we've made some changes to how we're running council meetings. See our coronavirus updates (www.york.gov.uk/COVIDDemocracy) for more information on meetings and decisions.

**4. Renewal of Sex Establishment Licence for (Pages 15 - 64)
Black Orchid, 3-5 Toft Green, York, YO1 6JT**

This report seeks Members determination of an application to renew a Sex Establishment Licence for a sexual entertainment venue which has been made under the Local Government (Miscellaneous Provisions) Act 1982, Schedule 3 Control of Sex Establishments in respect of Black Orchid, 3-5 Toft Green, York, YO1 6JT.

**5. Renewal of Sex Establishment Licence for The (Pages 65 - 94)
Adult Shop, 70B Gillygate, York, YO31 7EQ**

This report seeks Members determination of an application to renew a Sex This report seeks Members determination of an application to renew a Sex Establishment Licence for a sex shop which has been made under the Local Government (Miscellaneous Provisions) Act 1982, Schedule 3 Control of Sex Establishments in respect of The Adult Shop, 70B Gillygate, York, YO31 7EQ. Establishment Licence for a sex shop which has been made under the Local Government (Miscellaneous Provisions) Act 1982, Schedule 3 Control of Sex Establishments in respect of The Adult Shop, 70B Gillygate, York, YO31 7EQ.

6. Review of a Private Hire Operators Licence – (Pages 95 - 258)
Mohammed Iqbal t/a York Cars (52/2016)

The purpose of this report is to enable the Committee Members to review the private hire operator's licence held by Mr Mohammed Iqbal who trades as York Cars.

7. Urgent Business

Any other business which the Chair considers urgent under the Local Government Act 1972.

8. Workplan (Pages 259 - 260)

To consider the Committee's workplan for the remainder of the municipal year.

Democracy Officer:
Name: Angela Bielby
Contact Details:

- Telephone – (01904) 552599
- E-mail – a.bielby@york.gov.uk

For more information about any of the following please contact the Democracy Officer responsible for servicing this meeting:

- Registering to speak
- Business of the meeting
- Any special arrangements
- Copies of reports and
- For receiving reports in other formats

Contact details are set out above.

This information can be provided in your own language.

我們也用您們的語言提供這個信息 (Cantonese)

এই তথ্য আপনার নিজের ভাষায় দেয়া যেতে পারে। (Bengali)

Ta informacja może być dostarczona w twoim własnym języku. (Polish)

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

یہ معلومات آپ کی اپنی زبان (بولی) میں بھی مہیا کی جاسکتی ہیں۔ (Urdu)

 (01904) 551550

Licensing and Regulatory Committee 17 November 2020 - Procedure

1. Apologies
2. Declaration of Interest
3. Minutes of previous meeting
4. Public Participation – (3 minutes each speaker)
5. Members questions to public speakers (questions to be asked after each speaker)
6. SEL Renewal number 1
7. SEL Renewal number 2
8. York Cars
 - a. Chair invites all parties present to introduce themselves and their involvement
 - b. Chair introduces procedure to be followed
 - c. Officer presents case and witnesses/officers in support of case speak (total 20 minutes)
 - d. Questions to Officer (5 minutes)
 - e. York Cars presents case and witnesses in support of case speak (total 20 minutes)
 - f. Questions to York Cars (5 minutes)
 - g. Officer closing comments (5 minutes)
 - h. York Cars closing comments (5 minutes)
 - i. Deliberation and announcement of decision

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City of York Council

Committee Minutes

Meeting	Licensing And Regulatory Committee
Date	18 March 2020
Present	Councillors Mason (Chair), Wells (Vice-Chair), Hook And Norman

[Members not listed as present at the meeting were not required to attend the meeting due to COVID-19 restrictions reducing the number of people able to be in a meeting room whilst observing social distancing]

36. DECLARATIONS OF INTEREST

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. No interests were declared.

37. MINUTES

Resolved: That the minutes of the meeting held on 22 January 2020 be approved, and then signed by the Chair as a correct record at the next available opportunity.

38. PUBLIC PARTICIPATION

It was reported that there had been no registrations to speak at the meeting under the Council's Public Participation Scheme.

39. TRANSFER AND RENEWAL OF A SEX ESTABLISHMENT LICENCE FOR 55 CLUB, 53-55 MICKLEGATE, YORK, YO1 6LJ

Members considered a report seeking determination of an application to transfer and renew a Sex Establishment Licence for a sexual entertainment venue which has been made under the Local Government (Miscellaneous Provisions) Act 1982, Schedule 3 Control of Sex Establishments in respect of Upstairs (55 Club), 53-55 Micklegate, York, YO1 6LJ.

The Licensing Manager presented the application to Members noting the operating hours. She noted that consultation had been carried out correctly and there no objections to the application. She outlined the options available to Member in determining the application. She noted that she had visited the premises and would invite Members to visit once renovations had been completed.

In response to a question from a Member the Licensing Manager clarified that there would be a new manager for the premises. She further clarified that the owner of the premises had taken over the running of the nightclub and sexual entertainmnet venue.

Members acknowledged that there had been no objections to the application. By virtue of paragraphs 10, 12 and 13 of schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended), the Committee have the following options available to them in making their decision:

Option 1: Grant a renewal and transfer of the licence as requested.

Option 2: Renew and transfer the licence with modified/additional conditions imposed by the licensing committee.

Option 3: Refuse the application for renewal/transfer 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).

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

Reason: To consider the renewal and transfer of the licence as required by the legislation.

40. WORK PLAN

Members considered the committee's work plan for the current municipal year.

Resolved: That the work plan be approved.

Reason: To ensure that the committee has a planned schedule of work for the year.

CHAIR'S COMMENTS

The Chair acknowledged the impact of the COVID-19 pandemic on businesses in the city.

Cllr A Mason, Chair

[The meeting started at 5.30 pm and finished at 5.45 pm].

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Meeting	Licensing And Regulatory Committee
Date	25 September 2020
Present	Councillors Mason (Chair), Wells (Vice-Chair), Galvin, Hook, Hunter, Melly, D Myers, Norman, Orrell, Pearson, Kilbane And D'Agorne
Apologies	Councillors Barker, Cuthbertson And Warters

41. **DECLARATIONS OF INTEREST**

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. No interests were declared.

42. **MINUTES**

Resolved: That the minutes of the meeting held on 18 March 2020 be amended to state that Members not listed as present at the meeting were unable to attend due to COVID-19 restrictions reducing the number of people able to be in a meeting room whilst observing social distancing.

43. **PUBLIC PARTICIPATION**

It was reported that there had been five registrations to speak on Agenda Item 4 'Taxi Licensing Public Consultation - vehicle Licences' at the meeting under the Council's Public Participation Scheme.

Bernie Flanagan (private hire driver and York Resident) noted drivers awareness of responsibilities in relation to air quality. He noted that the policy for York missed out on out of town drivers plying for trade in York and noted the need to see this in terms of the COVID-19 crisis and economic crisis. He expressed concern regarding the affordability of suitable lower emission larger vehicles (8-9 seater). He felt that drivers who had invested in Euro 6 vehicles should be given a longer grace

period and he added that the low emission taxi scheme did not support drivers.

David Hay (York Resident) noted that the COVID-19 impact would turn into a major economic crisis the following year. He expressed concern that there has been no correspondence from the council regarding the changes to the policy. He suggested that the council should lead by example by having its own fleet change to low emission vehicles. He suggested that the questions in the consultation had not been open. He noted the unfair nature of out of town vehicles licenced by other authorities being able to operate in York.

Mags Green (Resident, Private Hire Driver, Member of York Private Hire Association (YPHA) the trade had been hit hard by the pandemic in York and the cost to them as a trade to renew vehicles was a stretch if a proposal agreed the trade would decline, there would be a loss of revenue to the council and this would also be impacted by Wolverhampton licenced vehicles and out of town drivers. She raised concern about wheelchair accessible vehicles were not readily available and she suggested that a grant scheme be made available to help the taxi trade to go green.

Neil Rowley (Resident, Private Hire Driver, Secretary of York Private Hire Association (YPHA) noted the effect of producing electric vehicles and the manufacture of their batteries on global warming. He suggested that the use of electric vehicles penalised drivers taking customers on long distance journeys, and he expressed concern regarding charging infrastructure in the region. He also explained the difficulties that drivers would have in charging their vehicles at home.

The speakers were asked what the impact of the pandemic was on the trade. Mr Flanagan noted that the effect of the pandemic on private hire trade was that business had been decimated. He noted that there were a number of small businesses not eligible for the government support schemes. Mr Rowley was asked and explained that there was a 40-50% loss of business early stages of the pandemic and this was currently 75%.

Ian Clish (York Resident, Private Hire Driver, Member of York Private Hire Association (YPHA) noted that for the foreseeable future there was no stock of 8 seater electric hybrid vehicles to meet the needs of the policy. He noted the mental health and

economic effects on drivers because of COVID-19, adding that to introduce changes now would not be practical. He noted that he was in agreement regarding electric and hybrid vehicles and highlighted that Wolverhampton licensed drivers and out of town drivers also impacted York licensed drivers.

44. TAXI LICENSING PUBLIC CONSULTATION - VEHICLE LICENCES

Members considered a report that reported back on a public consultation with the trade and taxi users following the resolution to “review the existing policy on the issue of hackney carriage vehicle licences and report back to Members after a public consultation with the trade and taxi users” at Licensing and Regulatory Committee on 16 July 2018. Annex 1 of the report detailed the breakdown of euro standards in existing fleet, Annex 2 detailed the Taxi Incentive Scheme, Annex 3 detailed vehicle types and Annex 4 outlined the results following public consultation.

The Head of Public Protection updated Members on the consultation responses and outlined the two options available which were as follows (Option 1 was the recommended option):

Option 1

- i) To continue with the current restriction on numbers of hackney vehicle licences and ask Officers to commission a formal ‘unmet demand’ survey during 2021 to establish whether there continues to be significant demand for taxis which is unmet;
- ii) Recommend to the Council’s Executive that they amend the Taxi Licensing Policy and conditions with regards to the type of hackney carriage and private hire vehicles that will be licensed by the Council in the future as detailed in paragraph 25 a), b), c) and d).
- iii) To include a more detailed review of the use of taxi ranks as part of the unmet demand survey.

Option 2

Take an alternative course of action such recommending to the Executive that the current restriction on hackney carriage vehicles be lifted and to keep the existing licensing conditions

with regards to the type of hackney carriage and private hire vehicles that are licensed in future.

The Public Protection Manager and the Head of Programmes and Smart Place were in attendance to answer questions. In answer to questions raised, along with the Head of Public Protection they clarified:

- That there was an electric vehicle public charging strategy by example, the super rapid chargers in Dundee had been very successful with the licensed trade.
- The location of the fast and rapid electric charging points in the city
- That the technology for electric charging was moving very rapidly and the government for the banning of diesel and hybrid cars may come forward
- With regard to the proposed new emissions and age policy (detailed at paragraph 25 of the report), the new hackney carriage vehicles licences would only be issued to fully electric wheelchair accessible vehicles and plug in electric petrol hybrid wheelchair accessible vehicles. From January 2021, new private hire licences would only be issued to fully electric vehicle, plug in electric petrol hybrid vehicles, petrol hybrid vehicles (Euro 6 class or better (less than 7 years old) and wheelchair accessible vehicles – Euro 6 diesel/petrol or better (less than 7 years old).
- There was a need to consult with taxi drivers in terms of what they required in respect of charging facilities, for example what was required in terms of inductive charging
- In relation to out of town drivers, the Home Office had stated that people could leave locked down areas for work.
- In relation to longer journeys, the private charging networks along major roads was robust and was increasing exponentially. Nationally, the network was increasing in quality. Regionally, the council was working with the Local Enterprise Partnership (LEP) and County Councils on locations for electric vehicle charging.
- It was lawful for drive out of town taxis into York and journeys could be subcontracted to a firm from another authority. It was noted that other authorities did have age restrictions on their vehicles.
- Larger low emission vehicles were expensive at circa £50,000 and the charges for these would be passed onto customers.

- With regard to the consultation response, the median response regarding the age of vehicles was 8 years and 7 years was the highest standard and ensured that the vehicles being brought in were Euro 6.
- The trade concerns regarding COVID-19 had been included in the policy which was the reason for the three year lead in time.
- York was a leader in air quality and regarding its own fleet was looking to replace it with lighter vehicles.

[The meeting adjourned from 19:01 until 19:09]

- The Committee could make recommendations to the Executive about looking into the feasibility of providing incentives to the trade. It was noted that there were incentives available from the government for example £5000 towards an electric vehicle and £3000 off a hybrid vehicle.
- Concerning the consultation responses there had been 70 responses from taxi drivers that was 30% of the trade and didn't say how many were in favour of the proposals. The consultation process was outlined to Members.
- In terms of public charging facilities, the authority was confident that charging would be robust and that it would be able to support the fleet post COVID-19.
- Unmet demand surveys could be commissioned as required and a survey had not been undertaken at present as this would not be reflective of the situation.

During debate a number of Members expressed concern regarding the timescales for the policy as a result of the impact of the COVID-19 pandemic.

Cllr Galvin moved an amendment to Option 1 Section 2. This was seconded Cllr Melly. Following a unanimous vote it was:

Resolved:

That Members take into consideration the results of the consultation and other matters highlighted in the report and approve amended Option 1 of this report, namely:

- i) To continue with the current restriction on numbers of hackney vehicle licences and ask Officers to commission a formal 'unmet demand' survey during

2021 to establish whether there continues to be significant demand for taxis which is unmet;

- ii) Recommend to the Council's Executive that they amend the Taxi Licensing Policy and conditions with regards to the type of hackney carriage and private hire vehicles that will be licensed by the Council in the future as detailed in paragraph 25 a), b), c) and d) with a note to Executive to take the current economic situation and impact on the taxi trade into account when implementing the changes.
- iii) To include a more detailed review of the use of taxi ranks as part of the unmet demand survey.

Reason:

- i) To enable the Council to carry out an independent survey on restricting hackney carriage vehicle licences, while taking into consideration the impact of the Coronavirus pandemic in 2020.
- ii) Ensure a more environmentally friendly and modern hackney carriage and private hire fleet in the city in response to the declared climate emergency and continuing desire to improve air quality.
- iii) To better inform any decision around the number and location of ranks.

45. WORK PLAN

Members considered the committee's work plan for the current municipal year.

Resolved: That the Democracy Officer work with the Chair and Officers to update the work plan and circulate to the Committee.

Reason: To ensure that the committee has a planned schedule of work for the year.

46. URGENT BUSINESS

The Chair noted the impact of COVID-19 on licensed premises and highlighted the update that had circulated to the Committee.

A member raised concern about the cleanliness of out of town drivers. The Head of Public Protection advised that it was lawful for out of town drivers to travel to York for work. He advised that the Director of Public Health was mindful of the controls in place for licensed vehicles.

Cllr A Mason, Chair

[The meeting started at 5.30 pm and finished at 7.52 pm].

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Meeting of Gambling, Licensing & Regulatory Committee

17 November 2020

Report of the Assistant Director – Planning and Public Protection

Local Government (Miscellaneous Provisions) Act 1982 Schedule 3 as amended by Policing and Crime Act 2009**Renewal of Sex Establishment Licence for Black Orchid, 3-5 Toft Green, York, YO1 6JT****Summary**

1. This report seeks Members determination of an application to renew a Sex Establishment Licence for a sexual entertainment venue which has been made under the Local Government (Miscellaneous Provisions) Act 1982, Schedule 3 Control of Sex Establishments in respect of Black Orchid, 3-5 Toft Green, York, YO1 6JT.
2. Name of applicant: Tokyo Industries (Yorkshire) Ltd
3. Summary of Application: A copy of the application is attached at Annex 1 of this report and is summarised as follows. This is an application for the renewal of a Sex Establishment Licence with authorised hours of opening Monday to Sunday 22:00 hours to 03:30 hours and 18:00 hours to 04:30 hours on York Racecourse Race Days only.
4. A sex establishment licence is valid for 12 months, the licence holder must submit an application to renew the licence to the licensing authority before the existing licence expires if they wish to continue running a sexual entertainment venue. A copy of the licence to be renewed is attached at Annex 2.
5. The premises currently has a premises licence issued under the Licensing Act 2003. A copy of the premises licence is attached at Annex 3 and is summarised as follows:

Licensable Activity	Permitted Days & Hours
Films	Monday to Sunday 11:00 – 03:30
Boxing or Wrestling	Monday to Sunday 11:00 – 02:00
Live Music	Monday to Sunday 11:00 – 03:30
Recorded Music	Monday to Sunday 11:00 – 03:45
Performance of Dance	Monday to Sunday 11:00 – 03:30
Late Night Refreshment	Monday to Sunday 23:00 – 03:45
Supply of Alcohol (on and off sales)	Monday to Sunday 11:00 – 03:30
Opening Hours	Monday to Sunday 11:00 – 04:00
Non Standard Timings – All licensable activities	From the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day. An additional hour on the morning clocks go forward.

Recommendations

- Members are asked to determine the application for the grant of the licence in accordance with the Local Government (Miscellaneous Provisions) Act 1982 Schedule 3 as amended by the Policing and Crime Act 2009.

Reason: To consider renewal of the sexual entertainment licence as required by the legislation.

Background

- On 6 April 2010, section 27 of the Policing and Crime Act 2009 was introduced. This legislation reclassified lap dancing clubs and other similar venues as 'sexual entertainment venues'; for which a sex establishment licence is required under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982. This allows Local Authorities who have adopted the provisions of the legislation to regulate lap dancing clubs and similar venues under the same regime as sex shops.
- Sexual entertainment venues are defined in the legislation as 'any premises at which relevant entertainment is provided for a live audience for the financial gain of the organiser or the entertainer'. The meaning

of relevant entertainment is 'any live performance or any live display of nudity which is of such a nature that, ignoring financial gain, it must be reasonably assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience (whether by verbal or other means)'.

9. This Authority adopted the provisions of the legislation on 7 October 2010 when the resolution was approved by full council.
10. City of York Council's Licensing of Sex Establishments Licensing Policy was reviewed and a revised policy was adopted on 27 April 2017 with immediate effect. A copy of this policy can be found at <https://www.york.gov.uk/business-licences/sex-establishment-licences>
11. A copy of City of York Council's Standard Conditions for Sexual Entertainment Venues is attached at Annex 4.

Consultation

12. Consultation was carried out by the applicant and the Licensing Authority in accordance with paragraph 10 of Schedule 3 of the 1982 Act relating to the process which the applicant must follow for the application for renewal to be considered valid.
13. No objections to the application to renew the licence have been received.
14. A map showing the location of the premises is attached at Annex 6.

Relevant Legislation – Grounds for Refusal

15. When considering the renewal application, the Authority does not have an unfettered discretion as to whether to refuse an application or grant a renewal. The grounds on which an application could be refused are set out in paragraph 12 to Schedule 3 of the 1982 Act.

Mandatory grounds for the refusal of an application

16. The mandatory grounds for the refusal of an application for a sex establishment licence are that the applicant:
 - a) is under the age of 18;
 - b) is for the time being disqualified from holding a sex establishment licence;

- c) is not a body corporate, and is not in resident or has been resident in an EEA state for six months immediately preceding the date of the application;
- d) is a body corporate which is not incorporated in an EEA state;
- e) has in the period of twelve months preceding the date of application been refused the grant or renewal of a licence for the premises, vehicle, vessel or stall in respect of which the application is made, unless the reversal has been reversed on appeal.

17. There are no mandatory grounds for refusing this application.

Discretionary grounds for the refusal of an application

18. Discretionary grounds for the refusal of an application for a sex establishment licence are that:
- a) the applicant is unsuitable to hold a licence by reason of having been convicted of an offence or any other reason;
 - b) if the licence were to be granted, the business to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant of such a licence if he made the application himself;
 - c) the number of sex establishments, or sex establishment of a particular kind, in the relevant locality at the time the application is made is equal to or exceeds the number which the authority consider is appropriate for that locality;
 - d) the grant would be inappropriate, having regard –
 - to the character of the relevant locality;
 - to the use to which any premises in the vicinity are put;
 - to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.
19. When considering the suitability of the applicant to hold a licence the council will take into account such matters it considers to be relevant.
20. Guidance on relevant locality can be found at Annex 5, paragraphs 3.32 to 3.38.

21. Within the licensing policy the council has determined a suitable locality for sexual entertainment venues, an area within the city centre. A limit on the number of sexual entertainment venues permitted within this locality has also been determined; the appropriate number of sexual entertainment venues in the city centre area is a maximum of two, providing those premises are not too near and/or do not impact properties with sensitive uses or in sensitive locations.

Options

22. By virtue of paragraphs 10, 12 and 13 of schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended), the Committee have the following options available to them in making their decision:
23. Option 1: Grant a renewal of the licence as requested.
24. Option 2: Renew the licence with modified/additional conditions imposed by the licensing committee.
25. 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).

Analysis

26. The following could be the result of any decision made by this Committee:
27. Option 1: This decision cannot be appealed at Magistrates Court by an objector to the application. Objectors could judicially review the decision.
28. Option 2: This decision could be appealed at Magistrates Court by the licence applicant.
29. Option 3: With the exception of a decision to refuse an application on a ground specified in paragraph 12(3) (c) or (d) of Schedule 3 to the 1982 Act, the licence applicant may appeal against the decision made to the Magistrates' Court.

Council Plan

30. The approved City of York Council Policy will support the Council's Plan for a prosperous city for all and a council that listens to residents.

Implications

31. The implications arising directly from this report are:

- **Financial** - N/A
- **Human Resources (HR)** – N/A
- **Equalities** – N/A
- **Legal** – The Council has the ability to control the licensing of sexual entertainment venues having adopted Schedule 3 to Local Government (Miscellaneous Provisions) Act 1982 as amended by the Policing and Crime Act 2009.

Paragraph 8 of Schedule 3 to the 1982 Act provides that where it determines to grant a sex establishment licence, the Council is empowered to impose such conditions or restrictions as it deems appropriate.

Paragraph 12 of Schedule 3 to the 1982 Act sets out a number of mandatory grounds for refusal of a sex establishment licence and also discretionary grounds for refusal of a sex establishment licence.

In considering this application the Committee should have regard to:

- Schedule 3 to the 1982 Act, as amended by Policing and Crime Act 2009.
- The Council's Policy for the Determination of Applications for Sexual Entertainment Venues.
- The Home Office – Sexual Entertainment Licence – Guidance for England and Wales which states that "Objections should not be based on moral grounds/values and local authorities should not consider objections that are not relevant to the grounds set out in paragraph 12" [of Schedule 3 to the 1982 Act].

In addition when making their decision Members must give consideration to the rights the applicant has under the European Convention on Human Rights. Article 1 (entitles every person to peaceful enjoyment of their possessions) and Article 10 (freedom of expression) are particular rights that may be relevant. Members should consider whether interference with these rights is necessary and proportionate for the prevention of crime or disorder, for the protection of health or morals or for the protection of the rights and

freedoms of others or, in the case of Article 1, whether interference can be justified in the general interest.

Members of the Committee should not allow themselves to predetermine the application or to be prejudiced in favour or opposed to the licence and shall only determine the application on its own merit.

- **Crime and Disorder** - The Committee is reminded of their duty under the Crime and Disorder Act 1998 to consider the crime and disorder implications of their decisions and the authority's responsibility to co-operate in the reduction of crime and disorder in the city.
- **Information Technology (IT)** – N/A
- **Property** – N/A
- **Other** – none

Risk Management

32. All Members are aware that any decision which is unreasonable or unlawful could be open to legal challenge resulting in loss of reputation and potential financial penalty.
33. The report details the options available to the panel in determining the application and recommends that a decision be reached. Provided the decision complies with the proper grounds for considering the application as set out within this report, there are no known risks involved with this recommendation.

Contact Details

Author: Lesley Cooke Licensing Manager Ext 1515	Chief Officer Responsible for the report: Michael Slater Assistant Director Planning & Public Protection Ext 1300
Report Approved	<input checked="" type="checkbox"/> Date 04/11/2020

Wards Affected: Micklegate

Annexes

- Annex 1** - Renewal Application
- Annex 2** - Current Sex Establishment Licence
- Annex 3** - Premises Licence issued under the Licensing Act 2003
- Annex 4** - Standard Conditions for Sexual Entertainment Venues
- Annex 5** - Legislation Extracts – Renewal Applications
- Annex 6** - Map showing location of premises



CITY OF YORK COUNCIL
Licensing Services, Hazel Court EcoDepot, James Street, York, YO10 3DS

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 AS AMENDED
SCHEDULE 3 – CONTROL OF SEX ESTABLISHMENTS
Application for the Grant / Renewal / Transfer of a Sex Establishment Licence

TYPE OF VENUE

- Sexual Entertainment Venue** **Sex Shop** **Sex Cinema**

TYPE OF APPLICATION

- Grant** **Renewal** **Transfer**

APPLICANT DETAILS

1. Is the applicant:

- An individual (please answer questions 2, 5 to 9)
- A company or other corporate body (please answer questions 3, 5 to 9)
- A partnership or other unincorporated body (please answer questions 4, 5 to 9)

2. Full name of applicant (individual):

Former or previous names:

Home address:

Post town:

Post code:

Telephone numbers:

Date of birth:

Email address:

3. Name of applicant (company name): **Tokyo Industries (yorkshire) Ltd**

Address of registered or principal office: : **1 City Road East**

Post town: **Manchester**

Post code: **M15 4PN**

Registration number: **06608845**

Email address:

4. Name and address of applicant:

Names and addressed of applicant's partners (please use additional sheet):

5. Are there any other persons responsible for the management of the premises/business other than the partners? Please state their names and addresses: P

6. a. Has the applicant ever been known by any other name? NO
b. Has the applicant ever been convicted of a criminal offence? NO
c. Has the applicant ever been refused a sex establishment licence? NO
d. Has the applicant ever had a sex establishment licence revoked? NO
e. Has the applicant ever been served with a winding up petition? NO
- If the answer to any of these questions is yes, please provide details:

7. Applicants' trading address or head office (other than the premises) The Company holds a Registered office at 1 City Road East Manchetser. M15 4 PN

8. Will the business for which this licence is sought be carried on for the benefit of a person other than the applicant? NO

If the answer is yes, state the name, address, place of registration, registered number and the identity of all directors, company secretary and those with a greater than 10% shareholding (use separate sheet if necessary).

9. Does the applicant operate any other sex establishments, licensed or otherwise? Please state name, address, and type of sex establishment of each.
Whiskey Down 25 crown st leeds LS3 7DA SEV

PREMISES DETAILS	
10.	Please state the name the business will be known as:
11.	Is the premises a <input checked="" type="checkbox"/> Building <input type="checkbox"/> Vehicle <input type="checkbox"/> Vessel <input type="checkbox"/> Stall
12.	Where is it proposed to use the vehicle, vessel or stall?
13.	Does the company propose to only operate on the internet? ^{No} (f yes answer Q14 to 19 only)
14.	Premises address 3-5 toft green Post town York Post code YO1 6JT Telephone number at premises n/a
15.	Which part of the premises is to be used as a sex establishment? Second floor
16.	Is the applicant <input type="checkbox"/> owner <input type="checkbox"/> lessee <input type="checkbox"/> sub-lessee <input checked="" type="checkbox"/> other
17.	If the applicant rents the property state: a. Name and address of landlord: b. Name and address of the superior landlord: c. Total annual rental: d. Length of unexpired term: e. Notice required to terminate tenancy:
18.	Please provide details of the building management company (if appropriate):
19.	State the current use of the premises: Same as application

20. Has planning permission, or a certificate of lawful use, been obtained for the use of the proposed premises? YES

21. Can members of the public access the premises:
 a. Directly from the street? YES
 b. From other premises? NO
 c. Not at all? (internet sales only) NO

22. Are the premises currently being used as a sex establishment?
 Please provide details of the business currently operating the business:

Same as application

OPERATING SCHEDULE

23. Opening hours: (If internet sales only please tick here and continue to Q 26)

Monday	Tuesday	Wednesday	Thursday	Friday
10pm till 3.30am	10pm till 3.30am	10pm till 3.30am	10pm till 3.30am	10pm till 3.30am
Saturday	Sunday			
10pm till 3.30am	10pm till 3.30am			

Any non-standard timings: Race days 6pm till 4.30am

24. Has the applicant entered into any written or oral agreement in connection with the business, for example a management agreement, partnership agreement or profit share arrangement? Please provide details.

a. Please provide details of any lender, mortgage or others providing finance:

b. Please provide details of any merchandising agreements:

PREMISES MANAGEMENT

25. Please state the name of the person who will be in day to day control of the premises (the manager).
 Paul Sinclair

a. Will the manager be based at the premises YES
 b. Will the management of the premises be the manager's sole occupation YES

26. Who will be in control of the premises in the manager's absence (relief manager)?

a. Will the relief manager be based at the premises in the absence of the manager? YES

If you have ticked no to any of the above please provide details.

EXTERNAL APPEARANCE AND ADVERTISING – DO NOT COMPLETE FOR RENEWAL APPLICATION

27. Please describe the proposed exterior signage and advertising. Please include nature, content and size of each sign and any images to be used:

Please note that a drawing of the front elevation is required to be submitted with this application.

28. Please describe how the interior of the premises is obscured to passersby:

29. Please describe any proposed window displays:

30. Please describe how the business is to be advertised, ie business cards, billboard advertising, personal solicitation, advertising on motor vehicles, radio or television advertising:

APPLICATIONS FOR SEXUAL ENTERTAINMENT VENUES ONLY

31. Is the proposal for full nudity? YES

32. Describe the nature of the entertainment eg lap-dancing, pole dancing, stage strip tease:
Lap dancing

33. State measures to ensure employees age and right to work in the UK:
Passport and NI number are taken and copied and kept on file for each employee.

34. Describe training and welfare policies:

Please enclose a copy of the welfare policy for performers (or equivalent document).

35. Please set out any further information you wish the authority to take into account.

36. Is there any information on this form you do not wish to be seen by members of the public?
If so state which information and the reasons why you do not wish it to be seen.

CHECKLIST & ENCLOSURES

Enclosures

I have made or enclosed payment of the fee	<input checked="" type="checkbox"/>
I have enclosed three sets of plans of the premises	<input type="checkbox"/>
I have enclosed a drawing of the street elevation of the premises	<input type="checkbox"/>
In the case of an application to transfer the licence, include the completed Consent to Transfer form	<input type="checkbox"/>

DECLARATION

I declare that I have served notice of this application on North Yorkshire Police.

I declare that a public notice advertising this application has today been displayed upon the proposed premises where it may be conveniently read by the public and will remain thereon for a period of 21 days. A copy of the notice and the standard declaration is enclosed.

I declare that within seven days of the date of this application a public notice advertising this application will be publicised in the legal notices column of the local press.

A copy of the relevant press edition will be forwarded to the City of York Council Licensing Section.

I understand that if I do not comply with the above requirements my application will be rejected.

Any person who, in connection with an application for a grant, renewal or transfer of a sex establishment licence, makes a false statement which he knows to be false in any material respect of which he does not believe to be true is guilty of an offence and liable on summary conviction to an unlimited fine.

SIGNATURES

Signature of applicant or applicant's solicitor or other duly authorised agent, If signing on behalf of the applicant please state in what capacity.

Signature	Signature
Name (print) Aaron Mellor	Name (print)
Date 22 May 2020	Date
Capacity Managing Director	Capacity

Contact name (where not previously given) and address for correspondence associated with this application:

Post town Post code
Telephone number (if any)

If you would prefer us to correspond with you by email, your email address (optional)

aaron@tokyoindustries.com

Guidance Notes

1. Please return this completed application form to:

City of York Council
Licensing Section
Hazel Court EcoDepot
James Street
York
YO10 3DS

2. **How to Pay**

Please make cheques/postal orders payable to City of York Council.

By bank card telephone 01904 552512 to arrange payment.

By BACS

ACCOUNT NUMBER: 70897558 **SORT CODE:** 40 - 47 - 31

ACCOUNT NAME: CITY OF YORK GENERAL ACCOUNT

BANK NAME: HSBC PLC

BANK ADDRESS: 13 PARLIAMENT STREET
YORK
YO1 8XS

3. The applicant is responsible for serving notice of this application on North Yorkshire Police, Licensing Section, Fulford Road, York, YO10 4BY
4. Requirements for layout plan (**NB plan not required for renewal applications**)

The plan must show:

1. The layout of the premises including eg stage, bars, cloakroom, WCs, performance area, booths, dressing rooms.
2. The extent of the boundary of the premises.
3. The extent of the public areas.
4. Uses of different areas in the premises eg performance areas, reception, staff facilities.
5. Structures or objects (including furniture) which may impact on the ability of individuals to use exits or escape routes without impediment.
6. Location of points of access to and egress from the premises.
7. Any points used in common with other premises.
8. Position of CCTV cameras.
9. Where the premises includes a stage or raised area, the location and height of each stage or area relative to the floor.
10. The location of any steps, stairs, elevators or lifts.
11. The location of any public conveniences, including disabled WCs.
12. The location and type of any fire safety and other safety equipment.
13. The location of the kitchen (if applicable).
14. The location of emergency exits.

Unless agreed with City of York Council, the plan should be drawn to a standard scale with a key showing the items mentioned above. The standard scale is 1:100.

Please note City of York Council is under a duty to protect the public funds it administers and to this end may use the information you have provided on this form for the prevention and detection of fraud. It may also share this information with other bodies responsible for auditing or administering public funds for these purposes.



LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982
SCHEDULE 3 AS AMENDED BY POLICING AND CRIME ACT 2009

SEX ESTABLISHMENT LICENCE

The City of York Council hereby grant renewal of a Sex Establishment Licence to:

Tokyo Industries (Yorkshire) Ltd
1 City Road East
Manchester
M15 4PN

to use the premises known as: Black Orchid
(First Floor Tokyo York only)
3-5 Toft Green
York
YO1 6JT

for the purposes of a sex establishment comprising a sexual entertainment venue as defined in Schedule 3 to the above Act.

This Licence is granted subject to the City of York Council Standard Conditions Applicable to Sex Establishment Licences and to the additional conditions set out in the schedule below.

This licence shall continue in force from 21 July 2019 until 20 July 2020 unless previously revoked.

Signed
For and on behalf of the Director of
Economy & Place

Dated: 4 September 2019

Licensing Services
Hazel Court EcoDepot
James Street
York
YO10 3DS

Phone: 01904 552422
Fax: 01904 551590
Email: licensing@york.gov.uk
Website: www.york.gov.uk/licensing

Special Conditions

1. Any external indication of the nature of the business is prohibited.
2. The creation of any new windows or other openings in the external structure of the building is prohibited.
3. This licence only covers the premises known as Black Orchid (First Floor of Tokyo York), 3-5 Toft Green, York, YO1 6JT.
4. That the hours of opening be limited to:
Monday to Sunday 21:00 hours to 03:30 hours.

Non-standard hours of opening to be extended on York Racecourse Race Days only;
18:00 hours to 04:30 hours.

Extract from the Local Government (Miscellaneous Provisions) Act 1982

APPEALS (*Sched.3, para.27*)

27. - (1) Subject to sub-paragraphs (2) and (3) below, any of the following persons, that is to say -
- (a) an applicant for the grant, renewal or transfer of a licence under this Schedule whose application is refused;
 - (b) an applicant for the variation of terms, conditions or restrictions on or subject to which any such licence is held whose application is refused;
 - (c) a holder of any such licence who is aggrieved by any term, condition or restriction on or subject to which the licence is held; or
 - (d) a holder of any such licence whose licence is revoked.

may at any time before the expiration of the period of 21 days beginning with the relevant date appeal to the magistrates' court acting for the relevant area.

(2) An applicant whose application for the grant or renewal of a licence is refused, or whose licence is revoked, on any ground specified in paragraph 12(1) above shall not have a right to appeal under this paragraph unless the applicant seeks to show that the ground did not apply to him.

(3) An applicant whose application for the grant or renewal of a licence is refused on either ground specified in paragraph 12(3) or (d) above shall not have the right to appeal under the paragraph.

(4) In this paragraph -

'the relevant area' means-

- (a) in relation to premises, the petty sessions area in which they are situated; and
 - (b) in relation to a vehicle, vessel or stall, the petty sessions area in which it is used or, as the case may be, desired to be used as a sex establishment;
- and

'the relevant date' means the date on which the person in question is notified of the refusal of his application, the imposition of the term, condition or restriction by which he is aggrieved or the revocation of his licence, as the case may be.

(5) An appeal against the decision of a magistrates' court under this paragraph may be brought to the Crown Court.

(6) Where an appeal is brought to the Crown Court under sub-paragraph (5) above, the decision of the Crown Court shall be final; and accordingly in section 28(2)(b) of the Supreme Court Act 1981 for the words 'or the Gaming Act 1968' there shall be substituted the words 'the Gaming Act 1968 or the Local Government (Miscellaneous Provisions) Act 1982'.

(7) On an appeal to the magistrates' court or the Crown Court under this paragraph the court may make such order as it thinks fit.

(8) Subject to sub-paragraph (9) to (12) below, it shall be the duty of the appropriate authority to give effect to an order of the magistrates' court or the Crown Court.

(9) The appropriate authority need not give effect to the order of the magistrates' court until the time for bringing an appeal under sub-paragraph (5) above has expired and, if such an appeal is duly brought, until the determination or abandonment of the appeal.

(10) Where a licence is revoked or an application for the renewal of a licence is refused, the licence shall be deemed to remain in force -

- (a) until the time of bringing an appeal under this paragraph has expired and, if such an appeal is brought, until the determination or abandonment of the appeal; and
- (b) where an appeal relating to the refusal of an application for such a renewal is successful and no further appeal is available, until the licence is renewed by the appropriate authority.

(11) Where -

- (a) the holder of a licence makes an application under paragraph 18 above; and
- (b) the appropriate authority impose any term, condition or restriction other than one specified in the application, the licence shall be deemed to be free of it until the time for bringing an appeal under this paragraph has expired.

(12) Where an appeal is brought under this paragraph against the imposition of any such term, condition or restriction, the licence shall be deemed to be free of it until the determination or abandonment of the appeal.

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LICENSING ACT 2003

PREMISES LICENCE

Schedule 12

Part A

Part 1 Premises details

Premises licence number CYC - 009396

Postal address of premises:

3-5 Toft Green

Post town: **York**

Post code: **YO1 6JT**

Telephone number: 01904 620203

Expiry date: This licence has no expiry date.

Licensable activities authorised by the licence:

Films
Boxing or Wrestling
Live Music
Recorded Music
Performances of Dance
Late Night Refreshment
Supply of Alcohol

The times the licence authorises the carrying out of licensable activities:**FILMS**

Indoors

Monday 11:00 - 03:30	Tuesday 11:00 - 03:30	Wednesday 11:00 - 03:30	Thursday 11:00 - 03:30
Friday 11:00 - 03:30	Saturday 11:00 - 03:30	Sunday 11:00 - 03:30	

BOXING OR WRESTLING

Indoors

Monday 11:00 - 02:00	Tuesday 11:00 - 02:00	Wednesday 11:00 - 02:00	Thursday 11:00 - 02:00
Friday 11:00 - 02:00	Saturday 11:00 - 02:00	Sunday 11:00 - 02:00	

LIVE MUSIC

Indoors

Monday 11:00 - 03:30	Tuesday 11:00 - 03:30	Wednesday 11:00 - 03:30	Thursday 11:00 - 03:30
Friday 11:00 - 03:30	Saturday 11:00 - 03:30	Sunday 11:00 - 03:30	

RECORDED MUSIC

Indoors

Monday 11:00 - 03:45	Tuesday 11:00 - 03:45	Wednesday 11:00 - 03:45	Thursday 11:00 - 03:45
Friday 11:00 - 03:45	Saturday 11:00 - 03:45	Sunday 11:00 - 03:45	

PERFORMANCES OF DANCE

Indoors

Monday 11:00 - 03:30	Tuesday 11:00 - 03:30	Wednesday 11:00 - 03:30	Thursday 11:00 - 03:30
Friday 11:00 - 03:30	Saturday 11:00 - 03:30	Sunday 11:00 - 03:30	

LATE NIGHT REFRESHMENT

Indoors

Monday 23:00 - 03:45	Tuesday 23:00 - 03:45	Wednesday 23:00 - 03:45	Thursday 23:00 - 03:45
Friday 23:00 - 03:45	Saturday 23:00 - 03:45	Sunday 23:00 - 03:45	

SUPPLY OF ALCOHOL

Monday 11:00 - 03:30	Tuesday 11:00 - 03:30	Wednesday 11:00 - 03:30	Thursday 11:00 - 03:30
Friday 11:00 - 03:30	Saturday 11:00 - 03:30	Sunday 11:00 - 03:30	

Non Standard Timings for Films, Boxing or Wrestling, Live Music, Recorded Music, Performances of Dance, Late Night Refreshment and Supply of Alcohol:

From the end of permitted hours New Years Eve to the start of permitted hours New Years Day.

An additional hour to the standard and non-standard times on the day when British Summertime commences.

The Opening Hours of the Premises

Monday 11:00 - 04:00	Tuesday 11:00 - 04:00	Wednesday 11:00 - 04:00	Thursday 11:00 - 04:00
Friday 11:00 - 04:00	Saturday 11:00 - 04:00	Sunday 11:00 - 04:00	

Non Standard Timings:

From the end of permitted hours New Years Eve to the start of permitted hours New Years Day.

An additional hour to the standard and non-standard times on the day when British Summertime commences.

Where the licence authorises supplies of alcohol whether these are on and/or off supplies:

On the premises

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premise licence:

Name: Tokyo Industries (Lincoln York Hull) Ltd

Address: 201 Chapel Street
Manchester
M3 5EQ

Telephone number: None

Email address: None

Registered number of holder, for example company number, charity number (where applicable):

08171028

Annex 1 – Mandatory conditions

MANDATORY CONDITIONS IN RELATION TO THE SUPPLY OF ALCOHOL

1. In accordance with section 19 of the Licensing Act 2003, where a premises licence authorises the supply of alcohol, the licence must include the following conditions.
2. The first condition is that no supply of alcohol may be made under the premises licence -
 - (a) at a time where there is no designated premises supervisor in respect of the premises licence, or
 - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
3. The second condition is that every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
4. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises -
 - (a) games or other activities which require or encourage, or are designed to require or encourage individuals to -
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either –

- (a) a holographic mark, or
- (b) an ultraviolet feature.

7. The responsible person must ensure that –

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures –

- (i) beer or cider: ½ pint;
- (ii) gin, rum, vodka or whisky: 25ml or 35ml; and
- (iii) still wine in a glass: 125ml;

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

MANDATORY CONDITION - ALCOHOL PRICING

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

2. For the purposes of the condition set out in paragraph 1 –

(a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(b) “permitted price” is the price found by applying the formula –

$$P = D + (D \times V)$$

where –

(i) P is the permitted price,

(ii) D is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence –

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.

3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

MANDATORY CONDITION: DOOR SUPERVISION

1. In accordance with section 21 of the Licensing Act 2003 (as amended by section 25 Violent Crime Reduction Act 2006), where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, the licence must include a condition that each such individual must -
 - (a) be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or
 - (b) be entitled to carry out that activity by virtue of section 4 of that Act.
2. But nothing in subsection (1) requires such a condition to be imposed -
 - (a) in respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c.12) (premises with premises licences authorising plays or films), or
 - (b) in respect of premises in relation to -
 - (i) any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence, or
 - (ii) any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act).
3. For the purposes of this section -
 - (a) "security activity" means an activity to which paragraph 2(1)(a) of that Schedule applies, and which is licensable conduct for the purposes of that Act (see section 3(2) of that Act), and
 - (b) paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

MANDATORY CONDITION: EXHIBITION OF FILMS

1. In accordance with section 20 of the Licensing Act 2003, where a premises licence authorises the exhibition of films, the licence must include a condition requiring the admission of children to the exhibition of any film to be restricted in accordance with this section.
2. Where the film classification body is specified in the licence, unless subsection (3)(b) applies, admission of children must be restricted in accordance with any recommendation made by that body.
3. Where -
 - (a) the film classification body is not specified in the licence, or
 - (b) the relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question, admission of children must be restricted in accordance with any recommendation made by that licensing authority.
4. In this section - 'children' means persons aged under 18; and 'film classification body' means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (c.39) (authority to determine suitability of video works for classification).

Annex 2 – Conditions consistent with the operating schedule

Licensing Objectives

Prevention of Crime & Disorder

1. Digital CCTV will be installed to cover the premises and will include all areas to where public have access to consume alcohol and where licensable activities are undertaken.
2. CCTV will be maintained, working and recording at all times when the premises are open.
3. The recordings will be of evidential quality in all lighting conditions and will be of sufficient quality to be produced in court or other such hearing.
4. Copies of the recordings will be kept available for any responsible authority for 28 days.
5. Copies of the recordings will display the correct time and date of the recording.
6. A member of staff trained to use the CCTV system shall be on duty at all times so as to ensure the recorded images are made available for inspection and downloading immediately upon request to any responsible authority.
7. All images downloaded from the CCTV system must be provided in a format that can be viewed on readily available equipment without the need for specialist software.
8. Clear notices shall be prominently displayed requesting customers to leave the premises and the area in a quiet and orderly manner.
9. The only acceptable proof of age identification shall be a current passport, photocard driving licence or identification carrying the PASS logo.
10. Drinking vessels of any type shall not be allowed to enter or leave the premises whilst under the customers care; save for movement into the outside drinking area attached to the venue.
11. Documented staff training will be given regarding the retail sale of alcohol; the conditions attached to the premises licence; and the opening times of the venue.
12. Such records (referred to in condition 11) shall be kept for at least one year and they will be made available immediately upon a reasonable request from any responsible authority.
13. A Refusals Register and Incident Report Register will be kept. Such documents will record incidents of staff refusals to under-age or drunk people as well as incidents of any anti-social behaviour and ejections from the premises.
14. Both documents (referred to in condition 13) shall be kept for at least one year and they will be made available immediately upon a reasonable request from any responsible authority.
15. The venue shall partake in the York night-time economy radio system.
16. There shall be no consumption of alcohol by patrons queuing to enter the premises.

17. When any entrance is being used by members of the public door supervisors shall be positioned at every entrance to the premises in accordance with conditions 18, 19 and 20. For the purpose of clarity the entrances to the venue are the door leading to the main club; the door leading to the bar area (ie the middle entrance); the door leading to the Sexual Entertainment Venue; (the total number of door supervisors is applicable across the licensed area not necessarily two per door at all times unless customer numbers dictate such deployment).

18. An adequate number of door supervisors (at least one plus one per hundred customers ie a minimum of two at any time) shall be provided at the venue from 21:00hrs until the venue closes for business on the following occasions:-

- i) every Friday and Saturday evening
- ii) the evening before a Bank Holiday
- iii) the evening of race meetings held at York Racecourse (save for the family meeting held in September and the first meeting held in May).

19. Save for occasions when the audience is less than one hundred customers an adequate number of door supervisors (at least one plus one per hundred customers ie a minimum of two at any time) shall be provided at the venue whenever live music (that does not fall under the definition laid out in the Live Music Act) is being undertaken at the venue; their deployment being at least one hour prior to the start of any concert until the venue closes for business.

20. An adequate number of door supervisors (at least one plus one per hundred customers ie a minimum of two at any time) shall be provided at the venue from 23:00hrs until the venue closes for business on all other occasions.

21. So as to ensure the licensing objective the prevention of crime and disorder is not undermined, there shall be a total capacity limit of 860 people.

22. If a DJ is used on any night they will ask customers to leave quietly.

23. Any person who appears to be intoxicated or who is behaving disorderly will not be allowed entry to the venue. Any person within this venue who appears to be intoxicated or who is behaving disorderly will be given care and consideration in leaving the venue.

24. Text/radio pagers are used within the venue, they are monitored by a responsible member of staff.

25. Toughened glass is used in the venue.

26. Music and dancing will be a prominent feature of trading.

27. For the purpose of clarity the licensable area of the venue shall be restricted to the building only. There shall be no licensable activities undertaken on the footpath directly outside the venue.

The following conditions apply to the outside drinking area:-

28. The boundary of the outside area shall be clearly defined by a barrier at all times the area is being used.

29. Customers shall remain seated when consuming alcohol in the outside smoking area.

30. There shall be no sale of alcohol in the outside area.

31. The outside area shall not be used for the consumption of alcohol after 21:30hrs. For the purpose of clarity, after 21:30hrs the outside area shall only be used by people who wish to smoke

32. The outside area shall be cleared of drinking vessels by 21:45hrs.

Public Safety

33. A person trained in first aid will be at the venue who will have received training in any problems associated with alcohol and drug misuse.

34. A qualified first aider shall be present throughout any sporting entertainment involving boxing, wrestling, judo, karate or sport of a similar nature.

35. Where a ring is used it will be constructed by a competent person and shall be inspected by a competent authority before use and any material used to form the skirt of the ring shall be flame retardant.

36. The seating layout shall be agreed with the appropriate authorities.

Public Nuisance

37. No amplified music or regulated entertainment shall be provided in the entrance, reception or lobby areas of the premises.

38. The internal lobby doors to the main entrance and the doors from the reception to the main dance floor and the cafe bar shall be kept closed except when being used for entry or exit.

39. Access to the smoking area after 23:00hrs, shall be via the main entrance door only.

40. During provision of live or recorded music, the emergency exit doors in the centre of the Toft Green facade leading from the Beer Keller area shall be kept shut after 23:00hrs and prior to that the doors shall only be opened for ingress or egress.

41. Any patrons waiting outside the premises for entry into the venue, and those using the smoking area shall be managed by premises staff to ensure noise arising from these patrons, such as shouting, singing and chanting is kept to a minimum.

42. Documented patrols shall be carried out by members of staff at no less than hourly intervals during the hours of opening to the public. These patrols shall monitor the noise arising from within the premises and created by patrons within the vicinity of the premises. These checks shall be undertaken outside the building each hour at three locations: to the left hand side of the facade, adjacent to 1 Toft Green; to the right hand side of the building, adjacent to the rear of 92 Micklegate and on Barker Lane, adjacent to Lawrance House. The checks shall be completed and recorded in accordance with a procedure to be agreed with City of York Council within 1 month of issue of the varied licence granted 24 September 2014.

43. The internal double doors between the Beer Keller and the Fibbers club shall be kept closed after 23:00hrs.

44. A direct contact number for the duty manager shall be made available to residents living in the vicinity of the premises on request.

45. Staff training shall be given and documented regarding all matters relating to the licence and its conditions. Records of training shall be kept for 3 years.

Protection of Children from Harm

46. A person under the age of 18 years will only visit the venue with a responsible adult usually for the purpose of dining unless there is an event especially organised for the youth market. Unaccompanied persons under the age of 18 are not welcome in the venue except at events especially organised for the youth market.

47. The venue intends to have specially organised events for the youth market when the venue will adhere to the following Company Policies:

- a) Admission Policy
- b) General Policies Statement
- c) Code of Conduct for Staff Statement and
- d) Child Protection Policy

48. For Regulated Entertainment consisting of Music and Dancing:

a) The licence holder shall attach a copy of the City Council's Rules for the Management of Places of Public Entertainment to the valid licence. This document shall form part of the licence.

b) The licence holder shall ensure prompt compliance with any written report received from the City Council.

c) The licence holder shall ensure prompt compliance with any written report received from North Yorkshire Fire and Rescue Service.

d) The noise generated from the use of these premises shall not exceed a Noise Rating 25 (ISO.R=1966: 1971) when measured at a distance of one metre from the nearest noise sensitive facade and be of such a level so as not to constitute a nuisance to inhabitants of the neighbourhood.

e) In accordance with Condition 1.11 of the Rules of Management of Places of Public Entertainment licensed by the City of York Council, written consent is hereby given for these premises to be used for entertainment attended wholly or mainly by children subject to the attached conditions being complied with. This consent is limited to Tuesday evenings between the hours of 18:30 - 21:00 when the premises may remain open for disco and dancing from 14 to 17 year olds.

Schedule of additional conditions to be complied with when entertainments attended wholly or mainly by children are given.

49. A sufficient number of competent and adequately trained adult attendants shall be on duty during events which are to be attended wholly or mainly by children. The minimum number of attendants on duty must be as follows:

- One attendant for every 100 or part there of accommodated on the ground floor.
- One attendant for every 50 or part there of accommodated on the first floor.

Persons whose normal duties are other than the assistance of persons entering the entertainment area, should not be included in calculating the number of attendants.

50. Attendants must be specifically instructed as to their essential duties and responsibilities in the event of fire or other emergency.

51. Attendants should be easily identifiable by means of some conspicuous clothing or marking system which is visible under all lighting conditions.

52. Training of attendants must include instruction in the following areas:

- a) the action to be taken upon discovering a fire;
- b) the action to be taken upon hearing the fire alarm;
- c) raising the alarm, including the location of the alarm call points and alarm indicator panels;
- d) the correct method of calling the fire brigade;
- e) the location and use of fire fighting equipment;
- f) knowledge of escape routes;
- g) knowledge of the method of operation of any special escape door fastenings;
- h) appreciation of the importance of fire doors and the need to close all doors at the time of a fire and on hearing the fire alarm;
- i) the operating of all escape doors not in regular use, to ensure that they function satisfactorily; and
- j) evacuation of the building to an assembly point at a place of safety (to include reassuring persons attending the entertainment and escorting them out of the premises).

53. Attendants must have attended at least one practice fire drill following completion of training.

54. Notices must be prominently displayed where parents deposit children, saying that in the event of an emergency children will be escorted by a member of staff to a named collection point outside the building.

55. Account should be taken of the additional responsibility caused by the attendance of disabled children. Further attendants will need to be on duty, the number of which will depend on the number of disabled children attending and the nature of their disabilities.

Annex 3 – Conditions attached after a hearing by the licensing authority

1. There shall be no admissions to the premise after 03:00hrs, except for patrons using the smoking terrace.
2. The sale of alcohol shall cease 30 minutes before closing time.
3. The sale of late night refreshment shall cease 15 minutes before closing time.
4. Recorded music shall cease 15 minutes before closing time.
5. All licensable activities, namely; Films, Live Music and Performance of Dance, shall cease 30 minutes before closing time.
6. The licensable activity, Boxing and Wrestling, shall cease by 02:00hrs.
7. A dispersal policy agreed with the Licensing Authority and North Yorkshire Police shall be adhered to at all times.
8. One marshal will control the access and egress from the internal door in the premises leading to the smoking area and the second marshal shall monitor the behaviour of those patrons using the smoking area.

Annex 4 – Approved Plan

Plan Number TO/Y0/322/01 & 02

For and on behalf of
The Director of Communities
& Neighbourhoods

Date: 15/08/2005
21/05/2015 (Transfer)

Licensing Services
Hazel Court EcoDepot
James Street
York
YO10 3DS

Phone: 01904 552512
Fax: 01904 551590
Email: licensing.unit@york.gov.uk
Website: www.york.gov.uk/licensing

Standard Conditions

Sexual Entertainment Venues

General

1. In accordance with Home Office guidance, where a condition conflicts with a condition in a Licensing Act 2003 premises licence, the more onerous applies.
2. Unless stated otherwise, the licence hereby granted will remain in force for one year from the date on the licence, after which it will cease to be in effect unless an application for renewal is submitted in the manner prescribed by the council.
3. The licence may be revoked by the council if at any time the holder is convicted of an offence of using the licensed premises, or other premises for which a similar licence has been granted, other than in accordance with the terms, conditions or restrictions of the licence or is convicted of any offence under any enactment defined in paragraph 1 of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 as amended.
4. In the event of a conflict between these conditions and any special conditions contained in a licence relating to a sex establishment the special conditions shall prevail.
5. The name of the premises must be approved by the council in writing. Any change to the name of the premises must be approved by the Council in writing.

Exhibition of the licence

6. The licence or a certified copy must be prominently displayed at all times so as to be readily and easily seen by all persons using the premises and all authorised officers. A copy of the conditions attached to the licence must be kept on the premises and be available for inspection by an authorised officer of the Council.

Hours of opening

7. Except with the written consent of the council, the premises will only open to the public during the following hours:

Monday	21:00 – 03:30	Friday	21:00 – 04:30
Tuesday	21:00 – 03:30	Saturday	21:00 – 04:30
Wednesday	21:00 – 03:30	Sunday	21:00 – 03:30
Thursday	21:00 – 03:30		

Conduct of the premises

8. Relevant entertainment will only be performed by the dancer. There must be no audience participation.
9. Dancers will only perform on the stage area, or in booths/areas for VIPs as identified on the plan attached.
10. There must be no physical contact (touching) by a customer of a dancer while a performance is taking place, except for the placing of gratuities into the hand of the dancer at the beginning or conclusion of the performance. A dancer may have physical contact with the customers while the performance is taking place, this is restricted to touching the customers knees (including sitting on their knee), lower legs, upper chest, arms, face and head. There will be no physical contact of the pubic area or genitals.
11. Any performance will be restricted to dancing and the removal of clothes. There will not be any other form of sexual activity or stimulation which, for the avoidance of doubt, includes kissing.
12. Sex toys must not be used and penetration of the genital area by any means must not take place.
13. Dancers shall re-dress at the conclusion of the performance.
14. Customers will not be permitted to throw money at the dancers.
15. No customers shall be admitted to the premises or allowed to remain on the premises if they appear to be intoxicated or unruly.
16. No person shall take any photographs, videos or other similar recordings (including mobile phones and video streaming) of the authorised relevant entertainment.

External appearance

17. There will be a notice displayed inside each entrance or doorway to the premises, clearly visible on entering the premises, which states the following words and no others:

STRICTLY NO ADMITTANCE TO PERSONS UNDER 18 YEARS OF AGE

This premises operates a Challenge 25 policy.

Persons who appear to be under the age of 25 will be required to show proof

of age.

18. The external appearance of the premises must be approved by the council in writing. Any change to the external appearance must be approved by the council. The operator must advise of any change in writing including a drawing of the existing and proposed street elevation. This must be approved by the council in writing before work is undertaken.
19. Access to the licensed area of the premises should be through a lobby area which is constructed in such a way that the inside of the licensed premises where relevant entertainment takes place is not visible to passing members of the public when the doors of the premises are opened.
20. Windows and opening to the premises, other than entrances, shall be obscured in a manner and with such material approved by the council. Door entrances shall also be obscured by blinds or material approved by the council so as to prevent any member of the public from seeing through to the premises whilst relevant entertainment is taking place.
21. External signage will only be illuminated between 9.00pm and 5.00am, and movable signs placed outside the premises will be removed between 4.30am and 9.00pm.

Advertising

22. Any unsolicited written, visual or auditory advertisement material, posters, signage or window display must not be of a sexually explicit or suggestive nature, will not contain images or text of a sexually explicit, obscene or offensive nature and must be approved by the council in writing.
23. Staff employed or subcontracted by the premises will not verbally or otherwise promote, tout or advertise the premises, except by way of flyers. Staff employed or subcontracted by the premises will not direct potential customers to transport connected with the premises.
24. The distribution of flyers will only be permitted in such a way where it does not cause public offence. Therefore, the distribution of flyers is only permitted between the hours of 9.00pm and 3.30am. The licensee will remove any leaflets/flyers from the highway within a 100 metre radius of the premises by 5.00am. Flyers must not be distributed by and to persons Under the age of 18 years.

Layout of the premises

25. Access to ground floor premises may only be through two or more doors placed consecutively, so arranged that when a person enters or leaves the premises the interior of the premises is not recognisable to persons outside the premises. The first set of entry doors must be fitted with a device to provide for their automatic closure and such a device shall be maintained in good working order.
26. No access will be permitted through the premises to any other adjoining or adjacent premises except in the case of an emergency.
27. No alterations (including temporary alterations) will be made to the structure and installations on the premises, without the prior written consent of the council. This condition will not require notice to be given in respect of routine maintenance works. Where there is any doubt the licensee should seek advice from the council.
28. Where works necessitate the premises being closed for a long period of time, the premises shall not reopen for the purpose of the licence, until the licensee has been notified in writing by the council of the satisfactory completion of the work.
29. All parts of the premises shall be well maintained and kept in a clean condition to the satisfaction of the council.

Management of the premises

30. Where the licensee is a body corporate, or an un-incorporated body, any change of director, company secretary or other person responsible for the management of the body will be notified in writing to the council within 14 days of such change. Such details as the council may require in respect of the change of personnel will be furnished within 14 days of a request in writing from the council.
31. The licensee, or a responsible person nominated by him/her in writing for the purpose of managing the venue ("the manager") will have personal responsibility for and be present on the premises whilst relevant entertainment is being performed. Any such nomination will be produced on demand to an authorised officer of the council or the police.
32. The licensee will ensure that any person nominated by him/her under the above:
 - a) has been provided with a copy of the conditions relating to the premises and is fully conversant with them; and
 - b) is in possession of a written nomination referred to about at all times when they are in charge of the premises.

33. Where the licensee, director, company secretary, or responsible person nominated for the purpose of managing the venue (“the manager”), is convicted of an offence, they must, as soon as practicable after the conviction, inform the council of the conviction giving details of the nature and date of the conviction, and any sentence imposed.
34. The licensee will retain control over all parts of the premises and will not let, licence or part with possession of any part of the premises. The council must be notified immediately in the event that any part of the premises affected by the termination of a lease or other event affecting the licensee’s control of the premises.
35. The licensee will ensure that the public is not admitted to any part or parts of the premises that has not been approved by the council.
36. No person under the age of 18 will be admitted to the premises.
37. The licensee will operate a Challenge 25 age verification policy. People who appear to be under the age of 25 will be required to show proof of ID prior to admittance. A notice to this effect, in accordance with condition 18 will be displayed on the premises.
38. The licence holder will not employ any person under the age of 18 in any capacity.
39. The licensee will comply with all statutory provisions and any regulations made hereunder.
40. The licensee will provide, for approval in writing of both the police and the licensing authority, a code of practice for the dancers. This code must be given to all dancers and displayed in staff areas. This code must be made available upon request to both the police and Authorised officers.
41. The licensee will provide, for approval in writing of both the police and the licensing authority, a code of conduct for customers, this must be printed in a manner which is clear and easy to read during normal operation of the premises. This code must be prominently displayed at each entrance to the premises, at the entrance to any private dance areas and in suitable locations within the licensed premises, such locations to be agreed with the council, such as at bars.
42. Price lists for both drinks and sexual entertainment will be clearly displayed at each entrance to the premises, at each bar and at each table.

43. Suitable and sufficient training will be provided to all staff including the nominated responsible person. The training will be recorded and the training records must be made available upon request to both the police and authorised officers.
44. The name of the person responsible for the management of the premises, whether the licensee or manager, shall be displayed in a conspicuous position within the premises throughout the period during which he/she is responsible for its conduct.

Safety and security

45. A colour digital CCTV system will be maintained and operational at the premises at all times when licensable activities are being carried out and at any other times when member of the public are present on the premises.
46. The CCTV system will cover all areas of the premises occupied by the public under the terms of the licence, including corridors, stairways, each dance booth and VIP areas (excluding within toilets and changing rooms). The CCTV system will cover the main entrances and external areas of the premises occupied by the public, for example queuing areas, beer gardens, smoking areas and car parks.
47. The locations of CCTV cameras are identified on the site plan of the premises. No amendments to the locations of the cameras will be made without prior consultation with North Yorkshire Police and the council.
48. The CCTV system will be of a satisfactory resolution quality which will enable the identification of persons and activities, and other fine details such as vehicle registration number plates.
49. Recorded CCTV images will be maintained and stored for a continuous period of 28 days. The CCTV equipment shall have constant time/date generation which must be checked on a daily basis for accuracy.
50. Where CCTV is recorded onto a hard drive system, any DVDs subsequently produced will be in a format so it can be played back on a standard DVD player.
51. The nominated person ("the manager") must be trained in the use of any such CCTV equipment and be able to produce CCTV images to the police or Licensing Authority.
52. CCTV footage will be controlled and kept in a secure environment to prevent tampering and unauthorised viewing.

53. The data controller, under the Data Protection Act 1998, who is responsible for any CCTV images captured on cameras on the premises will, on the lawful request of the police or an authorised officer of the council, cause any required footage to be downloaded immediately, or where this is not possible, as soon as reasonably practicable, and supplied to the requesting officer. Where the CCTV images are not supplied at the time of the request being made the data controller will ensure that they are secured to prevent any overwriting.
54. A minimum of two Security Industry Authority registered door staff (numbers to be subject to police and licensing authority approval) will be present on the premises during the performance of relevant entertainment.
55. A refusals/incident/accident register will be maintained and shall record all refusals relating to alcohol, access to the premises and all incidents or accidents.
56. The licensee will ensure that a fire safety risk assessment is carried out in connection with the premises, and is retained on the premises at all times and available for inspection by an authorised officer or a member of the Fire Authority.
57. The licensee will maintain good order in the premises at all times, and ensure that persons entering or leaving the licensed premises conduct themselves in an orderly manner and do not in any way cause annoyance to residents in the vicinity and persons passing by.

Staff welfare

58. Dancers will be aged 18 years or over.
59. Before a dancer is permitted to work on the premises the licensee will ensure that the dancer:
 - a) has not been convicted of theft, drug offences or prostitution
 - b) has the right to work in the UKThe licensee will keep records of the checks, including copies of any documentation such as a basic disclosure, passport, visa, driving licence or national insurance number provided by the dancer.
60. All premises that provide relevant entertainment will provide dancers with copies of the following documents:
 - a) A copy of the conditions attached to the Sex Establishment Licence;
 - b) Details of any other conditions applied by management of the premises;
 - c) A copy of the code of practice for dancers;

- d) A copy of the code of conduct for customers;
- e) Price lists for drinks and sexual entertainment.

61. Dancers will be provided with separate secure dressing rooms, facilities to secure valuables and proper sanitation facilities. No person other than performers and authorised staff will be allowed in or near the dressing rooms, therefore safe and controlled access will be maintained at all times. The documents detailed in condition 60 will be displayed in the dressing rooms.
62. There will be at least one female member of staff authorised to be responsible for the safety and welfare of the dancers. This staff member must be on the premises at all times when licensable activities are taking place.
63. All booths and VIP areas used for private dances must be visible to supervision and must not have closing doors, any curtains used must be approved by the council in writing.
64. All booths and VIP areas used for private dances must be directly supervised by either a SIA registered door supervisor, or a member of staff who has direct contact with a SIA registered door supervisor working on the premises at all times the booths/areas are in use. Direct supervision does not include remote supervision by CCTV.
65. Dancers will only be present in the licensed area in a state of nudity when they are performing on stage or providing a private dance.
66. Any person on the premises who can be observed from outside the premises will be properly and decently dressed.
67. The practice of fining is prohibited.
68. Customers and staff must not be allowed to interact while using the smoking area, and where possible a separate smoking area should be provided for staff. Dancers must be covered up at all times with knee length robes or coats whilst using the smoking areas.
69. Throughout the lap or table dance customers will remain seated and fully clothed, with their hands clearly visible, either resting on the arms of the chair/sofa or on the seat cushion, or customers must be asked to sit on their hands.
70. If a dancer is invited to have a drink with a customer, the dancer will remain fully clothed during this period. Dancers will not be paid commission on the sale of beverages.

71. On leaving the premises dancers will be escorted to their transport by a SIA registered door supervisor.

Vessels, vehicles and stalls

72. In the case of licensed premises that are a vessel, vehicle or stall, the licensee shall not move the vessel, vehicle or stall from the location specified in the licence unless 28 days written notice is given to the council of such intended removal. The council may require the licensee to lodge such written application as it may deem appropriate and pay such a fee as it may deem reasonable in respect of such application.
73. The requirements of condition 72 will not apply to a vessel, vehicle or stall habitually operating from a fixed location, which is regularly moved, whether under its own propulsion or otherwise, from another place for storage purposes. This place must be specified in the licence and must not be used for the purposes for which the licence is granted and any other location than that specified in the licence.
74. Vehicles must not be used for personal solicitation, touting or advertising.

Variation of conditions

75. The council may, at the time of grant or renewal of the licence, waive, modify or vary these conditions or impose additional conditions as appropriate.
76. The licensee may apply to the council to vary any of the terms of the licence.
77. Applications to vary conditions of the licence must be advertised by the licensee in the same manner as the application for the grant, renewal or transfer of the licence.

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Legislation and Policy Considerations

1. The following provisions of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended) apply to this application:
 - Paragraph 10 (Grant, renewal and transfer of licences for sex establishments) relates to the process which the applicant must have followed for the application to be considered valid.
 - Paragraph 12 (Refusal of licences) relates to the grounds under which an application shall not be granted and also describes the powers by which the licensing authority has a discretion to refuse the licence.
 - Paragraph 13 (Power to prescribe standard conditions).

2. The following provisions of the Home Office Guidance apply to this application:
 - Paragraphs 3.23 – 3.24 (Objections) explain who can object and how this is done and that the applicant must be made aware of the general grounds for the objection before the application is determined.
 - Paragraphs 3.25 – 3.26 (Hearings) explain that the applicant must be given the opportunity to appear and be heard in front of the sub-committee considering the application. Schedule 3 does not make any explicit provision for objectors to be heard, this is left to the discretion of the appropriate authority.
 - Paragraphs 3.27 – 3.31 (Grounds for refusal).
 - Paragraphs 3.32 – 3.38 (Relevant locality) define the meaning of “relevant locality” and the powers of the appropriate authority to decide the maximum number of premises allowed in a particular locality.
 - Paragraphs 3.39 – 3.42 (Licence conditions) explain that once the decision is made to grant, the appropriate authority can attach conditions specific to the individual premises and/or standard conditions for the particular type of establishment. These conditions should not duplicate conditions placed on a premises licence issued under the Licensing Act 2003 and should be appropriate to the activities authorised by the licence.
 - Paragraphs 4.19 – 4.21 (European Convention on Human Rights) explain whilst applications from existing operators can be refused on one or more grounds set out in paragraph 12 of schedule 3 of the 1982 Act, account must be taken of rights existing operators may have under Article 1 of Protocol 1 to the European Convention

which protects the peaceful enjoyment of their possessions (including licences) and article 10 (freedom of expression).

4. City of York Council's Policy for the Licensing of Sex Establishments Licensing Policy and the Standard Conditions for Sexual Entertainment Venues applies to this application.
5. The Committee is reminded of their duty under the Crime and Disorder Act 1998 to consider the crime and disorder implications of their decisions and the authority's responsibility to co-operate in the reduction of crime and disorder in the city.
6. The Committee is reminded that the Human Rights Act 1998 guarantees the right to a fair hearing for all parties in the determination of their civil rights. The Act also provides for the protection of property, which may include licences in existence, and the protection of private and family life.
7. The Committee is reminded that it must comply with the Council's Public Sector Equality Duty (as required to do so under s.149 of the Equality Act 2010), and have due regard to the potential impact on gender equality.

NOTE FOR MEMBERS

Extracts from Home Office Guidance for England and Wales relating to Sexual Entertainment Venues.

3.23 When considering an application for the grant, renewal or transfer of a licence the appropriate authority should have regard to any observations submitted to it by the chief officer of police and any objections that they have received from anyone else within 28 days of the application. Any person can object to an application but the objection should be relevant to the grounds set out in paragraph 12 of Schedule 3 for refusing a licence. Objections should not be based on moral grounds/values and local authorities should not consider objections that are not relevant to the grounds set out in paragraph 12. Objectors must give notice of their objection in writing, stating the general terms of the objection.

3.24 Where the appropriate authority receives notice of any objection the authority shall, before considering the application, give notice in writing of the general terms of the objection to the applicant, However, the appropriate authority shall not without the consent of the person making the objection reveal their name or address to the applicant.

Hearings

3.25 Under paragraph 10(19) of Schedule 3, before refusing an application, all applicants should be given the opportunity to appear before and be heard by the local authority committee or sub-committee that is responsible for determining the application.

3.26 Schedule 3 does not make explicit provision for objectors to be heard, but this does not mean that such hearings cannot take place. Rather, case law on this matter states that while local authorities are under no obligation to offer an oral hearing to objectors, they may do so at their discretion. Although a local authority is under a duty to consider any objections made within 28 days of the application, it has discretion to hear later objections provided the applicant is given the opportunity to deal with those objections.

Refusal of a Licence

3.27 Paragraph 12 of Schedule 3 sets out the grounds for refusing an application for the grant, renewal or transfer of a licence.

A licence must not be granted:

- a) to a person under the age of 18;
- b) to a person who is for the time being disqualified due to the person having had a previous licence revoked in the area of the appropriate authority within the last 12 months;
- c) to a person, other than a body corporate, who is not resident in an EEA State or was not so resident throughout the period of six months immediately preceding the date when the application was made; or
- d) to a body corporate which is not incorporated in an EEA State; or
- e) to a person who has, within a period of 12 months immediately preceding the date when the application was made, been refused the grant or renewal of a licence for the premises, vehicle, vessel or stall in respect of which the application is made, unless the refusal has been reversed on appeal.

3.28 A licence may be refused where:

- a) the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason;
- b) if the licence were to be granted, renewed or transferred the business to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant, renewal or transfer of such a licence if he made the application himself;
- c) the number of sex establishments, or of sex establishments of a particular kind, in the relevant locality at the time the application is determined is equal to or exceeds the number which the authority consider is appropriate for that locality;

- d) that the grant or renewal of the licence would be inappropriate, having regard -
- i. to the character of the relevant locality;
 - ii. to the use to which any premises in the vicinity are put; or
 - iii. to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.

3.29 A decision to refuse a licence must be relevant to one or more of the above grounds.

3.30 When determining a licence application, the local authority must have regard to any rights the applicant may have under Article 10 (right to freedom of expression) and Article 1, Protocol 1 (protection of property) of the European Convention on Human Rights.

3.31 The Provision of Services Regulations 2009 amended Schedule 3 to the 1982 Act to state that, if having considered an application for the grant, renewal or transfer of a licence, the appropriate authority decides to refuse it if one or more of the above grounds, it must provide the applicant with reasons for the decision in writing.

Relevant Locality

3.32 Paragraph 12(3)(c) and 12(3)(d) of Schedule 3 allow appropriate authorities to refuse applications on grounds related to an assessment of the “relevant locality”. A licence can be refused if either, at the time the application is determined the number of sex establishments, or sex establishments of a particular kind, in the relevant locality is equal to or exceeds the number that the authority considers appropriate for that locality; or that a sex establishment would be inappropriate having regard to the character of the relevant locality, the use to which any premises in the vicinity are put or the layout, character or condition of the premises. Nil may be the appropriate number.

3.33 Schedule 3 to the 1982 Act does not define “relevant locality” further than to say that:

- (a) in relation to premises, it is the locality where they are situated; and
- (b) in relation to a vehicle, vessel or stall, any locality where it is desired to use it as a sex establishment.

3.34 Clearly, the decision regarding what constitutes the ‘relevant locality’ is a matter for the appropriate authority. However, such questions must be decided on the facts of the individual application.

3.35 Therefore, it is reasonable and potentially useful to future applicants, for a local authority to decide in advance of receiving any applications that certain areas are, or are not, appropriate locations for a sex establishment or a particular number of sex establishments. Nevertheless, all applications must be considered on their individual merits.

3.36 When considering a particular application case law has indicated that the relevant locality does not have to be a clearly pre-defined area nor are local authorities required to be able to define its precise boundaries. Therefore, while a local authority is not prevented from defining the exact area of the relevant locality, it is equally free to conclude that it simply refers to the area which surrounds the premises specified in the application and does not require further definition. Nevertheless a local authority's view of what constitutes a locality could be open to challenge if they took a completely unreasonable view of the area covered, for example, by concluding two sex establishments 200 miles away from one another were in the same locality. Case law indicates that a relevant locality cannot be an entire local authority area or an entire town or city.

3.37 Once the appropriate authority has determined the relevant locality, it should seek to make an assessment of the 'character' of the relevant locality and how many, if any, sex establishments, or sex establishments of a particular kind, it considers appropriate for that relevant locality.

3.38 Section 27 amends paragraph 12(3)(c) of Schedule 3 to allow local authorities to determine an appropriate number of sex establishments of a particular kind. In practice, this means that the appropriate authority may, for example, decide that a particular locality is suitable for a sex shop but is not suitable for a sexual entertainment venue or vice versa.

Licence Conditions

3.39 Once the appropriate authority has decided to grant a licence they are able to impose terms, conditions and restrictions on that licence, either in the form of conditions specific to the individual licence under paragraph 8 of Schedule 3 or standard conditions applicable to all sex establishments, or particular types of sex establishments, prescribed by regulations made by the appropriate authority under paragraph 13 of Schedule 3.

3.40 Paragraph 13 provides examples of the matters that standard conditions may address which include but are not restricted to:

- The hours of opening and closing
- Displays and advertisements on or in sex establishments
- The visibility of the interior of a sex establishment to passers-by
- Any change of use from one kind of sex establishment to another

3.41 Where the appropriate authority decides to produce standard conditions under paragraph 13 they will apply to every licence granted, renewed or transferred by the authority unless they have been expressly excluded or varied.

3.42 Most sexual entertainment venues will require a 2003 Act licence as well as a sex establishment licence. Where this is the case, local authorities should avoid duplicating licence conditions and should ensure that conditions imposed on each licence are relevant to the activities authorised by that licence. For example, conditions relating to the sale of alcohol should only appear on a premises licence or clubs premises certificates and should not be imposed on sexual entertainment venue licence. Likewise, conditions relating the provisions of relevant entertainment should appear on the sexual entertainment venue licence and not a premises licence or club premises certificate. Local authorities should also avoid imposing conditions on either licence that are contradictory.

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Meeting of Gambling, Licensing & Regulatory Committee

17 November 2020

Report of the Assistant Director – Planning and Public Protection

**Local Government (Miscellaneous Provisions) Act 1982 Schedule 3 as amended by Policing and Crime Act 2009
Renewal of Sex Establishment Licence for The Adult Shop,
70B Gillygate, York, YO31 7EQ****Summary**

1. This report seeks Members determination of an application to renew a Sex Establishment Licence for a sex shop which has been made under the Local Government (Miscellaneous Provisions) Act 1982, Schedule 3 Control of Sex Establishments in respect of The Adult Shop, 70B Gillygate, York, YO31 7EQ.
2. Name of applicant: Lilacgrange Limited
3. Summary of Application: The application is to renew an existing Sex Establishment Licence which permits the premises to operate as a sex shop during the following times; Monday to Saturday 10:00 hours to 20:00 hours and Sunday 12:00 hours to 17:00 hours. A copy of the renewal application is attached at Annex 1.
4. A sex establishment licence is valid for 12 months. The licence holder must submit an application to renew the licence to the licensing authority before the existing licence expires if they wish to continue running a sex establishment, in this case a sex shop. A copy of the licence to be renewed is attached at Annex 2.

Recommendations

5. Members are asked to determine the application for the grant of the licence in accordance with the Local Government (Miscellaneous Provisions) Act 1982 Schedule 3 as amended by Policing and Crime Act 2009.

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

Background

6. Sex shops are defined in the legislation as any premises, vehicle or stall used for a business which consists to a significant degree of selling, hiring, exchanging, lending, displaying or demonstrating sex articles; or other things intended for use in connection with, or for the purpose of stimulating or encouraging sexual activity; or acts of force or restraint which are associated with sexual activity.
7. These premises have operated as a sex shop since 1997. There have been no complaints received in relation to the premises since the initial licence was granted.
8. City of York Council's Licensing of Sex Establishments Licensing Policy was reviewed and a revised policy was adopted on 27 April 2017 with immediate effect. A copy of this policy can be found at <https://www.york.gov.uk/SexEstablishmentLicences>
9. A copy of City of York Council's Standard Conditions for Sex Shops is attached at Annex 3.

Consultation

10. Consultation was carried out by the applicant and the Licensing Authority in accordance with paragraph 10 of Schedule 3 of the 1982 Act relating to the process which the applicant must follow for the application for renewal to be considered valid.
11. There were no objections received to the application.
12. A map showing the location of the premises is attached at Annex 4.

Relevant Legislation – Grounds for Refusal

13. When considering the renewal application, the Authority does not have an unfettered discretion as to whether to refuse an application or grant a renewal. The grounds on which an application could be refused are set out in paragraph 12 to Schedule 3 of the 1982 Act.

Mandatory grounds for the refusal of an application

14. The mandatory grounds for the refusal of an application for a sex establishment licence are that the applicant:
 - a) is under the age of 18;
 - b) is for the time being disqualified from holding a sex establishment licence;
 - c) is not a body corporate, and is not in resident or has been resident in an EEA state for six months immediately preceding the date of the application;
 - d) is a body corporate which is not incorporated in an EEA state;
 - e) has in the period of twelve months preceding the date of application been refused the grant or renewal of a licence for the premises, vehicle, vessel or stall in respect of which the application is made, unless the reversal has been reversed on appeal.
15. There are no mandatory grounds for refusing this application.

Discretionary grounds for the refusal of an application

16. Discretionary grounds for the refusal of an application for a sex establishment licence are that:
 - a) the applicant is unsuitable to hold a licence by reason of having been convicted of an offence or any other reason;
 - b) if the licence were to be granted, the business to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant of such a licence if he made the application himself;
 - c) the number of sex establishments, or sex establishment of a particular kind, in the relevant locality at the time the application is made is equal to or exceeds the number which the authority consider is appropriate for that locality;
 - d) the grant would be inappropriate, having regard –
 - to the character of the relevant locality;
 - to the use to which any premises in the vicinity are put;

- to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.
17. When considering the suitability of the applicant to hold a licence the council will take into account such matters it considers to be relevant.
 18. Guidance on relevant locality can be found at Annex 5, paragraphs 3.32 to 3.38.
 19. Within the licensing policy the council has determined a limit on the number of sexual entertainment venues permitted within the Authority area, however, this limit does not apply to sex shops. These applications must be dealt with on a case by case basis.

Options

20. By virtue of paragraphs 10, 12 and 13 of schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended), the Committee have the following options available to them in making their decision:
21. Option 1: Grant a renewal of the licence as requested.
22. Option 2: Renew the licence with modified/additional conditions imposed by the licensing committee.
23. 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).

Analysis

24. The following could be the result of any decision made by this Committee:
25. Option 1: This decision cannot be appealed at Magistrates Court by an objector to the application. Objectors could judicially review the decision.
26. Option 2: This decision could be appealed at Magistrates Court by the licence applicant.
27. Option 3: With the exception of a decision to refuse an application on a ground specified in paragraph 12(3) (c) or (d) of Schedule 3 to the 1982

Act, the licence applicant may appeal against the decision made to the Magistrates' Court.

Council Plan

28. The approved City of York Council Policy will support the Council's Plan for a prosperous city for all and a council that listens to residents.

Implications

29. The implications arising directly from this report are:

- **Financial** - N/A
- **Human Resources (HR)** – N/A
- **Equalities** – N/A
- **Legal** – The Council has the ability to control the licensing of sexual entertainment venues having adopted Schedule 3 to Local Government (Miscellaneous Provisions) Act 1982 as amended by the Policing and Crime Act 2009.

Paragraph 8 of Schedule 3 to the 1982 Act provides that where it determines to grant sex establishment licence, the Council is empowered to impose such conditions or restrictions as it deems appropriate.

Paragraph 12 of Schedule 3 to the 1982 Act sets out a number of mandatory grounds for refusal of sex establishment licence and also discretionary grounds for refusal of a sex establishment licence.

In considering this application the Committee should have regard to:

- Schedule 3 to the 1982 Act, as amended by Policing and Crime Act 2009 (Annex 5).
- The City of York Council Licensing of Sex Establishment Licensing Policy which can be found at <https://www.york.gov.uk/SexEstablishmentLicences>
- The Home Office – Sexual Entertainment Licence – Guidance for England and Wales which states that “Objections should not be based on moral grounds/values and local authorities should not consider objections that are not relevant to the grounds set out in paragraph 12” [of Schedule 3 to the 1982 Act].

In addition when making their decision Members must give consideration to the rights the applicant has under the European

Convention on Human Rights. Article 1 (entitles every person to peaceful enjoyment of their possessions) and Article 10 (freedom of expression) are particular rights that may be relevant. Members should consider whether interference with these rights is necessary and proportionate for the prevention of crime or disorder, for the protection of health or morals or for the protection of the rights and freedoms of others or, in the case of Article 1, whether interference can be justified in the general interest.

Members of the Committee should not allow themselves to predetermine the application or to be prejudiced in favour or opposed to the licence and shall only determine the application on its own merit.

- **Crime and Disorder** - The Committee is reminded of their duty under the Crime and Disorder Act 1998 to consider the crime and disorder implications of their decisions and the authority's responsibility to co-operate in the reduction of crime and disorder in the city.
- **Information Technology (IT)** – N/A
- **Property** – N/A
- **Other** – none

Risk Management

30. All Members are aware that any decision which is unreasonable or unlawful could be open to legal challenge resulting in loss of reputation and potential financial penalty.
31. The report details the options available to the panel in determining the application and recommends that a decision be reached. Provided the decision complies with the proper grounds for considering the application as set out within this report, there are no known risks involved with this recommendation.

Contact Details

Author:

Lesley Cooke
Licensing Manager
Ext 1515

Chief Officer Responsible for the report:

Michael Slater
Assistant Director
Planning & Public Protection
Ext 1300

**Report
Approved**



Date 04/11/2020

Wards Affected: Guildhall

Annexes

- Annex 1** - Copy of application for renewal
- Annex 2** - Copy of existing licence to be renewed
- Annex 3** - Standard Conditions for Sex Shop
- Annex 4** - Map showing location of premises
- Annex 5** - Legislation Extracts – Renewal Applications

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5. Are there any other persons responsible for the management of the premises/business other than the partners? Please state their names and addresses:

ANTHONY BARTLETT-MOORE (DIRECTOR)
7

- 6. a. Has the applicant ever been known by any other name? YES / NO
- b. Has the applicant ever been convicted of a criminal offence? YES / NO
- c. Has the applicant ever been refused a sex establishment licence? YES / NO
- d. Has the applicant ever had a sex establishment licence revoked? YES / NO
- e. Has the applicant ever been served with a winding up petition? YES / NO

If the answer to any of these questions is yes, please provide details:

7. Applicants' trading address or head office (other than the premises)

THE PREMISES ARE THE TRADING ADDRESS
& HEAD OFFICE

8. Will the business for which this licence is sought be carried on for the benefit of a person other than the applicant? YES / NO

If the answer is yes, state the name, address, place of registration, registered number and the identity of all directors, company secretary and those with a greater than 10% shareholding (use separate sheet if necessary).

9. Does the applicant operate any other sex establishments, licensed or otherwise? Please state name, address, and type of sex establishment of each.

NO

PREMISES DETAILS

10. Please state the name the business will be known as:

THE ADULT SHOP

11. Is the premises a Building Vehicle Vessel Stall

12. Where is it proposed to use the vehicle, vessel or stall?

N/A

13. Does the company propose to only operate on the internet?
(f yes answer Q14 to 19 only)

NO

14. Premises address

70B GILLYGATE

Post town YORK

Post code YO31 7EQ

Telephone number at premises 01904 613 638

15. Which part of the premises is to be used as a sex establishment?

GROUND FLOOR SHOP

16. Is the applicant owner lessee sub-lessee other

17. If the applicant rents the property state:

a. Name and address of landlord: MR D BROWN

b. Name and address of the superior landlord:

c. Total annual rental: 5440

d. Length of unexpired term: 1 YEAR

e. Notice required to terminate tenancy: 3 MONTHS.

18. Please provide details of the building management company (if appropriate):

NONE

19. State the current use of the premises:

SEX SHOP.

20. Has planning permission, or a certificate of lawful use, been obtained for the use of the proposed premises? YES / ~~YES~~

21. Can members of the public access the premises:
 a. Directly from the street? YES / ~~NO~~
 b. From other premises? ~~YES~~ / NO
 c. Not at all? (internet sales only) ~~YES~~ / NO

22. Are the premises currently being used as a sex establishment? YES
 Please provide details of the business currently operating the business:
 LILACGRANGE LTD
 70B GILLYGATE
 YORK YO31 7EQ

OPERATING SCHEDULE

23. Opening hours: (If internet sales only please tick here and continue to Q 26)

Monday	Tuesday	Wednesday	Thursday	Friday
10:00 20:00	10:00 20:00	10:00 20:00	10:00 20:00	10:00 20:00
Saturday	Sunday			
10:00 20:00	12:00 17:00			

Any non-standard timings:

24. Has the applicant entered into any written or oral agreement in connection with the business, for example a management agreement, partnership agreement or profit share arrangement? Please provide details.
 NO
 a. Please provide details of any lender, mortgage or others providing finance:
 NONE
 b. Please provide details of any merchandising agreements:
 NONE

PREMISES MANAGEMENT

25. Please state the name of the person who will be in day to day control of the premises (the manager).
 ANTHONY BARTLETT-MOORE
 a. Will the manager be based at the premises? YES / ~~NO~~
 b. Will the management of the premises be the manager's sole occupation? YES / NO

26. Who will be in control of the premises in the manager's absence (relief manager)?
 PHILLIP BENTON
 a. Will the relief manager be based at the premises in the absence of the manager? YES / ~~NO~~
 If you have ticked no to any of the above please provide details.

EXTERNAL APPEARANCE AND ADVERTISING – DO NOT COMPLETE FOR RENEWAL APPLICATION

27. Please describe the proposed exterior signage and advertising. Please include nature, content and size of each sign and any images to be used:

Please note that a drawing of the front elevation is required to be submitted with this application.

28. Please describe how the interior of the premises is obscured to passersby:

29. Please describe any proposed window displays:

Renewal

30. Please describe how the business is to be advertised, ie business cards, billboard advertising, personal solicitation, advertising on motor vehicles, radio or television advertising:

APPLICATIONS FOR SEXUAL ENTERTAINMENT VENUES ONLY

31. Is the proposal for full nudity? YES / NO

32. Describe the nature of the entertainment eg lap-dancing, pole dancing, stage strip tease:

33. State measures to ensure employees age and right to work in the UK:

34. Describe training and welfare policies:

Please enclose a copy of the welfare policy for performers (or equivalent document).

35. Please set out any further information you wish the authority to take into account.

Not Sexual Entertainment Venue

36. Is there any information on this form you do not wish to be seen by members of the public?
If so state which information and the reasons why you do not wish it to be seen.

No

CHECKLIST & ENCLOSURES

Enclosures

I have made or enclosed payment of the fee
I have enclosed three sets of plans of the premises
I have enclosed a drawing of the street elevation of the premises
In the case of an application to transfer the licence, include the completed Consent to Transfer form

DECLARATION

I declare that I have served notice of this application on North Yorkshire Police.

I declare that a public notice advertising this application has today been displayed upon the proposed premises where it may be conveniently read by the public and will remain thereon for a period of 21 days. A copy of the notice and the standard declaration is enclosed.

I declare that within seven days of the date of this application a public notice advertising this application will be publicised in the legal notices column of the local press.

A copy of the relevant press edition will be forwarded to the City of York Council Licensing Section.

I understand that if I do not comply with the above requirements my application will be rejected.

Any person who, in connection with an application for a grant, renewal or transfer of a sex establishment licence, makes a false statement which he knows to be false in any material respect of which he does not believe to be true is guilty of an offence and liable on summary conviction to an unlimited fine.

SIGNATURES

Signature of applicant or applicant's solicitor or other duly authorised agent, If signing on behalf of the applicant please state in what capacity. 1

Signature ...
Name (print) ANTHONY BARTLETT-MADGE
Date 22ND APRIL 2020
Capacity DIRECTOR

Contact name (where not previously given) and address for correspondence associated with this application:

Post town
Post code
Telephone number (if any)

If you would prefer us to correspond with you by email, your email address (optional)

Ref no: MAU 008669/19



LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

SEX ESTABLISHMENT LICENCE

The City of York Council hereby grant renewal of licence to:

Lilacgrange Ltd
70B Gillygate
York
YO31 7EQ

to use the premises known as:

The Adult Shop
70B Gillygate
York
YO31 7EQ

for the purposes of a sex establishment comprising a sex shop as defined in Schedule 3 to the above Act.

This Licence is renewed subject to the City of York Council Standard Conditions Application to Sex Establishment Licences and to the additional conditions set out in the schedule below.

This licence shall continue in force from 1 May 2019 until 30 April 2020 unless previously revoked.

Granted on 15 July 2019 (renewal)

Signed
For and on behalf of Economy & Place

SCHEDULE

1. The sound from the video preview facility must be inaudible externally and in adjoining premises.
2. That the hours of opening be limited to 10:00am to 8.00pm, Monday to Saturday, and 12 noon to 5:00 pm on Sunday.
3. The attached Standard Conditions also apply to this licence.

Extract from the Local Government (Miscellaneous Provisions) Act 1982

APPEALS (*Sched. 3, para. 27*)

27. - (1) Subject to sub-paragraphs (2) and (3) below, any of the following persons, that is to say -
- (a) an applicant for the grant, renewal or transfer of a licence under this Schedule whose application is refused;
 - (b) an applicant for the variation of terms, conditions or restrictions on or subject to which any such licence is held whose application is refused;
 - (c) a holder of any such licence who is aggrieved by any term, condition or restriction on or subject to which the licence is held; or
 - (d) a holder of any such licence whose licence is revoked

may at any time before the expiration of the period of 21 days beginning with the relevant date appeal to the magistrates' court acting for the relevant area.

(2) An applicant whose application for the grant or renewal of a licence is refused, or whose licence is revoked, on any ground specified in paragraph 12(1) above shall not have a right to appeal under this paragraph unless the applicant seeks to show that the ground did not apply to him.

(3) An applicant whose application for the grant or renewal of a licence is refused on either ground specified in paragraph 12(3) or (d) above shall not have the right to appeal under the paragraph.

(4) In this paragraph -

'the relevant area' means-

- (a) in relation to premises, the petty sessions area in which they are situated; and
 - (b) in relation to a vehicle, vessel or stall, the petty sessions area in which it is used or, as the case may be, desired to be used as a sex establishment;
- and

'the relevant date' means the date on which the person in question is notified of the refusal of his application, the imposition of the term, condition or restriction by which he is aggrieved or the revocation of his licence, as the case may be.

(5) An appeal against the decision of a magistrates' court under this paragraph may be brought to the Crown Court.

(6) Where an appeal is brought to the Crown Court under sub-paragraph (5) above, the decision of the Crown Court shall be final; and accordingly in section 28(2)(b) of the Supreme Court Act 1981 for the words 'or the Gaming Act 1968' there shall be substituted the words 'the Gaming Act 1968 or the Local Government (Miscellaneous Provisions) Act 1982'.

(7) On an appeal to the magistrates' court or the Crown Court under this paragraph the court may make such order as it thinks fit.

(8) Subject to sub-paragraph (9) to (12) below, it shall be the duty of the appropriate authority to give effect to an order of the magistrates' court or the Crown Court.

(9) The appropriate authority need not give effect to the order of the magistrates' court until the time for bringing an appeal under sub-paragraph (5) above has expired and, if such an appeal is duly brought, until the determination or abandonment of the appeal.

(10) Where a licence is revoked or an application for the renewal of a licence is refused, the licence shall be deemed to remain in force -

- (a) until the time of bringing an appeal under this paragraph has expired and, if such an appeal is brought, until the determination or abandonment of the appeal; and
- (b) where an appeal relating to the refusal of an application for such a renewal is successful and no further appeal is available, until the licence is renewed by the appropriate authority.

(11) Where -

- (a) the holder of a licence makes an application under paragraph 18 above; and
- (b) the appropriate authority impose any term, condition or restriction other than one specified in the application,

the licence shall be deemed to be free of it until the time for bringing an appeal under this paragraph has expired.

(12) Where an appeal is brought under this paragraph against the imposition of any such term, condition or restriction, the licence shall be deemed to be free of it until the determination or abandonment of the appeal.



STANDARD CONDITIONS

SEX SHOPS

General

1. Unless stated otherwise, the licence hereby granted will remain in force for one year from the date on the licence, after which it will cease to be in effect unless an application for renewal is submitted in the manner prescribed by the council.
2. The licence may be revoked by the council if at any time the holder is convicted of an offence of using the licensed premises, or other premises for which a similar licence has been granted, other than in accordance with the terms, conditions or restrictions of the licence or is convicted of any offence under any enactment defined in paragraph 1 of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 as amended.
3. In the event of a conflict between these conditions and any special conditions contained in a licence relating to a sex establishment the special conditions shall prevail.
4. The name of the premises must be approved by the council in writing. Any change to the name of the premises must be approved by the Council in writing.

Exhibition of the licence

5. The licence or a certified copy shall be prominently displayed at all times so as to be readily and easily seen by all persons using the premises and all authorised officers. A copy of the conditions attached to the licence shall be kept on the premises and be available for inspection by an authorised officer of the council.

Hours of opening

6. Except with the written consent of the council, the premises will only open to the public during the following hours:

Monday	09:00 – 20:00	Friday	09:00 – 20:00
Tuesday	09:00 – 20:00	Saturday	09:00 – 20:00

Wednesday 09:00 – 20:00 Sunday 12:00 – 20:00
Thursday 09:00 – 20:00

Conduct of the premises

7. The premises will be conducted primarily for the purpose of the sale or hire of goods by retail.
8. The licensee, or any other person concerned in the conduct or management of the premises, will only obtain custom by means of personal solicitation or touting from the premises in such a way that it does not cause concern to the public or the licensing authority. All literature used will not contain images or text of a sexually explicit, obscene or offensive nature.
9. No part of the premises will be used by prostitutes.
10. All sex articles or other items displayed for sale, hire, exchange or loan within the premises will be clearly marked to show the price being charged.
11. All printed material offered for sale, hire, exchange or loan will be available for inspection prior to purchase and a notice to this effect will be displayed in a conspicuous position within the premises.
12. No film, DVD or video recording (or computer game) will be exhibited, sold or supplied unless it has been passed by the British Board of Film Classification and bears a certificate to that effect.
13. No moving picture will be provided on display at the licensed premises unless it is that of advertising videos on a loop system or allowing a prospective purchaser a short preview of films upon request, being no longer than 3 minutes in length.
14. Items offered for sale, hire, exchange or used in any promotion/advertising must not contravene any current legislation i.e. Section 12 Video Recordings Act 1984 (as amended).

External appearance

15. There will be a notice displayed inside each entrance or doorway to the premises, clearly visible on entering the premises, which states the following words and no others:

STRICTLY NO ADMITTANCE TO PERSONS UNDER 18 YEARS OF AGE

This premises operates a Challenge 25 policy.
Persons who appear to be under the age of 25 will be required to show proof of age.

16. The external appearance of the premises must be approved by the council in writing. Any change to the external appearance must be approved by the council. The operator must advise of any change in writing including a drawing of the existing and proposed street elevation. This must be approved by the council in writing before work is undertaken.
17. The frontage of the licensed premises will be of such a nature that the inside of the licensed premises are not visible and the contents of the licensed premises should not be visible when the doors of the licensed premises is open.
18. There will be no illuminated or protruding signs fixed to the premises and no signs placed outside the premises on the public highway.

Advertising

19. Any unsolicited written, visual or auditory advertisement material, posters, signage or window display must not be of a sexually explicit or suggestive nature, will not contain images or text of a sexually explicit, obscene or offensive nature and must be approved by the council in writing.
20. The distribution of flyers will only be permitted in such a way where it does not cause public offence. Flyers must not be distributed by and to persons under the age of 18 years.

Layout of the premises

21. Access to ground floor premises may only be through two or more doors placed consecutively, so arranged that when a person enters or leaves the premises the interior of the premises is not recognisable to persons outside the premises. The first set of entry doors must be fitted with a device to provide for their automatic closure and such a device shall be maintained in good working order.
22. No access will be permitted through the premises to any other adjoining or adjacent premises except in the case of an emergency.
23. No alterations (including temporary alterations) will be made to the structure and installations on the premises, without the prior written consent of the council. This condition will not require notice to be given in respect of routine maintenance works. Where there is any doubt the licensee should seek advice from the council.

Management of the premises

24. Where the licensee is a body corporate, or an un-incorporated body, any change of director, company secretary or other person responsible for the management of the body will be notified in writing to the council within 14 days

of such change. Such details as the council may require in respect of the change of personnel will be furnished within 14 days of a request in writing from the council.

25. The licensee, or a responsible person nominated by him/her in writing for the purpose of managing the venue (“the manager”) will have personal responsibility for and be present on the premises whilst the premises are open to the public. Any such nomination will be produced on demand to an authorised officer of the council or the police.
26. The licensee will ensure that any person nominated by him/her under the above:
 - a) has been provided with a copy of the conditions relating to the premises and is fully conversant with them; and
 - b) is in possession of a written nomination referred to about at all times when they are in charge of the premises.
27. Where the licensee, director, company secretary, or responsible person nominated for the purpose of managing the venue (“the manager”), is convicted of an offence, they must, as soon as practicable after the conviction, inform the council of the conviction giving details of the nature and date of the conviction, and any sentence imposed.
28. The licensee will retain control over all parts of the premises and will not let, licence or part with possession of any part of the premises. The council must be notified immediately in the event that any part of the premises affected by the termination of a lease or other event affecting the licensee’s control of the premises.
29. The licensee will ensure that the public is not admitted to any part or parts of the premises that has not been approved by the council.
30. The holder of the licence will keep a record of all employees who are asked to work on the premises which will include their full name, date of birth, current and previous address and any convictions recorded against that person (subject to the Rehabilitation of Offenders Act 1984).
31. An authorised and certified copy of the full personal record or a record of an individual will be produced on demand to an authorised officer of the council or the police.
32. No person under the age of 18 will be admitted to the premises.
33. The licensee will operate a Challenge 25 age verification policy. People who appear to be under the age of 25 will be required to show proof of ID prior to admittance. A notice to this effect, in accordance with condition 18 will be displayed on the premises.

34. The licence holder will not employ any person under the age of 18 in any capacity.

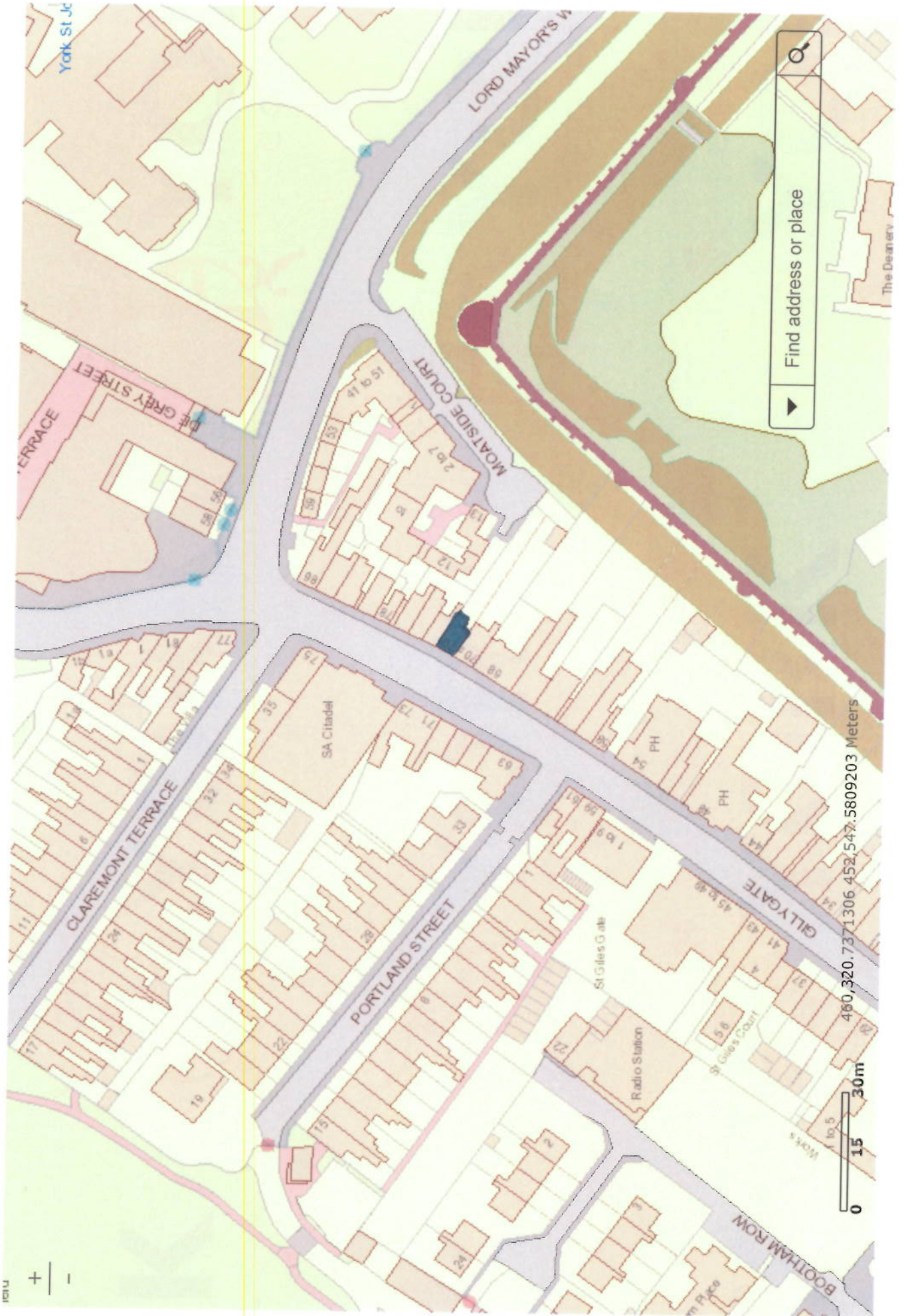
Vessels, vehicles and stalls

35. In the case of licensed premises that are a vessel, vehicle or stall, the licensee shall not move the vessel, vehicle or stall from the location specified in the licence unless 28 days written notice is given to the council of such intended removal. The council may require the licensee to lodge such written application as it may deem appropriate and pay such a fee as it may deem reasonable in respect of such application.
36. The requirements of condition 35 will not apply to a vessel, vehicle or stall habitually operating from a fixed location, which is regularly moved, whether under its own propulsion or otherwise, from another place for storage purposes. This place must be specified in the licence and must not be used for the purposes for which the licence is granted and any other location than that specified in the licence.
37. Vehicles must not be used for personal solicitation, touting or advertising.

Variation of conditions

38. The council may, at the time of grant or renewal of the licence, waive, modify or vary these conditions or impose additional conditions as appropriate.
39. The licensee may apply to the council to vary any of the terms of the licence.
40. Applications to vary conditions of the licence must be advertised by the licensee in the same manner as the application for the grant, renewal or transfer of the licence.

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Legislation and Policy Considerations

1. The following provisions of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended) apply to this application:
 - Paragraph 10 (Grant, renewal and transfer of licences for sex establishments) relates to the process which the applicant must have followed for the application to be considered valid.
 - Paragraph 12 (Refusal of licences) relates to the grounds under which an application shall not be granted and also describes the powers by which the licensing authority has a discretion to refuse the licence.
 - Paragraph 13 (Power to prescribe standard conditions).

2. The following provisions of the Home Office Guidance apply to this application:
 - Paragraphs 3.23 – 3.24 (Objections) explain who can object and how this is done and that the applicant must be made aware of the general grounds for the objection before the application is determined.
 - Paragraphs 3.25 – 3.26 (Hearings) explain that the applicant must be given the opportunity to appear and be heard in front of the sub-committee considering the application. Schedule 3 does not make any explicit provision for objectors to be heard, this is left to the discretion of the appropriate authority.
 - Paragraphs 3.27 – 3.31 (Grounds for refusal).
 - Paragraphs 3.32 – 3.38 (Relevant locality) define the meaning of “relevant locality” and the powers of the appropriate authority to decide the maximum number of premises allowed in a particular locality.
 - Paragraphs 3.39 – 3.42 (Licence conditions) explain that once the decision is made to grant, the appropriate authority can attach conditions specific to the individual premises and/or standard conditions for the particular type of establishment. These conditions should not duplicate conditions placed on a premises licence issued under the Licensing Act 2003 and should be appropriate to the activities authorised by the licence.
 - Paragraphs 4.19 – 4.21 (European Convention on Human Rights) explain whilst applications from existing operators can be refused on one or more grounds set out in paragraph 12 of schedule 3 of the 1982 Act, account must be taken of rights existing operators may have under Article 1 of Protocol 1 to the European Convention

which protects the peaceful enjoyment of their possessions (including licences) and article 10 (freedom of expression).

4. City of York Council's Policy for the Licensing of Sex Establishments Licensing Policy and the Standard Conditions for Sex Shops applies to this application.
5. The Committee is reminded of their duty under the Crime and Disorder Act 1998 to consider the crime and disorder implications of their decisions and the authority's responsibility to co-operate in the reduction of crime and disorder in the city.
6. The Committee is reminded that the Human Rights Act 1998 guarantees the right to a fair hearing for all parties in the determination of their civil rights. The Act also provides for the protection of property, which may include licences in existence, and the protection of private and family life.
7. The Committee is reminded that it must comply with the Council's Public Sector Equality Duty (as required to do so under s.149 of the Equality Act 2010), and have due regard to the potential impact on gender equality.

NOTE FOR MEMBERS

Extracts from Home Office Guidance for England and Wales relating to Sexual Entertainment Venues.

3.23 When considering an application for the grant, renewal or transfer of a licence the appropriate authority should have regard to any observations submitted to it by the chief officer of police and any objections that they have received from anyone else within 28 days of the application. Any person can object to an application but the objection should be relevant to the grounds set out in paragraph 12 of Schedule 3 for refusing a licence. Objections should not be based on moral grounds/values and local authorities should not consider objections that are not relevant to the grounds set out in paragraph 12. Objectors must give notice of their objection in writing, stating the general terms of the objection.

3.24 Where the appropriate authority receives notice of any objection the authority shall, before considering the application, give notice in writing of the general terms of the objection to the applicant. However, the appropriate authority shall not without the consent of the person making the objection reveal their name or address to the applicant.

Hearings

3.25 Under paragraph 10(19) of Schedule 3, before refusing an application, all applicants should be given the opportunity to appear before and be heard by the local authority committee or sub-committee that is responsible for determining the application.

3.26 Schedule 3 does not make explicit provision for objectors to be heard, but this does not mean that such hearings cannot take place. Rather, case law on this matter states that while local authorities are under no obligation to offer an oral hearing to objectors, they may do so at their discretion. Although a local authority is under a duty to consider any objections made within 28 days of the application, it has discretion to hear later objections provided the applicant is given the opportunity to deal with those objections.

Refusal of a Licence

3.27 Paragraph 12 of Schedule 3 sets out the grounds for refusing an application for the grant, renewal or transfer of a licence.

A licence must not be granted:

- a) to a person under the age of 18;

- b) to a person who is for the time being disqualified due to the person having had a previous licence revoked in the area of the appropriate authority within the last 12 months;
- c) to a person, other than a body corporate, who is not resident in an EEA State or was not so resident throughout the period of six months immediately preceding the date when the application was made; or
- d) to a body corporate which is not incorporated in an EEA State; or
- e) to a person who has, within a period of 12 months immediately preceding the date when the application was made, been refused the grant or renewal of a licence for the premises, vehicle, vessel or stall in respect of which the application is made, unless the refusal has been reversed on appeal.

3.28 A licence may be refused where:

- a) the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason;
- b) if the licence were to be granted, renewed or transferred the business to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant, renewal or transfer of such a licence if he made the application himself;
- c) the number of sex establishments, or of sex establishments of a particular kind, in the relevant locality at the time the application is determined is equal to or exceeds the number which the authority consider is appropriate for that locality;
- d) that the grant or renewal of the licence would be inappropriate, having regard -
 - i. to the character of the relevant locality;
 - ii. to the use to which any premises in the vicinity are put; or
 - iii. to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.

3.29 A decision to refuse a licence must be relevant to one or more of the above grounds.

3.30 When determining a licence application, the local authority must have regard to any rights the applicant may have under Article 10 (right to freedom of expression) and Article 1, Protocol 1 (protection of property) of the European Convention on Human Rights.

3.31 The Provision of Services Regulations 2009 amended Schedule 3 to the 1982 Act to state that, if having considered an application for the grant, renewal or transfer of a licence, the appropriate authority decides to refuse it if one or more of the above grounds, it must provide the applicant with reasons for the decision in writing.

Relevant Locality

3.32 Paragraph 12(3)(c) and 12(3)(d) of Schedule 3 allow appropriate authorities to refuse applications on grounds related to an assessment of the “relevant locality”. A licence can be refused if either, at the time the application is determined the number of sex establishments, or sex establishments of a particular kind, in the relevant locality is equal to or exceeds the number that the authority considers appropriate for that locality; or that a sex establishment would be inappropriate having regard to the character of the relevant locality, the use to which any premises in the vicinity are put or the layout, character or condition of the premises. Nil may be the appropriate number.

3.33 Schedule 3 to the 1982 Act does not define “relevant locality” further than to say that:

- (a) in relation to premises, it is the locality where they are situated; and
- (b) in relation to a vehicle, vessel or stall, any locality where it is desired to use it as a sex establishment.

3.34 Clearly, the decision regarding what constitutes the ‘relevant locality’ is a matter for the appropriate authority. However, such questions must be decided on the facts of the individual application.

3.35 Therefore, it is reasonable and potentially useful to future applicants, for a local authority to decide in advance of receiving any applications that certain areas are, or are not, appropriate locations for a sex establishment or a particular number of sex establishments. Nevertheless, all applications must be considered on their individual merits.

3.36 When considering a particular application case law has indicated that the relevant locality does not have to be a clearly pre-defined area nor are local authorities required to be able to define its precise boundaries. Therefore, while a local authority is not prevented from defining the exact area of the relevant locality, it is equally free to conclude that it simply refers to the area which surrounds the premises specified in the application and does not require further definition. Nevertheless a local authority’s view of what constitutes a locality could be open to challenge if they took a completely unreasonable view of the area covered, for example, by concluding two sex establishments 200 miles away from one another were in the same locality. Case law indicates that a relevant locality cannot be an entire local authority area or an entire town or city.

3.37 Once the appropriate authority has determined the relevant locality, it should seek to make an assessment of the ‘character’ of the relevant locality

and how many, if any, sex establishments, or sex establishments of a particular kind, it considers appropriate for that relevant locality.

3.38 Section 27 amends paragraph 12(3)(c) of Schedule 3 to allow local authorities to determine an appropriate number of sex establishments of a particular kind. In practice, this means that the appropriate authority may, for example, decide that a particular locality is suitable for a sex shop but is not suitable for a sexual entertainment venue or vice versa.

Licence Conditions

3.39 Once the appropriate authority has decided to grant a licence they are able to impose terms, conditions and restrictions on that licence, either in the form of conditions specific to the individual licence under paragraph 8 of Schedule 3 or standard conditions applicable to all sex establishments, or particular types of sex establishments, prescribed by regulations made by the appropriate authority under paragraph 13 of Schedule 3.

3.40 Paragraph 13 provides examples of the matters that standard conditions may address which include but are not restricted to:

- The hours of opening and closing
- Displays and advertisements on or in sex establishments
- The visibility of the interior of a sex establishment to passers-by
- Any change of use from one kind of sex establishment to another

3.41 Where the appropriate authority decides to produce standard conditions under paragraph 13 they will apply to every licence granted, renewed or transferred by the authority unless they have been expressly excluded or varied.

3.42 Most sexual entertainment venues will require a 2003 Act licence as well as a sex establishment licence. Where this is the case, local authorities should avoid duplicating licence conditions and should ensure that conditions imposed on each licence are relevant to the activities authorised by that licence. For example, conditions relating to the sale of alcohol should only appear on a premises licence or clubs premises certificates and should not be imposed on sexual entertainment venue licence. Likewise, conditions relating the provisions of relevant entertainment should appear on the sexual entertainment venue licence and not a premises licence or club premises certificate. Local authorities should also avoid imposing conditions on either licence that are contradictory.



Licensing and Regulatory Committee**17 November 2020**

Report of the Assistant Director for Planning and Public Protection

Review of a Private Hire Operators Licence – Mohammed Iqbal t/a York Cars (52/2016)**Summary**

1. The purpose of this report is to enable the Committee Members to review the private hire operator's licence held by Mr Mohammed Iqbal who trades as York Cars.
2. Under section 62(1) of the Local Government (Miscellaneous Provisions) Act 1976, an operator's licence may be suspended or revoked on any of the following grounds:-
 - (a) any offence under, or non-compliance with, the provisions of this Part of this Act;
 - (b) any conduct on the part of the operator which appears to the district council to render him unfit to hold an operator's licence;
 - (c) ... or
 - (d) any other reasonable cause.
3. This report and the supporting statements allege the following conduct which Members may consider renders Mr Iqbal unfit to hold an operator's licence:
 - a) Enabling drivers (licensed by another authority) that the council would not consider 'fit and proper' under the City of York Council's Taxi Licensing Policy to work as private hire drivers in York.
 - b) Blaming the council for its stance over Uber for the position, when this is not the case.
 - c) Operating '690 Taxis' and 'Street Cars' in York without an operator's licence.
 - d) False or misleading customer testimonials.

4. All of the above may give rise to concerns with regards to Mr Iqbal's honesty and integrity, going to the heart of the 'protection of the public' consideration which is the reason for licensing private hire operators. In turn, this may give Members a reasonable cause to believe that Mr Iqbal is not 'fit and proper' to hold a private hire operator's licence.
5. For the avoidance of any doubt, Mr Iqbal should not be considered 'unfit' purely on the basis that he has obtained an private hire operator's licence from Wolverhampton City Council and is subcontracting work to drivers and vehicles licensed by Wolverhampton. It is accepted that such a practice is lawful, and is a model operated by other firms. It is the motivation behind this and the other reasons summarised above that he may no longer be considered a fit and proper person to hold an operator's licence in York.
6. Members are being invited to consider this matter due to the level of public interest in that it concerns one of the city's largest operators. Furthermore, Members are encouraged to have involvement in potential revocation or suspension of the operator's licence under the Department of Transport's new 'Statutory Taxi & Private Hire Vehicle Standards'.

Recommendations

7. That Members review the licence in accordance with the Local Government (Miscellaneous Provisions) Act 1976 as amended.

Reason: To uphold the councils own licensing policy and ensure the protection of the public who will be using the operators premises and the vehicles and the drivers arranged through them.

Background

8. The City of York Council's Taxi Licensing Policy (the Policy) was approved by the Council Executive and came into force on 26 January 2017, and has been subject to periodic amendments.
9. At paragraph 39.2 of the Policy, it states that the 'objective in licensing private hire operators is to ensure the protection of the public who will be using the operators premises and the vehicles and drivers arranged through them'.
10. The policy considerations in respect of drivers being 'fit and proper' are also important in this case. The Policy sets out how matters such as driving experience, how previous convictions etc. will be dealt with, as well as medical examinations. It also sets out that new applicants will be required to undertake a training course and pass a 'safeguarding and knowledge test'. The Policy was last amended in this respect on 26

September 2019 in order to ensure it was consistent with the requirements of the West Yorkshire Authorities with whom we work (as the City of York Council is part of the West Yorkshire Combined Transport Authority). However, for the purposes of this report there were no material changes to what was previously the case, other than to say that when the recommendations for the new test are fully incorporated, in line with the other authorities, it will become more challenging as potential drivers will need to pass each element individually. On this basis, the current test may be considered not to be as challenging as Members feel it ought to be.

11. The 'safeguarding and knowledge training and test' covers local knowledge (routes and key locations as well as the pedestrian zone), the regulatory framework (including licensing conditions), professional standards (customer care) safeguarding and equalities/disabilities. It states at paragraph 28.1 of the Policy, that 'A driver licence will not be issued without the applicant first passing these requirements'. The pass mark set for the test is 26 out of 30 (86.6%). It is understood that Wolverhampton expect driver applicant to undertake training and pass a test, which on their website is known as a 'knowledge test', with a pass mark of 75%. This training does not cover local knowledge such as routes. Furthermore, as new applicants for the York test find the route questions the most difficult, it means that applicants can afford to answer fewer customer care, safeguarding and equalities questions incorrectly. Our records show that currently around 50% of applicants who take our safeguarding and knowledge test pass at some stage.
12. On a number of occasions, including addressing Members of this Committee, Mr Iqbal and/or representatives of York Cars have raised issues with regards to York's training and test, advising that it is too hard and the pass mark should be reduced.
13. Mr Iqbal has been licensed by the City of York Council as a private hire operator since 20 October 2016. His current licence was issued on 29 April 2019 following a 'change of name' from 'York and Ebor Cars' to 'York Cars'. Our records show that there are 154 drivers and 134 vehicles licensed to work on behalf of York Cars . The licence is due to expire on 19 October 2021.
14. In or around early November 2019, 'York Cars', or more accurately '34 Cars Ltd', of which Mr Iqbal is the sole director, was licensed by Wolverhampton. Around the same time, he placed a job advertisement asking for Wolverhampton licensed drivers to drive in York, not Wolverhampton. The operator trading name approved by Wolverhampton is 'York Cars', the approved door signage is exactly the

same as the door signage approved by York, including a York telephone number.

15. Over the following months, officers began a dialogue with York Cars over a number of concerns. The associated witness statements detail the various concerns raised and the responses. The principle concerns relevant to this process are as follows:

Enabling drivers not considered by City of York Council to be ‘fit and proper’ to drive in York

16. Mr Iqbal obtained an operator’s licence in Wolverhampton with no intention of undertaking journeys there. This was designed to circumvent York’s local licensing controls and recruit those drivers who were unable to pass our safeguarding and knowledge test. Mr Iqbal’s operation sent (even sponsored) new applicants for driver licences, who they knew did not to have the requisite knowledge to pass the York tests, to Wolverhampton to obtain a licence, on the grounds that they would drive in York regardless. The test results of the drivers of concern are shown in the table below:

	Test date	Score
Driver 1	12.9.19	21/30 (fail)
	17.9.19	23/30 (fail)
	9.10.19	21/30 (fail)
Driver 2	7.11.17	14/30 (fail)
	17.4.19	21/30 (fail)
Driver 3	6.12.17	5/30 (fail)
	16.10.19	19/30 (fail)
Driver 4	7.11.17	21/30 (fail)
Driver 5	23.5.18	16/30 (fail)

17. Of the 11 drivers known to us to be working in York under a Wolverhampton licence, five of them had failed to pass our safeguarding and knowledge test.

Blaming the City of York Council for its stance over Uber as one of the reasons for his position, when it was not the case

18. The business publicly blames the Council for this scheme, stating amongst other things, that it is 'a protest' over the Council's perceived inaction over Uber and out of town licensed drivers working in York. However, this is not consistent with his representatives explanation for the scheme, namely that it is borne out of and justified by the business needs of York Cars who 'had difficulty recruiting enough drivers to meet the demand for taxis' and 'in an attempt to increase supply, which will improve service provision my client has no commercial alternative but to licence with another authority in the hope of being able to meet customer demand'. As well as being inconsistent with the position that Mr Iqbal and his colleagues have previously stated.

Operating' 690 Taxis and Street Cars without a licence

19. It is an offence to operate i.e. 'make provision for the invitation or acceptance of a booking' in a controlled district (such as the City of York) without an operator's licence under the requirements of the Local Government (Miscellaneous Provisions) Act 1976.
20. Mr Iqbal has 'operated' two other trading names '690 Taxis' and 'Street Cars' in York without an operator's licence. His operator's licence only permits him to trade under the name of York Cars. He was aware that a different trading name would require a new operator's licence due to the fact that in April 2019 as he changed his own licence from been in the name of 'York and Ebor Cars' to 'York Cars'. Furthermore, in relation to these specific websites he was informed by an officer that he had to obtain a licence or stop using the website. The steps he claims to have taken i.e. to ask the website host to take the websites down were ineffective as officers were able to take a journey using information obtained from both websites. He clearly did not undertake a simple check to ensure that the websites had been taken down and continued to reap the benefits of custom from them (it is not known how much).
21. The website domains were renewed in January 2020. It is an offence/contravention of the Act to make provision for the invitation or acceptance of bookings without an operator's licence and could in itself give Members cause to hold that Mr Iqbal is not fit to hold an operator's licence.

'False', or 'misleading' customer testimonials

22. The 'streetcars-taxis.co.uk' testimonials are either fake, from another operator or are genuine and demonstrate that Street Cars was unlawfully operating without a licence. Mr Iqbal is unable to confirm where any of those 'streetcars-taxis.co.uk' testimonials originate from, especially as he

keeps records of customer compliments, and Members may consider that these website testimonials potentially mislead customers and members of the public.

Other background - complaints

23. In early December the Council's Licensing team began receiving complaints about the Wolverhampton licensed vehicles operating in York working for York Cars. For the avoidance of doubt, many of the complaints received into the service are from other taxi drivers. However, we encourage drivers to complain to us and not take matters into their own hands, we do not consider the source of the complaint to make a concern any more or less valid. To assist the process, the table below is a summary of the complaints relating to Wolverhampton licensed vehicles. As City of York Officers are not authorised to take any action against vehicles and drivers licensed by Wolverhampton, and they will not provide names and addresses of drivers to enable officers to deal with enforced issues, for example parking matters, all complaints are forwarded to Wolverhampton taxi licensing service. It is for them to assess whether the complaint, in itself or in conjunction with others, affects their determination that the licensee remains a fit and proper person to hold a licence. Wolverhampton licensing do not update us with regards to any action taken.

Date	Concern	Source	Outcome
06/12/19	Parked in disabled bay at Racecourse	York HC driver	Sent to Wolverhampton
17/12/19	Parked on Station rank	York HC driver	Sent to Wolverhampton
17/12/19	Reversing on dual carriageway	York PH driver	Sent to Wolverhampton
23/12/19	Parked all 4 wheels on pavement	York PH driver	Sent to Wolverhampton
15/01/20	Manner of driving	York HC driver	Sent to Wolverhampton
16/01/20	No local knowledge	Member of public	Sent to Wolverhampton
20/01/20	Running red light	York PH driver	Sent to Wolverhampton
06/02/20	Illegal parking at York Hospital	York HC driver	Sent to Wolverhampton
10/02/20	Possible illegal school run	York PH driver	Sent to Wolverhampton
21/02/20	Blocking Access	Member of public	Sent to Wolverhampton
02/03/20	Parked on St Sampson's rank	York HC driver	Sent to Wolverhampton
09/03/20	Dropped off passengers on rank at Station	York HC driver	Sent to Wolverhampton
02/04/20	Query why Wolverhampton vehicles are working in York	Member of public	Sent to Wolverhampton

27/04/20	Illegal turn	York HC vehicle	Sent to Wolverhampton
27/08/20	York Cars vehicles including Wolverhampton parking on roadside.	CYC Cllr	Liaised with Billy Iqbal

Consultation

24. There is no consultation associated with this report.

Options

25. Option 1 – Revoke the licence in accordance with section 62(1) of the Local Government Miscellaneous Provisions Act 1976

26. Option 2 – Suspend the licence in accordance with section 62(1) of the Local Government Miscellaneous Provisions Act 1976

27. Option 3 – Take no further action

Analysis

28. Option one – the licence holder has the right to appeal this decision to the Magistrates' Court, within 21 days. The decision to revoke does not take effect for 21 days, and if an appeal is lodged within that time, the period is extended until such time that the appeal is determined or abandoned.

29. A decision to revoke the licence will not prevent Mr Iqbal from continuing to use the operator's licence issued by Wolverhampton or drivers/vehicles licensed by them in York, unless Wolverhampton also determine that he is unfit to hold an operator's licence as a result of having a licence revoked in another authority area. It will however prevent him having an operators base in York. It will also mean that the drivers licensed by York who work for them will need to either:-

- i) obtain a licence for themselves and their vehicles from Wolverhampton or another area in which Mr Iqbal is licenced (if those licences are not also revoked),
- ii) switch to another York licensed operator, or
- iii) obtain their own operator's licence.

30. Option two – the licence will be withdrawn for such a period as the committee deems fit. 'Suspension' is a sanction in itself and is an alternative to 'revocation' of the licence. It is not permissible to suspend

a licence pending a decision to revoke. As with a decision to revoke the licence holder has the right to appeal this decision to the Magistrates' Court, within 21 days. A decision to suspend does not take effect for 21 days, and if an appeal is lodged within that time, the period is extended until such time that the appeal is determined or abandoned. After the period of suspension the status quo will be resumed. However, the impact on the York licensed drivers will be the same as 'revocation' for the period of suspension.

31. Option three – will retain the status quo.

Council Priorities

32. This determination supports the Council's priorities in respect of ensuring safe communities and culture for all.

Implications

33. **Financial:** Any decision carries the risk of an appeal through the court process and associated costs. It is very difficult to predict court costs, but they could conceivably run into tens of thousands of pounds depending on the number of hearings and if costs are ultimately awarded against the council in the event of a successful challenge.
34. **Human Resources:** There are no Human Resources implications associated with this report.
35. **Equalities:** There are equalities implications associated with this report. Taxi services are the method of transport used by passengers with a disability and York Cars have vehicles adapted for use by disabled passengers. There are however other taxi companies with such provision, and the analysis above shows how affected drivers could deal with the decision. The York knowledge test has a section on equalities and customer care in order to help us determine whether a driver is a fit and proper person to be licenced and it may be considered more challenging than the Wolverhampton test (but maybe still not as challenging as members would like).
36. **Legal:** Any decision of the committee may be appealed through the court process, beginning with a hearing in the Magistrates' Court.
37. Members should also take into consideration the Department of Transport's new 'Statutory Taxi & Private Hire Vehicle Standards' when considering whether a person is 'fit and proper' to hold a licence.
38. Licensing authorities have a duty to ensure that any person to whom they grant a taxi or private hire vehicle driver's licence is a 'fit and proper'

person to be a licensee. It may be helpful when considering whether an applicant or licensee is fit and proper to pose oneself the following question: Without any prejudice, and based on the information before you, would you allow a person for whom you care, regardless of their condition, to travel alone in a vehicle driven by this person at any time of day or night? If, on the balance of probabilities, the answer to the question is 'no', the individual should not hold a licence. Licensing authorities have to make difficult decisions, however the safeguarding of the public is paramount. All decisions on the suitability of an applicant or licensee should be made on the balance of probability. This means that an applicant or licensee should not be 'given the benefit of doubt'. If the committee or delegated officer is only "50/50" as to whether the applicant or licensee is 'fit and proper', they should not hold a licence. The threshold used here is lower than for a criminal conviction (that being beyond reasonable doubt) and can take into consideration conduct that has not resulted in a criminal conviction.

- 39. **Crime and Disorder:** The crime and disorder implications relating have been outlined in this report where appropriate i.e. it is an offence to operate a private hire vehicles/drivers without an appropriate licence.
- 40. **Information Technology (IT):** There are no IT implications associated with this report.
- 41. **Other:** There are no other implications associated with this report.

Risk Management

- 42. This is a regulatory decision made on the facts, and it is not appropriate to apply the councils risk scoring matrix to this decision.

Contact Details

Author:

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 Head of Public Protection
 Phone: 01904 551528

Chief Officer Responsible for the report:

Mike Slater,
 Assistant Director for Planning and Public Protection

**Report
 Approved**



Date 04.11.20

Specialist Officer Implications: None

Wards Affected:

All

Background Papers:

City of Council Taxi Licensing Policy

<https://www.york.gov.uk/downloads/file/137/taxi-licensing-policy>

Department of Transport's new 'Statutory Taxi & Private Hire Vehicle Standards'

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/928583/statutory-taxi-and-private-hire-vehicle-standards-english.pdf

Annexes

Supporting statements and exhibits

Matthew George Boxall

Victoria Louise Vint

Nigel Woodhead

Angela Ruane

Alfie Thompson

IN THE MATTER OF AN APPLICATION FOR A REVIEW OF A PRIVATE OPERATOR'S LICENCE

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

FIRST WITNESS STATEMENT OF MATTHEW GEORGE BOXALL

I, Matt Boxall , Head of Public Protection at City of York Council, Hazel Court Eco Depot, York. YO10 3DS, make this statement in support of an application for a review of a private hire operator's licence, namely that of Mohammed Iqbal, Ingleby Manor, Crosswell Park, Ingelby Barwick, Stockton on Tees TS17 5BE t/a York Cars.

1. I declare that the contents of this my statement are true and correct to the best of my knowledge and belief. I make this statement in the knowledge that it will be used in the proceedings.
2. The information provided in this witness statement is within my own knowledge, and/or records held by the City of York Council unless expressly stated otherwise.
3. By way of background, I am the Head of Public Protection and I have been in this role since January 2015.
4. Council records show that Mr Iqbal has been licensed by the City of York Council as a private hire operator since 20 October 2016. His current licence was issued on 29 April 2019, following a change of name from 'York and Ebor Cars' to 'York Cars' and is due to expire on 19 October 2021.
5. The Council records show that York Cars have 154 licensed drivers and 134 licensed vehicles.
6. I exhibit as **Exhibit MB1** a copy of Mr Iqbal's current private hire operator's licence.
7. I exhibit as **Exhibit MB2** Mr Iqbal's standard operating conditions with which he/York Cars must comply whilst operating.

8. Under section 62(1) of the Local Government Miscellaneous Provisions Act 1976, a licence may be suspended or revoked for:-
 - (a) 'any offence under, or non-compliance with, the provisions of this Part of this Act'
 - (b) 'any conduct on the part of the operator which appears to the district council to render him unfit to hold an operator's licence'
 - (c) ... or
'any other reasonable cause'.
9. The City of York Council's Taxi Licensing Policy states at paragraph 39.2 that the 'objective of licensing private hire operators is to ensure the protection of the public who will be using the operators premises and the vehicles and drivers arranged through them'.
10. For reasons that will become apparent, it is also important to consider the requirements for anyone wishing to be licenced by the City of York Council as a *driver* under the Taxi Licensing Policy. Any such person has to fill out an application form, pay a fee and pass a number of 'checks' to satisfy the Council that they are a 'fit and proper person' to hold a drivers licence. These include checks on their personal identity and driving licence, an enhanced Disclosure and Barring Service check for any previous convictions/warnings, an observed 'driving assessment', and in some cases a medical examination. Applicants must also attend a 'Safeguarding and Knowledge training day' which is organised by the City of York Council's Workforce Development Unit and pass a 'safeguarding and knowledge test' at the end of that session. The subjects in the training day/test include child and adult safeguarding, equalities/disability awareness, customer care, routes of the city including our pedestrian zone and local licensing conditions. The questions are 'multiple choice', and the pass mark is 26 out of 30 (86.67%).
11. On 21 May 2018, Members of the Licensing and Gambling Committee approved a series of additional steps to help drivers prepare to meet the required standard and pass the 'Safeguarding and Knowledge test', these included:-
 - i) Providing an example test on the website
 - ii) Providing a list of places/landmarks included in the tests

- iii) Upon finding a suitable training provider, provide an additional training course on routes and licensing to help improve performance in that respect.
12. The above have all now been introduced. Mr Michael Dunn, from York Cars, spoke at the meeting of his concerns about the cost and high failure rate of the safeguarding and knowledge test and urged Members to introduce the measures outlined above.
13. The report I prepared for the 21 May 2018 Committee meeting I exhibit as **Exhibit MB3**.
14. The Minutes of the 21 May 2018 Committee meeting I exhibit as **Exhibit MB4**.
15. The safeguarding and knowledge tests run monthly. The Council's Workforce Development Unit have on occasions put on additional tests to help meet the demand. An applicant is allowed a total of six attempts to pass the test.
16. Council records show that as of 24 March 2020, 263 applicants have taken the Safeguarding and Knowledge test since November 2017 when the new format started. Of the 263, 99 applicants passed the test first time (37.6%), and a further 40 applicants passed following a re-sit. The total percentage of the 263 applicants who have passed the test as of 24 March 2020 is 52.9%.
17. Returning to Mr Iqbal's position, on or around the 8 November 2019, I became aware that 'York Cars' had been licensed by City of Wolverhampton Council as a private hire operator.
18. I later found out that it was in fact company called '34 Cars Ltd' that had been licensed by another authority as a private hire operator. Mr Iqbal is recorded with Companies House as the sole director of that company (since 13 June 2014), and the company's registered business address is 4 Blossom Street, York, YO24 1AJ.
19. I exhibit as **Exhibit MB5** the Companies House information for 34 Cars Ltd.
20. Around that same time my attention was drawn to a York Cars post on Facebook, and a York Cars advertisement.
21. I exhibit as **Exhibit MB6** that Facebook post.

22. I exhibit as **Exhibit MB7** that advertisement.
23. On 12 November 2019 I attended a taxi association meeting in York. Mr Iqbal and his son Billy attended that meeting. After the meeting I spoke to them both about the Wolverhampton operator's licence, and how they planned to operate. They told me that they were subcontracting bookings and they were satisfied that it was lawful to do so. I raised with them the content of the Facebook post exhibit MB6. I pointed out to them that the City of York Council were one of the authorities in the country to have refused to grant an operator's licence to Uber, and that Wolverhampton had granted an operator's licence to Uber. Also the Facebook post was not consistent with conversations he and I had had in the past regards Uber, when Mr Iqbal had stated to me that he didn't have an issue with Uber but that he regarded them as healthy competition. I asked them not to blame City of York Council.
24. Around the 4th December 2019 I was informed that a vehicle with York Cars door signage and their York phone number was working in York with a Wolverhampton licence plate. The Council's Licensing Manager, Lesley Cooke, wrote to Mr Iqbal seeking an explanation as to how they were complying with the Local Government (Miscellaneous Provisions) Act.
25. I exhibit that letter from Lesley Cooke dated 4 December 2019 as **Exhibit MB8**.
26. A reply was received from David Wilson of A to Z Licensing on behalf of Mr Iqbal on 13 December 2019. In the letter Mr Wilson explained how Mr Iqbal 'had difficulty recruiting enough drivers to meet the demand... for taxis' and 'In an attempt to increase supply, which will improve service provision.. my client has no commercial alternative but to license with another authority in the hope of being able to meet customer demand'. The letter went on to explain how Mr Iqbal, through his Autocab system, was 'subcontracting' work to the Wolverhampton licensed vehicles/drivers.
27. I exhibit that 13 December 2019 letter from David Wilson as **Exhibit MB9**.
28. I am aware of Mr Iqbal's argument that he is not able to get enough York Cars drivers licensed by the Council to meet demand from customers. Representations have been made to me on this point in a variety of ways

including emails, telephone calls and in meetings, by among others Mr Iqbal, his son Billy Iqbal, and Michael Dunn. The issue frequently stated is that the applicant drivers were unable to pass the Council's 'safeguarding and knowledge test'. I have always been of the opinion that it is not appropriate to lower the standard but to help drivers achieve the necessary standard – hence the recommendations in Exhibit MB3.

29. On 19 December 2019, Lesley Cooke replied to Mr Wilson's letter of 13 December 2019, asking for more details about how York Cars accepts and distributes / allocates bookings.
30. I exhibit that 19 December 2019 letter from Lesley Cooke as **Exhibit MB10**.
31. On 24th December 2019, a response was received from David Wilson on behalf of Mr Iqbal. In it he explained that the Autocab system used by York Cars automatically accepted bookings and dispatched the work to their drivers. He said that Mr Iqbal 'only invites and accepts electronically subcontracted bookings at York Cars (Wolverhampton) from York Cars (York). He added that the system had been audited by City of Wolverhampton officers on Friday 20 December 2019 and 'found everything to be legal and in order'.
32. I exhibit that 24 December 2019 letter from David Wilson as **Exhibit MB11**.
33. On making further enquiries, it became apparent to me that York Cars has no business presence in Wolverhampton. It is my opinion that York Cars are not undertaking any fares / journeys in Wolverhampton.
34. On 30th December 2019 I became aware of a news article on the Minster FM Website under the headline 'York private hire taxi firm under fire from other cabbies'
35. In the article, Billy Iqbal from York Cars was interviewed regards their decision to apply to City of Wolverhampton Council for an operator's licence. He explained that they had 'chosen to license in Wolverhampton due to the process being quicker, more efficient and up to 50% cheaper'. 'With these being local York residents, they know their way around York'. 'We are doing this in protest at York Council doing nothing about the out of town vehicles over the last four years'. 'It is also a protest against the

continued use of 'restrictive licensing practices' which hinder us from meeting the forever growing demand that we face as a company.'

36. I exhibit that Minster FM Website article as **Exhibit MB12**.
37. I was extremely surprised by this article, and the account given by Billy Iqbal given that the discussions we had and I knew it didn't reflect their true position on Uber.
38. I exhibit as **Exhibit MB13** a table showing how the Council's taxi fees compared with other Council's fees in 2019-20.
39. I wrote to Mr Wilson on 23 January 2020, and amongst other things, asked for details of the drivers licensed to drive for York Cars by Wolverhampton Council. I sent a copy of the letter to Mr Iqbal.
40. I exhibit that 23 January 2020 letter as **Exhibit MB14**.
41. On 2 February 2020 I received a reply from Mr Wilson, which included, amongst other things, a list of the names of drivers as requested. There were 10 driver names provided. I was also invited to attend a 'face to face' meeting with York Cars.
42. I exhibit that 2 February 2020 letter from David Wilson as **Exhibit MB15**.
43. I applied to City of Wolverhampton Council for a list of the names of all their licensed private hire drivers.
44. The names of the licensed drivers provided both by Mr Wilson and Wolverhampton Council were checked against the list of drivers on our system as having sat the local safeguarding and knowledge test. The Council system showed that four drivers licensed by City of Wolverhampton Council and working for York Cars had failed the Council's local safeguarding and knowledge test. There were two possible matches, although one has found not to be relevant so there were five in total.
45. Shortly before the 5th February 2020 I was made aware that the Council had received an application for a private hire operator's licence for a business trading as 690 taxis. I was told that the named applicant was a relative of Mr Iqbal, and that a Licensing Officer had telephoned the number on the 690 taxis website and it had 'gone through to York Cars'. Furthermore, I was shown a record of an email written to York Cars the previous year about this website, and another under the name of Street

Cars, warning them to obtain an operator's licence for the two businesses or take them down.

46. I exhibit the email text from the Council records as **Exhibit MB16**.
47. It is a criminal offence to operate i.e. 'make provision for the invitation or acceptance of a booking' in a controlled district (such as the City of York) without an operator's licence under the Local Government (Miscellaneous Provisions) Act 1976.
48. There is no record on the Council system of an operator's licence ever having been issued in the names of 690 Taxis at Wigginton Road, York. YO32 2RJ, or Street Cars (Street Cars & Taxis) at 14 Redeness Street, York YO31 7UU.
49. I looked at the websites www.690taxisyork.co.uk and www.streetcars-taxis.co.uk and I asked my colleague to 'capture' them.
50. The 690taxisyork.co.uk 'home page' states that they are the '#1 taxi firm in York', the 'location page' and gives the Wigginton Road address, and a 'service update' page and contains a post by a 'Muhammad Iqbal' (sic) in which he says the offices are located at Wigginton Rd address and that they are 'operating 24/7 every day of the year'.
51. I exhibit the 690taxisyork.co.uk screenshots as **Exhibit MB17**.
52. The streetcars-taxis.co.uk website states 'We are a brand new York Taxi Company operating in York City', it gives the Redness Street address and a number of 'testimonials'. It is unclear to me whether these were genuine testimonials from passengers who had travelled with an unlicensed operator, genuine testimonials from passengers who had travelled with a different company who is a licensed operator or they were not genuine testimonials.
53. I exhibit the streetcars-taxis.co.uk screenshots as **Exhibit MB18**.
54. On the 5 February 2020 I instructed Council colleagues to order a taxi using the details advertised on 690taxisyork.co.uk and streetcars-taxis.co.uk. My colleagues reported to me that both journeys had been fulfilled by a York Cars licensed vehicle and driver.
55. On 7 February 2020 I rang the telephone numbers advertised on 690taxisyork.co.uk and streetcars-taxis.co.uk. Both calls were answered

by 'York Cars'. My colleague Nigel Woodhead was present when both calls were made.

56. On 7 February 2020 I wrote to Mr Wilson and asked for the addresses and dates of birth of the drivers I suspected may have failed the Council's safeguarding and knowledge tests, I reported to him the events of 5 February 2020, and asked for an appointment to be arranged so that I could attend the York Cars offices in person.
57. I exhibit that 7 February 2020 letter as **Exhibit MB19**.
58. On 14 February I received a response from Mr Wilson in which he provided the addresses and dates of birth as requested. In relation to the 690 Taxis and Street Cars websites, he said that they were used until the Council advised that a new operator's licence would be required for each trading style, whereupon York Cars ceased promoting the two websites and pursued the sale of the trading names, but to no avail. An appointment to visit was arranged for 28 February 2020.
59. I exhibit that 14 February 2020 letter from David Wilson as **Exhibit MB20**.
60. I asked my colleagues in the Workforce Development Unit to check the names against the addresses held on their records to see if they matched.
61. This confirmed that of the 11 drivers known to be working in York under a City of York Council driver's licence, 5 had failed to pass the Council's safeguarding and knowledge test.
62. On 28 February 2020 I visited York Cars Office as arranged, I was accompanied by my Council colleague Angela Ruane. There we met Mr Iqbal, Mr Billy Iqbal, Mr Dunn and Mr Wilson. I was shown how the Autocab system works, amongst other things including being shown details of the demand for journeys/missed jobs and 'no shows' on a date I had chosen. I looked through the complaint file at the York office which included some compliments. I asked about the customer reviews on the Street Cars website, and Mr Iqbal said that they were not customers of York Cars.
63. On 3 March 2020 I sent a letter to Mr Wilson with a summary of my meeting with his client on 28 February 2020, and asked for some points of clarification. I attached copies of extracts from the whois.com website relating to 690taxisyork.co.uk and streetcars-taxis.co.uk. These extracts

showed that 690taxisyork.co.uk was registered on 4 January 2019 and was last updated on 4 January 2020, and streetcars-taxis.co.uk was registered on 10 January 2017 and was last updated on 9 January 2020.

64. I exhibit that 3 March 2020 letter to David Wilson as **Exhibit MB21**.
65. On 11 March 2020 I received a response from Mr Wilson. It stated that York Cars (at least Mr Dunn) knew that drivers who had failed the Council's test had applied to City of Wolverhampton Council to obtain a licence, and that York Cars 'sponsored' them to do so. It was said that the 690taxisyork.co.uk and streetcars-taxis.co.uk domain had been renewed by the website provider, and that Mr Iqbal was unable to confirm whether the testimonials on streetcars-taxis.co.uk were or were not from York Cars passengers. Attached to the letter was a legal Opinion from Mr Gerald Gouriet QC confirming his view that the actions of Mr Iqbal and York Cars were lawful.
66. I exhibit the 11 March 2020 letter from David Wilson as **Exhibit MB22**.
67. I exhibit the Opinion of Mr Gerald Gouriet Q.C. as **Exhibit MB23**.
68. Having considered all of the information above it is my opinion that Mr Iqbal is not a 'fit and proper' person to hold a private hire operator's licence from the City of York Council for the following reasons:-
 - i.) Mr Iqbal obtained a private hire operator's licence from City of Wolverhampton Council with no intention of undertaking any private hire business within their unitary authority boundary. His intention was solely to enable York Cars drivers to apply there to be licensed as private hire drivers and by-pass our provisions. We know at least five of these drivers had failed to pass the Council's safeguarding and knowledge test. This wilful circumvention of the Council's licensing regime, which is focussed on public safety, is in itself a perfectly good reason not to licence him under it.
 - ii.) Mr Iqbal, and his son Billy, publicly blame the Council for his scheme, stating amongst other things that it is 'a protest' over the Council's perceived inaction over Uber and out of town licensed drivers working in York. However, this is not consistent with his representatives explanation for the scheme, namely that it is borne out of and justified by the business needs of York Cars who 'had

difficulty recruiting enough drivers to meet the demand... for taxis' and 'In an attempt to increase supply, which will improve service provision.. my client has no commercial alternative but to license with another authority in the hope of being able to meet customer demand' as well as the position that he and his colleagues have previously stated to me.

- iii.) Mr Iqbal operated two other trading names '690 Taxis' and 'Street Cars' without an operator's licence. His operator's licence only permits him to trade under the name of York Cars. He knew that a different trading name would require a new operator's licence as in April 2019 as he changed his own licence from York and Ebor Cars to York Cars. Furthermore, he knew – because he was told and says he acted upon it – that he had to obtain a licence for these businesses or stop using the website. The steps he claims to have taken i.e. to ask the website host to take the websites down were ineffective as officers were able to take a journey using information obtained from both websites after that date. Either he did not take the action he said he had done, or he did not check to ensure that the websites had been taken down. He then paid for both website domains to be renewed in January this year and continued to benefit from them. It is a criminal offence to make provision for the invitation or acceptance of bookings without an operator's licence.
- iv.) The streetcars-taxis.co.uk testimonials are either fake, from another operator or are genuine and demonstrate that Street Cars was unlawfully operating without a licence. It is concerning to me that Mr Iqbal is unable to confirm where any of those streetcars-taxis.co.uk testimonials originate from – especially as he keeps records of customer compliments - and these website testimonials potentially mislead customers and members of the public.
- v.) All of the above indicates to me that there may be an issue with his honesty and integrity and undermines the 'protection of the public' objective which the licensing of operators is designed to achieve. This gives a reasonable cause to believe that Mr Iqbal is not 'fit and proper' to hold a private hire operators licence

**I BELIEVE THAT THE FACTS STATED IN THIS WITNESS STATEMENT
ARE TRUE.**

A handwritten signature in purple ink, appearing to read "MG Sae" with a flourish at the end.

Signed:

.....

27 October 2020

Dated:

.....

**IN THE MATTER OF AN APPLICATION FOR A REVIEW OF A PRIVATE
OPERATOR'S LICENCE**

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

EXHIBIT MB/1

This is the **Exhibit MB/1** referred to in the statement of Matthew George Boxall
dated 27 October 2020.



CITY OF YORK

PRIVATE HIRE VEHICLE OPERATOR'S LICENCE NO. 52/2016

THE COUNCIL OF THE CITY OF YORK, under the terms and conditions of the Local Government (Miscellaneous Provisions) Act 1976 and of every other Act or authority given or vested in them for that purpose, do hereby licence

NAME: MR MOHAMMED IQBAL

**ADDRESS: INGLEBY MANOR, CROSSWELL PARK, INGLEBY BARWICK,
STOCKTON-ON-TEES, TS17 5BE**

T/A: YORK CARS

to act as an operator of private hire vehicles operating from a booking office at 4 ODEON BUILDINGS, BLOSSOM STREET, in the City of York, from 20 OCTOBER 2016 until 19 OCTOBER 2021, subject to all the provisions of the said Acts, such byelaws as may be in force and such conditions relating to the operation of private hire vehicles as are attached to this licence.

This licence is not limited to the number of vehicles which may operate from the booking office.

Dated: 29 APRIL 2019

Reason for Issue – Change of company name

For and on behalf of the Director of Economy and Place

There is a right of appeal to a Magistrates' Court against the conditions of this licence within twenty-one days of it's issue.

**IN THE MATTER OF AN APPLICATION FOR A REVIEW OF A PRIVATE
OPERATOR'S LICENCE**

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

EXHIBIT MB/2

This is the **Exhibit MB/2** referred to in the statement of Matthew George Boxall dated 27 October 2020.

Appendix 11

Private Hire Operators' Licence Conditions

1. All applicants are required to complete an application form and are reminded that it is an offence to knowingly or recklessly make any false statement or omit relevant information.
2. The Booking Office premises of a Private Hire Operator shall be approved by the Council and shall conform to all Planning Regulations and other legal requirements in respect of business premises. Details must be provided of where vehicles will be parked when waiting for bookings. In the event that it is found that the Booking Office is operating without all necessary planning consents or in breach of planning conditions, the Private Hire Operator's licence will be deemed suspended until planning consent is obtained.
3. The current Private Hire Operators 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 Council for amendment.
4. The 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. This policy will be produced to the Council annually.
5. The licensed Operators, who have employees, 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. This policy will be produced to the Council annually.
6. During the currency of the licence, the Operator shall notify the Council in writing within 7 days of any temporary change of residence which is for a period in excess of 21 days.
7. The licensed Operator shall inform the Council within 14 days of any change of the partners or Directors of the company, or any change on the Secretaryship or Chairmanship thereof.
8. Each Operator, when disposing of any business interest, shall within 14 days give notice in writing to the Council that the business registered in his/her name has terminated.

9. The licensed Operator must notify the Council and nominate a responsible person to take responsibility on an interim basis if they are absent from the business for 15 days or more.
10. The licensed Operator will ensure that the Council has his/her most up to date contact details, including a mobile telephone number and email address. There should also be a generic email address for the company.
11. The licensed Operator shall keep a record for a period of not less than 36 months, of all the hackney carriage/private hire vehicle licence number, plate number, registration number and make and model of all hackney carriages/private hire vehicles operating from his/her office. Such records shall be sent to the Council annually and be available at all reasonable times for inspection by the Council.
12. The licensed Operator shall keep a record for a period of not less than 36 months, of all the hackney carriage/private hire driver's licence number, badge number, personal identity code name or number and name and address of each driver operating from his/her office. Such records shall be sent to the Council annually and be available at all reasonable times for inspection by the Council.
13. The licensed Operator shall make sure that hackney carriage/private hire vehicles and driver's operating from his/her office have had their licence renewed by the Council.
14. The licensed Operator shall display in a prominent position visible to customers visiting his premises at his place of business a list of fares and booking fees chargeable by the Operator. The Council shall be supplied with an up to date list of fares within 14 days of any changes made.
15. The licensed Operator will ensure that the licence issued by the Department of Trade and Industry for all radio equipment used is current and valid. All equipment must only be used on the frequencies stipulated in the D.T.I. licence and the licensed Operator must allow the Council access to inspect all equipment and D.T.I. licenses.
16. The licensed Operator shall keep and maintain at all times for a period of not less than six months, a record of hiring showing the particulars of every booking of a hackney carriage/private hire vehicle, including any booking accepted at the request of another Operator.

The record must be kept in the form of a log sheet or computer database detailing
in particular:-

- a) The date and time of each booking
- b) The name and address of the hirer (if known)
- c) The dates, time and place of the commencement of each hiring d)

The destination

- *e) The vehicle licence number and the name of the driver
- f) For booking transferred to another operator, details of that operator and information detailed in point 'e' above

(* This information may be given by reference to an incorporated code)

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 DVSA. For the purpose of further investigation, records may be removed from the premises if so required or copied.

- 17. The licensed Operator shall keep a register of complaints by the public for a period of not less than 12 months.
- 18. Upon receiving a complaint or allegation regarding any person licensed by the Council in relation to the following matters:
 - a) sexual misconduct, sexual harassment or inappropriate sexual attention
 - b) racist behaviour
 - c) violence
 - d) dishonesty
 - e) breaches of equality

the licensed Operator shall report it immediately to the Council when the taxi licensing office is open.

- 19. The licensed Operator is not permitted to accept bookings forwarded by their private hire drivers.
- 20. Private hire operators must provide the Council with a current table of fares, including mileage fare chart.

21. If used, private hire operators must make sure all meters and PDA systems are calibrated to the correct fare scale.
22. The licensed Operator shall provide a prompt, efficient and reliable service to members of the public at all times, ensuring that when a private hire vehicle has been hired to be in attendance at an appropriate time and place, that vehicles shall, unless delayed, attend punctually at that time and place.
23. The licensed Operator remain accountable for service delivery even upon the transfer of a booking to another licensed Operator.
24. The maximum number of vehicles that may operate from the licensed Private Hire Booking Office are detailed on this licence, this number will not be exceeded without prior written notification to the Council.

**IN THE MATTER OF AN APPLICATION FOR A REVIEW OF A PRIVATE
OPERATOR'S LICENCE**

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

EXHIBIT MB/3

This is the **Exhibit MB/3** referred to in the statement of Matthew George Boxall
dated 27 October 2020.



Gambling, Licensing & Regulatory Committee**28 May 2018**

Report from the Assistant Director – Planning and Public Protection

Taxi driver training update**Summary**

1. This report provides Members with an update on the safeguarding and knowledge training/testing for new taxi drivers, as well as the training for existing taxi drivers as requested at this Committee meeting on 13 November 2017. Please note that in this report, the terms 'taxi driver' and 'taxi' are used as a generic term to include both hackney carriage and private hire drivers/vehicles.

Recommendations

2. That Members note the contents of this report and approve Option 2 in respect of providing additional assistance – particularly in respect of 'local' knowledge - to potential taxi drivers.

Reason: To ensure that knowledge of the local area and conditions is not a barrier to people who are otherwise 'fit and proper' applying and helping to drive up standards through increased competition.

Background

3. The background to the new training and testing was set out in the report before this Committee on 13 November 2017.
4. To recap, new applicants currently participate in a full day of training and are required to pass a test administered by the Council's Workforce Development Unit. There is a charge of £80 for this course, set on a cost recovery basis. The charge includes the cost of the trainer, venue, materials and light refreshments. The training and test covers the following subject areas

- Disability Awareness;
 - Child and Adult Safeguarding;
 - Sexual Exploitation;
 - Equality Awareness;
 - Customer Service;
 - Legislation and Byelaws;
 - York's Pedestrian Zone awareness.
5. If the applicant fails the knowledge test they may 're-sit' up to five times (so completing six tests in total). An applicant has the choice of either completing the full day training/test again (£80) or re-sitting the test only (£25.00). Under the City of York Council's Licensing policy, if an applicant fails the sixth knowledge test, the application will be refused on the grounds of 'insufficient geographical knowledge to properly carry out a service as a licensed driver'.
6. Existing taxi drivers are required to demonstrate their knowledge of 'safeguarding, equalities and customer service' before their licence renewal or risk not being considered a 'fit and proper person' to hold a licence. To assist in this process, the Workforce Development Unit are running a 'half day' training programme for drivers to attend. The cost of this course to drivers is £40, again set at a cost recovery rate. At the end of the training there is a 'quiz' to check drivers understanding but there is no pass/fail. Licensing Officers will accept a certificate of attendance at this course as evidence that an applicant has sufficient knowledge of these areas. However, drivers may also be able to demonstrate this in other ways – each application will be considered on its merits.

Test for new applicants

Multiple choice format

7. Since the last report, there has been one change to the format of the test for new applicants i.e. a number of the questions, including the route and licensing conditions questions, have been made 'multiple choice'. This decision was taken by officers, on the advice of the course provider, in order to remove the element of discretion in marking (the trainer marks the initial test, and a number of different officers mark the re-sits). This ensures the

test/marking is consistent and fair for all applicants. A 'multiple choice' format is common in taxi driver testing.

Test results

8. Table 1 shows the number of tests taken and the results including percentage passing (achieving 26 or more out of 30 – 86.6%), and those 'near passes' i.e. those scoring over 21. Please note, in order to ensure we are comparing 'like with like', these results are based on the tests which follow the full day course only – they do not include figures from 're-sit test only papers' i.e. where no pre-training is given. All figures are up to 25 April 2018.

Table 1 – No. of tests takes and results (following one day course)

Date	Total tests	Total Pass (26+)	Total Fail	25/30	24/30	23/30	22/30	21/30
07.11.17*	13	4 (30.8%)	9	0	2	0	0	1
06.12.17*	14	3 (21.4%)	11	0	2	1	2	0
16.01.18	8	2 (25%)	6	3	0	1	0	0
15.02.18	7	2 (28.6%)	5	0	1	1	1	1
21.02.18	9	2 (22.2%)	7	0	2	3	0	0
15.03.18	9	4 (44.4%)	5	0	2	0	1	0
25.04.18	12	5 (41.6%)	7	1	1	2	0	2
Total no of tests taken	72	22 (30.6%)	50	4	10	8	4	4
Total passed if lower pass rate applied				26 (36.1%)	36 (50%)	44 (61.1%)	48 (66.7%)	52 (72.2%)

*Not multiple choice

9. It can be seen that the current overall pass rate is 30.6%, and the success rate varied (regardless of whether or not a multiple choice format was used). Unsurprisingly, if the pass rate was reduced it would

increase the number of passes accordingly. On current figures, the pass rate would need to be lowered to 21 out of 30 to achieve a pass rate approaching 77% (that was being achieved under the 20 question test in place between 29 September 2017 and 18 October 2017).

10. Table 2 shows the percentage of questions answered correctly in the different areas of the test. To pass, an applicant needs to score on average 86.6% in each section.

Table 2 – Questions answered correctly (one day course)

	Safeguarding (marks out of 7)	Equalities (marks out of 4)	Customer Service (marks out of 4)	Routes (marks out of 10)	Licence conditions (marks out of 5)
Mean score	5.7 (81.4%)	3.3 (82.5%)	3 (75%)	6.2 (62%)	3.1 (62%)
Median score	7	4	4	8	3
Target for pass	6-7	3-4	3-4	8-9	4-5

11. It can be seen that the route and licensing condition questions are the ones which applicants find most challenging.

Table 3 shows the number of *people* taking the tests and the number of attempts taken.

Table 3 – No of people taking tests and results

	No of people	No of people passed		
Full day (£80)	68	21		
Full day re-sit (£80)	3	1		
CYC Re-sits (£25.00)	21	11		
Total	68	33 (48.5%)		
	No of people	No of people passed	No of people not passed	No of people not re-sitting (to date)
1 st attempt	68	21	47	24
2 nd attempt	23	5	18	4
3 rd attempt	14	3	11	3
4 th attempt	8	2	6	1
5 th attempt	5	2	3	3
6 th attempt	N/a	N/a	N/a	N/a

12. The table shows that 33 people (48.5%) have now passed the test, whilst 35 people have either to re-sit or have dropped out of the process altogether. It is not known what their intentions are.

Driver identification

13. It was brought to Officers' attention that new applicants attending the full day course up to 21 February 2018 did not provide proof of their identity to the tutor. This was due to a breakdown in communication between officers and the tutor. Applicants were however required to 'sign in' to the course and a subsequent check on the signatures and handwriting has not identified any issues of concern. Applicants are now required to bring proof of their identity to the training. Please note, the re-sits were not affected by this error and neither were other aspects of the application process for which drivers have to provide proof of

identification such as the 'Disclosure and Barring Service' (DBS) previous convictions check.

Training for existing taxi drivers (half day training)

14. As noted above, the 'half day' training for existing taxi drivers on safeguarding and other matters continues to be delivered as approved by Members at the Committee meeting on 13 November 2017.
15. On 24 November 2017, the Council received a petition from taxi driver's entitled 'Petition to remove the £40 fee for safeguarding training' and went on to say that 'the threat of dismissal if the course is not taken or failed was intimidation and victimisation'.
16. This petition was considered as part of a report at the decision session for the Executive Member for Housing and Safer Neighbourhoods on 19 March 2018. The Executive Member for Education, Children and Young People also attended that meeting to consider the report. The Executive members resolved to take no further action in respect of the petition based on the Gambling, Licensing and Regulatory Committee's earlier approval of and planned review (today) of the training.
17. As explained above, in terms of the 'cost' of the course, the £40.00 fee for the half day training session has been set by the Council's Workforce Development Unit. As with the full day course, this fee covers their costs in facilitating the training i.e. the trainer and materials, the room and light refreshments. Annex 2 of this report gives details of the content and cost of similar sessions operated by other Councils in the area. Our fee is slightly higher than the fee charged by Bradford MDC, although there is no 'resit' requirement in our provision. It is also important to stress that we have tried to deliver a 'free package' (for large groups of drivers) in the past but it was universally regarded, including by representatives of the taxi trade, as undeliverable in that format.
18. In terms of the 'requirement' to attend the course, again as has been outlined above, drivers currently have the choice i.e. i) attend the half day training session or ii) otherwise demonstrate their knowledge on safeguarding, equalities and customer service. Any driver who does not comply with these requirements risks not being considered a 'fit and proper person' when they apply to be re-licensed.

Consultation

19. There has been no consultation in respect of this report. The tests are part of the process for the City of York Council to determine whether a person is a 'fit and proper' person to hold a taxi driver licence.

Options

20. Option 1 – Retain the training and test as it is.
21. Option 2 – Retain all the elements of the test and provide further assistance to drivers to meet the required standard – particularly in respect of local routes and conditions.
22. Option 3 - the committee make alternative suggestions.

Analysis

23. Option 1 – will maintain the status quo (as approved on 13 November 2017) and ensure that the Council continues to train and test new applicants on key areas identified in the taxi licensing policy. Existing drivers will be required to attend a training session (or otherwise demonstrate their knowledge) on safeguarding, equalities and customer service before their licence renewal or risk not being considered a 'fit and proper person' to hold a licence. Each application will however be decided on its merits.
24. Option 2 – will be the same as option one except that officers would take a number of additional steps to help new taxi drivers achieve the necessary standard. For the avoidance of doubt, this option is not advocating diminishing the test, it is intended to assist new drivers in meeting the high standards the council requires. Examples of the assistance which could be provided include giving an example of the test in the guidance notes for drivers (not currently provided) and issuing a list of places/landmarks that are included within the tests. These are both steps which other Authorities take. Furthermore,

subject to providing a suitable provider, an additional (optional) training course on routes and licensing conditions could be provided to improve performance in this aspect of the test.

25. Providing additional assistance supports the first principle of 'The Regulators' Code' by which the City of York Council is bound i.e. that 'Regulators should carry out their activities in a way that supports those they regulate to comply and grow'. Furthermore, it supports the Government's approach that 'consumers benefit from competitive markets which deliver better quality goods and services but also greater choice and innovative products and services' (Modernising Consumer Markets: Consumer Green paper, 2018).

26. Option 3 – allows Members to make alternative suggestions. In considering alternative suggestions it may be helpful to note that some Authorities do not require applicants to demonstrate a knowledge of routes and the local area. This is because of the widespread use of satellite navigation systems to guide drivers to their destination, and that in the case of private hire drivers in particular (where journeys are by their nature 'pre-booked') the driver has the opportunity to plan their journey before collecting the customer. Other Authorities consider knowledge of the area, and key land marks, an important element of customer service in particular in tourist economies. Furthermore, knowledge of the local area can be beneficial in times of road closures, heavy traffic or other issues which may not be detected by satellite navigation. It is also worthy of note that there is nothing to prevent Operators introducing additional tests of their own before appointing drivers if they wish.

Council Priorities

27. The provision of a healthy taxi trade supports the council plan of a prosperous city for all, where local businesses can thrive.

Implications

28. The direct implications arising from this report are:
 - (a) **Financial** – there are no financial implications, the taxi courses are provided on a cost recovery basis.

 - (b) **Human Resources (HR)** - There are no HR implications.

- (c) **Equalities** – The training and testing is designed to raise awareness of equalities issue.
- (d) **Legal** –The Local Government (Miscellaneous Provisions) Act 1976 enables Local Authorities to administer licences for Hackney Carriage and Private Hire drivers. The Act provides that a Local Authority shall not grant a licence unless they are satisfied that the applicant is fit and proper person to hold such a licence. There is no definition of the term fit and proper and the Council can apply tests and checks it deems appropriate to establish this.

Any decision made by the Committee in regards to matters of grant, renewal, suspension or revocations of licences and attachment of policies or conditions to individual hackney carriage and private hire licences can be appealed to the Magistrates' Court and from there to the Crown Court.

In terms of challenging policy decisions, claims can also be made by way of a Judicial Review to the Administrative Court in the High Court.

- (e) **Crime and Disorder** – The training and testing is designed to assist drivers in meeting their own legal obligations and the safeguarding of passengers.
- (f) **Information Technology (IT)** - There are no IT implications.
- (g) **Property** - There are no property implications.
- (h) **Other** - There are no other implications.

Risk Management

- 30. Applying the Council's risk scoring criteria, failing to have appropriate training and testing requirements for taxi drivers poses a 'major risk' (large groups of people affected with multiple serious injury) and the likelihood is 'possible'. This gives a risk score of **12** (a yellow risk). Having appropriate training and testing in place, reduces the likelihood to 'unlikely' giving a score of **8** (green risk).

Contact Details

Author: **Chief Officer Responsible for the report:**
Matt Boxall Mike Slater
Head of Public Protection Assistant Director – Planning and
01904 551528 Public Protection

Report Date 10 May **Approved** **2018 Specialist Implications**
Officer(s) Wards Affected: All

For further information please contact the author of the report

Background papers

- Gambling, Licensing & Regulatory Committee, 13 November 2017
Report from the Assistant Director – Planning and Public Protection
'Taxi Licensing – Review of Driver Training'
- Decision Session – Executive Member of Housing & Safer
Neighbourhoods, 19 March 2018
Report of the Corporate Director of Economy and Place
Petitions – Driver Safeguarding Training and Safeguarding Passengers

Annexes

Annex 1 - Summary of other Authorities tests and charges

Annex 1 - Summary of other Authorities tests and charges

Authority	New Driver Applicant Training	Requirements and Cost	Existing Driver Training	Requirements and Cost
Bradford	<ul style="list-style-type: none"> • Vehicle safety checks • Licensing conditions & compliance • Safeguarding (CSE/Human Trafficking) • Customer service and personal care • Disability awareness • Wheelchair clamping 	<p>Half days training session with a test on each module listed, £30.00, and an additional £15 to re-sit each module failed. Applicants must pass each module to progress their application.</p>	<ul style="list-style-type: none"> • Vehicle safety checks • Licensing conditions & compliance • Safeguarding (CSE/Human Trafficking) • Customer service and personal care • Disability awareness • Wheelchair clamping 	<p>Half days training session with a test on each module listed, £30.00, and an additional £15 to re-sit each module failed. Drivers must complete this training once every three years prior to renewal of licence.</p>
Calderdale	<ul style="list-style-type: none"> • Keeping yourself safe and reporting incidents • Protecting children from child sexual exploitation and other forms of abuse • Drug and alcohol issues • Domestic Abuse • Being an ambassador for Calderdale (customer care and professional 	<p>4 hour training session followed by test. Applicants must pass the test to progress their application. Currently free (this is being reviewed).</p>	<ul style="list-style-type: none"> • Keeping yourself safe and reporting incidents • Protecting children from child sexual exploitation and other forms of abuse • Drug and alcohol issues • Domestic Abuse • Being an ambassador for Calderdale (customer care and professional 	<p>4 hour training session, free of charge – when introduced it was a requirement that it must be completed prior to renewal of licence.</p>

	standards) <ul style="list-style-type: none"> • Disability and access for all (equality) • Understanding Licensing and regulation • Maintaining a safe vehicle • Proficiency in English 		standards) <ul style="list-style-type: none"> • Disability and access for all (equality) • Understanding Licensing and regulation • Maintaining a safe vehicle 	
Kirklees	<ul style="list-style-type: none"> • Disability awareness • Child and adult safeguarding • Equality awareness • Customer service 	2 hours training session followed by a test, £76.50. Applicants must pass the test to progress their application.	<ul style="list-style-type: none"> • Child and adult safeguarding • Sexual exploitation 	half day training session – free – when introduced it was a requirement that it must be completed prior to renewal of licence.
Leeds	<ul style="list-style-type: none"> • Customer care • Hackney carriage knowledge • Literacy and numeracy • Private hire driver <ul style="list-style-type: none"> ○ Basic legislation ○ Leeds knowledge and Leeds city centre knowledge ○ Private hire conditions ○ Using a 	£55 £50 £25 £90 £10 New applicants must complete and pass this training to progress their application.	<input type="checkbox"/> Safeguarding	£10 – when introduced it was a requirement that it must be completed prior to renewal of licence.

	reference tool (AZ) □ Safeguarding			
Wakefield	<ul style="list-style-type: none"> • Child and adult safeguarding • Sexual exploitation 	<p>3 hour training session, £22. Knowledge test (routes, locations, conditions, etc) including disability awareness - £26. Applicants must pass the test to progress their application.</p>	<ul style="list-style-type: none"> • Child and adult safeguarding • Sexual exploitation 	<p>3 hour training session, £22. When introduced it was a requirement that it must be completed prior to renewal of licence.</p>

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**IN THE MATTER OF AN APPLICATION FOR A REVIEW OF A PRIVATE
OPERATOR'S LICENCE**

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

EXHIBIT MB/4

This is the **Exhibit MB/4** referred to in the statement of Matthew George Boxall dated 27 October 2020.

Meeting	Gambling, Licensing & Regulatory Committee
Date	21 May 2018
Present	Councillors Lisle (Chair), Funnell (ViceChair), Douglas, Hunter, Looker, Mason, Orrell, Pavlovic, Reid, D Taylor, K Taylor and Wells
Apologies	Councillors Hayes, Mercer and Richardson

16. DECLARATIONS OF INTEREST

Members were invited to declare at this point in the meeting any personal interests not included on the Register of Interests, or any prejudicial or disclosable pecuniary interests, which they might have in the business on the agenda.

Cllrs Lisle, Mason and D Taylor each declared a personal interest in Agenda Item 4 (Renewal of Sex Establishment Licence), as they both knew the people named in the application as responsible for the management of the premises.

17. MINUTES

Resolved: That the minutes of the meeting held on 6 March 2018 be approved, and signed by the Chair as a correct record.

18. PUBLIC PARTICIPATION

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

Michael Dunn, of York Cars Taxis, spoke on Agenda Item 5 (Taxi Driver Training Update). He outlined the difficulties he faced in recruiting drivers, due to the cost and high fail rate of the test, which had resulted in an influx of out of area drivers, and urged the committee to adopt Option 2 in the report.

19. RENEWAL OF SEX ESTABLISHMENT LICENCE

Members received a report which presented an application to renew a Sex Establishment Licence for a sexual entertainment venue, made under the Local Government (Miscellaneous Provisions) Act 1982, Schedule 3 Control of Sex Establishments, in respect of Upstairs (Mansion), 53-55 Micklegate, York YO1 6LJ.

Officers at the meeting recommended that the matter be adjourned, as an objection to the application had been received from the Police and the applicant had not been informed of today's committee meeting. It was confirmed that an adjournment would not affect the operation of the establishment, as the application had been lodged prior to the expiry of the current licence, which would remain in force until the renewal application had been determined.

Resolved: That this item be adjourned to the next meeting of the committee, on 18 June 2018.

Reason: To enable the applicant to be informed of the date of the committee meeting at which the application will be determined and to attend if they wish.

20. TAXI DRIVER TRAINING UPDATE

Members considered a report which provided an update on the safeguarding and knowledge training and testing for new and existing taxi drivers, as requested by the committee at their meeting on 13 November 2017.

Under existing procedures, new applicants had to undertake a full day of training, costing £80, and pass a test. Existing drivers must demonstrate their knowledge of safeguarding, equalities and customer services. They could do this by undertaking a half day course, at a cost of £40, or in some other way, with each case considered on its merits. The test for new applicants had been changed to a multiple choice format, to make it fairer, as shown in the sample test circulated at the meeting. The

current overall pass rate was 30.6%, with applicants finding the questions on routes and licensing conditions the most difficult. Members considered the following options, as detailed in paragraphs 20-26 of the report:

Option 1 – maintain the existing procedures.

Option 2 – as above, but take additional steps to help new drivers achieve the required standards. This was the recommended option.

Option 3 – Members to make alternative suggestions.

In response to questions from Members, Officers confirmed that:

- The council had no powers to test ‘out of area’ drivers, who were covered by their own local authorities’ procedures
- Face to face testing was preferred to online tests, as the applicant’s identity could be verified and their interaction and language skills judged.
- One to one testing was available for those who had difficulties with writing.
- Applicants were encouraged to read a guidance note, which included details of local driving conditions and byelaws.
- Charges were based on the costs incurred by the training providers.

After a full debate, it was

Resolved: (i) That the contents of the report be noted.

(ii) That Option 2 be approved and the current training and testing procedures be maintained, with additional assistance provided to potential taxi drivers, particularly in respect of ‘local knowledge’.

Reason: To ensure that knowledge of the local area and conditions is not a barrier to people who are otherwise ‘fit and proper’ applying to become taxi drivers and helping to drive up standards through increased competition.

(iii) That Officers consider providing some elements of training and guidance for drivers online.

Reason: To make this information available in a more accessible and cost effective way, where possible.

21. URGENT BUSINESS / CHAIR'S REMARKS

The Chair reported that he had recently attended a regional meeting of Licensing Chairs, at which the issue of appeals procedures had been discussed. York was the only authority with two avenues for appeals; a sub-committee of this committee and the magistrates' courts. He suggested that a report be brought to the committee outlining how these procedures could be harmonised across the region.

Members confirmed that they would like to receive a report on this matter at a future meeting of the committee.

Cllr S Lisle, Chair

[The meeting started at 4.00 pm and finished at 4.50 pm].

**IN THE MATTER OF AN APPLICATION FOR A REVIEW OF A PRIVATE
OPERATOR'S LICENCE**

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

EXHIBIT MB/5

This is the **Exhibit MB/5** referred to in the statement of Matthew George Boxall
dated 27 October 2020.

Companies House

Companies House does not verify the accuracy of the information filed
(<http://resources.companieshouse.gov.uk/serviceInformation.shtml#compInfo>)

34 CARS LTD

Company number **09050845**

- [Officers](#)
- [Persons with significant control \(https://beta.companieshouse.gov.uk/company/09050845/persons-with-significant-control\)](https://beta.companieshouse.gov.uk/company/09050845/persons-with-significant-control)

Filter officers



Current officers

Apply filter

1 current officers

IQBAL, Mohammed

Correspondence address **Odeon Buildings, 4 Blossom Street, York, England, YO24 1AJ**

Role Active **Director**

Date of birth **March 1970**

Appointed on **13 June 2014**

Nationality **British**

Country of residence **United Kingdom**

Occupation **Director**

[Tell us what you think of this service \(link opens a new window\) \(https://www.research.net/r/S78XJMV\)](https://www.research.net/r/S78XJMV) [Is there anything wrong with this page? \(link opens a new window\) \(https://beta.companieshouse.gov.uk/help/feedback?sourceurl=https://find-and-update.company-information.service.gov.uk/company/09050845/officers\)](https://beta.companieshouse.gov.uk/help/feedback?sourceurl=https://find-and-update.company-information.service.gov.uk/company/09050845/officers)

**IN THE MATTER OF AN APPLICATION FOR A REVIEW OF A PRIVATE
OPERATOR'S LICENCE**

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

EXHIBIT MB/5

This is the **Exhibit MB/5** referred to in the statement of Matthew George Boxall dated 27 October 2020.

COUNCIL SAYS NO ACTION WILL BE TAKEN AGAINST UBER

Dear all

Some of you may not be aware of the council meeting held on the 26 th of September in regards to UBER. York city council have decided to take no action against UBER.

The trade has exhausted all options to try and get the council to take action but all attempts have failed.

Due to the councils refusal we have decided to license with another council in protest. This will deprive York Council of the funds. We will be encouraging other private hire companies to

**IN THE MATTER OF AN APPLICATION FOR A REVIEW OF A PRIVATE
OPERATOR'S LICENCE**

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

EXHIBIT MB/7

This is the **Exhibit MB/7** referred to in the statement of Matthew George Boxall dated 27 October 2020.

Boxall, Matthew

Subject:

FW: Screenshot 2019-11-08 at 13.26.45

From:

Sent: 08 November 2019 13:32

To: licensing@york.gov.uk

Subject: Fwd: Screenshot 2019-11-08 at 13.26.45

This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

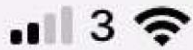
Sent from my iPhone

Begin forwarded message:

From:

Date: 8 November 2019 at 13:27:08 GMT To:

Subject: Screenshot 2019-11-08 at 13.26.45



Robin's post

[Sign in](#)

Taxi/Private hire mini bus driver

york cars



York



£350 - £800 a week

YORK CARS TAXIS ARE RECRUITING NEW AND EXISTING WOLVERHAMPTON LICENSED TAXI DRIVERS

Are you tired of the same old routine, is your current job getting you down?

Do you like being out and about meeting new people in the community?

Do you like driving?

Do you want a job that fits around your life style, kids and family where you can work when you want?

Sent from my iPhone

**IN THE MATTER OF AN APPLICATION FOR A REVIEW OF A PRIVATE
OPERATOR'S LICENCE**

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

EXHIBIT MB/8

This is the **Exhibit MB/8** referred to in the statement of Matthew George Boxall
dated 27 October 2020.



Directorate of Economy & Place

Michael Slater
Assistant Director
Eco Depot
Hazel Court
York
YO10 3DS
Tel: 01904 551550
Fax: 01904 553239

Mr M Iqbal
York Cars
4 Odeon Building
Blossom Street
York
YO24 1AJ

Ask for: Lesley Cooke
Direct Line: 01904 552422
Email: lesley.cooke@york.gov.uk
Our Ref: LJC/041219-York Cars

4 December 2019

Dear Mr Iqbal

Local Government (Miscellaneous Provisions) Act 1976

I write with regards to the operation of private hire vehicles within the City of York authority area. It has been brought to our attention that a vehicle licensed by City of Wolverhampton Council is operating in York displaying York Cars door signage along with a York phone number.

We are aware that you have applied for and have been granted a private hire operator's licence by Wolverhampton Council, and that you are advertising for private hire drivers licensed with Wolverhampton Council with the intention to undertake private hire work in York.

Can you please clarify in writing how you, as a licensed operator with the City of York and the City of Wolverhampton Council's, are complying with the legal requirements of Part 2 of the above Act.

Can you also clarify if you are operating private hire vehicle in Wolverhampton.

As private hire vehicles licensed by Wolverhampton, displaying York Cars door signage, are now operating in York I would appreciate a written response to this letter by Christmas Eve.

Yours sincerely



Lesley Cooke
Licensing Manager

**IN THE MATTER OF AN APPLICATION FOR A REVIEW OF A PRIVATE
OPERATOR'S LICENCE**

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

EXHIBIT MB/9

This is the **Exhibit MB/9** referred to in the statement of Matthew George
Boxall dated 27 October 2020.

Lesley Cooke
Licensing Manager
Public Protection
Economy & Place
York City Council
Eco Depot
Hazel Court
York
YO10 3DS

Our Ref: DBW / York Cars
Your Ref: LJC / 041219 – York Cars
Date: 13 December 2019
Please ask for: David Wilson

Sent by email only to:
lesley.cooke@york.gov.uk

Dear Miss Cooke,

Local Government (Miscellaneous Provisions) Act 1976, Part II

I have been consulted by Mohammed Iqbal of York Cars with regards to your letter to him, dated 4 December 2019, requesting a written response in connection with the subcontracted use of a City of Wolverhampton Council private hire vehicle by York Cars.

As you are aware, because of the way in which the private hire trade operates in the City, my client has difficulty recruiting enough drivers to meet the demand it has for taxis. In an attempt to increase supply, which will improve service provision to those living in, working in and visiting the City, my client has had no commercial alternative but to license with another authority in the hope of being able to meet customer demand.

In that regard, as you are aware, my client applied to and was granted a private hire operator's licence by the City of Wolverhampton Council, but only after that council requested and, I assume, received information from the City of York Council that satisfied it that my client is a fit and proper person to be licensed by it too.

Having consulted with me before going down this road, my client was, of course, fully aware of the legal requirements of sections 55, 55A, 55B and 56 of the Local Government (Miscellaneous Provisions) Act 1976 to which I assume you are referring when asking my client to clarify in writing how he is "complying with the legal requirements of Part 2 of the above Act".

All bookings are invited and accepted by my client at the premises of York Cars in accordance with the law and the conditions of the private hire operator's licence granted by the City of York Council.

Once a booking is accepted and input into the Autocab booking and dispatch system operated by my client, the system either dispatches the booking to a City of York Council licensed private hire vehicle and driver or, if none is available or a City of Wolverhampton Council licensed private hire vehicle and driver are closer to the customer's pick-up address, the system electronically subcontracts the booking to my client's Wolverhampton operation and then dispatches the booking to that City of Wolverhampton Council licensed private hire vehicle and driver.

My client unreservedly accepts that the City of York Council is entitled to inspect booking records held pursuant to the City of York Council private hire operator's licence and accordingly I enclose a copy of the records relating to the bookings accepted on 9 December 2019 by my client in York and subcontracted to the Wolverhampton operation.

In the event that the Council requires technical information about how the Autocab system works, I am afraid that neither my client nor I can provide this, neither of us having the requisite technical knowledge. However, I am sure that, subject to the Council not asking for commercially sensitive information, Autocab would be pleased to satisfy the Council that its system complies with the legal requirements, as the High Court found the iCabbi system to comply in *Milton Keynes Council v Skyline Taxis & Private Hire Ltd and Sokhi* [2017] EWHC 2794 (Admin).

As you will appreciate, once a booking is subcontracted to an operator in another local authority area, the booking records relating to receipt of that subcontracted booking and dispatch of vehicle and driver are records capable of being inspected by the council that issued that private hire operator's licence or the police.

If the City of York Council wished to inspect any of my client's Wolverhampton booking records, my client would, of course, be prepared to release such information to the Council, so long as doing so complied with the requirements of the GDPR (General Data Protection Regulations) and the Data Protection Act 2018.

I trust this letter addresses all matters the Council wanted to have addressed to its satisfaction, but should anything herein require clarification, please do not hesitate to contact me.

Yours sincerely,



David B Wilson

Licensing Consultant

Consulting Editor, Paterson's Licensing Acts 2015-20

Email: david.wilson@a2zlicensing.co.uk
Mobile: 07794 776383

Global Search Results

Pickup Due	Pickup	Destination	Name	Booked By Company	Booked Time	At Time Subcontracted/ Accepted & Dispatched	Completed Company	By
09/12/2019 15:10	[REDACTED]	[REDACTED]	[REDACTED]	YORK CARS	09/12/2019 14:40	09/12/2019 15:01	YORK CARS WOLVERHAMPTON	
09/12/2019 15:35	[REDACTED]	[REDACTED]	[REDACTED]	YORK CARS	09/12/2019 13:19	09/12/2019 15:31	YORK CARS WOLVERHAMPTON	
09/12/2019 16:00	[REDACTED]	[REDACTED]	[REDACTED]	YORK CARS	09/12/2019 14:02	09/12/2019 15:53	YORK CARS WOLVERHAMPTON	
09/12/2019 18:29	[REDACTED]	[REDACTED]	[REDACTED]	YORK CARS	09/12/2019 18:29	09/12/2019 18:29	YORK CARS WOLVERHAMPTON	
09/12/2019 19:03	[REDACTED]	[REDACTED]	[REDACTED]	YORK CARS	09/12/2019 19:03	09/12/2019 19:14	YORK CARS WOLVERHAMPTON	
09/12/2019 20:00	[REDACTED]	[REDACTED]	[REDACTED]	YORK CARS	09/12/2019 12:53	09/12/2019 19:50	YORK CARS WOLVERHAMPTON	
09/12/2019 20:47	[REDACTED]	[REDACTED]	[REDACTED]	YORK CARS	09/12/2019 20:47	09/12/2019 20:47	YORK CARS WOLVERHAMPTON	

Record count: 7

Record count: 7

**IN THE MATTER OF AN APPLICATION FOR A REVIEW OF A PRIVATE
OPERATOR'S LICENCE**

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

EXHIBIT MB/10

This is the **Exhibit MB/10** referred to in the statement of Matthew George
Boxall dated 27 October 2020.



Directorate of Economy & Place

Michael Slater
Assistant Director
Eco Depot
Hazel Court
York
YO10 3DS
Tel: 01904 551550
Fax: 01904 553239

Mr D B Wilson
A2Z Licensing
9 The Stables
Wynyard
Billingham
TS22 5QQ

Ask for: Lesley Cooke
Direct Line: 01904 552422
Email: lesley.cooke@york.gov.uk
Our Ref: LJC/191219-York Cars

19 December 2019

Dear Mr Wilson

Local Government (Miscellaneous Provisions) Act 1976

I write further to your letter dated 13 December 2019, which was a response to my letter of 4 December to Mr M Iqbal, York Cars, 4 Odeon Building, Blossom Street, York. Within your letter you state that you have been consulted by Mr Iqbal, and responded to my letter on his behalf.

Within your response you state that details of accepted bookings are input into the Autocab booking and dispatch system, this system either dispatches the booking to a City of York licensed vehicle/driver or if none is available or a City of Wolverhampton licensed vehicle/driver are closer to the customer pick-up address, the system electronically subcontracts the booking to my client's Wolverhampton operation and then dispatches the booking to the City of Wolverhampton licensed vehicle/driver. Can you please clarify how:

1. York Cars (York) Autocab booking and dispatch system knows that a City of Wolverhampton vehicle/driver is the closer vehicle;
2. how the City of Wolverhampton licensed operate accepts the sub-contracted booking; and
3. how the City of Wolverhampton licensed vehicle/driver is dispatched?

You state that you and your client cannot provide technical information with regards to how the Autocab system works. I have some knowledge of these type of booking/dispatch system, therefore, I assume that as your client has purchased this system someone employed by him has been trained with regards to operating and maintaining the system, knowing how the system takes and records different types of bookings, as well as the different ways a vehicle/driver can be dispatched?

In my letter of the 4 December I asked Mr Iqbal to clarify if he is operating private hire vehicles in Wolverhampton. You have not provided a response to this question, can you or your client please clarify is your client taking books and undertaking journey's in Wolverhampton?

We are aware of the requirements of GDPR and the Data Protection Act 2018. As you will be aware your client, as well as any drivers or vehicle proprietors licensed by City of Wolverhampton could give consent for details/records to be released to City of York or any other licensing authority if a request is made. They can also share information to comply with a legal requirement. We are aware of the conditions of licence for private hire operators licensed by City of Wolverhampton, condition 2.2 states:

‘Where an operator accepts a sub-contracted fare from an operator licensed in another Licensing Authority area, then within reason, the operator must comply with requests for records of that fare from authorised officers of the Licensing Authority from the area in which the original booking was taken.’

I would appreciate a written response to this letter by 10 January 2020.

Yours sincerely

A solid black rectangular box used to redact the signature of Lesley Cooke.

Lesley Cooke
Licensing Manager

Cc: Mr M Iqbal, York Cars, 4 Odeon Building, Blossom Street, York, YO24 1AJ

**IN THE MATTER OF AN APPLICATION FOR A REVIEW OF A PRIVATE
OPERATOR'S LICENCE**

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

EXHIBIT MB/11

This is the **Exhibit MB/11** referred to in the statement of Matthew George
Boxall dated 27 October 2020.

Lesley Cooke
 Licensing Manager
 Public Protection
 Economy & Place
 York City Council
 Eco Depot
 Hazel Court
 York
 YO10 3DS

Our Ref: DBW / York Cars
 Your Ref: LJC / 191219 – York Cars
 Date: 24 December 2019
 Please ask for: David Wilson

Sent by email only to:
lesley.cooke@york.gov.uk

Dear Miss Cooke,

Local Government (Miscellaneous Provisions) Act 1976, Part II

Further to previous correspondence in this matter, in particular your letter dated 19 December 2019, I shall attempt to answer your further questions on behalf of Mr Iqbal.

In relation to your below numbered questions, my client answers as follows:

(1) [How does the] York Cabs (York) Autocab booking and dispatch system know that a City of Wolverhampton vehicle / driver is the closer vehicle?

My client cannot explain the “how” in technical terms, but can state that the system can ‘see’ all vehicles of all fleets operated by my client, before it decides whether to dispatch a City of York licensed vehicle / driver or to subcontract a booking to York Cars (Wolverhampton).

For the avoidance of doubt, whilst I adopt your “York Cars (York)” and “York Cars (Wolverhampton)” designations, I should make clear that this is one business / legal entity, so we do not have a situation in which data might have been unlawfully shared between two different businesses / legal entities.

(2) How [does] the City of Wolverhampton licensed operator accept the sub-contracted booking?

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enquiries@a2zlicensing.co.uk

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 9 The Stables, Wynyard, Billingham TS22 5QQ
 Registered in England and Wales Company No: 11830848

Director:

David B Wilson Cert HELL, MIoL, MBII.tp

Again, my client cannot answer this technical question with a technical answer. The acceptance is an automated process that takes place electronically between the computer systems of York Cars (York) and York Cars (Wolverhampton), which both run the Autocab booking and dispatch system.

The computer systems connect via the internet.

(3) How the City of Wolverhampton licensed vehicle / driver is dispatched?

Regrettably, this question also calls for a technical answer, which my client is unable to give. My client does not know how the York Cars (York) system dispatches a booking to a City of York licensed vehicle / driver – it just does so! The York Cars (Wolverhampton) system does the same in relation to City of Wolverhampton licensed vehicles / drivers.

As I am sure you are aware, Autocab is the largest supplier of booking and dispatch systems in the world, not just the UK. Its system is used by more taxi / private hire operators in the UK than any other system and it has developed technology that enables operators with multiple fleets licensed by multiple local authorities to legally subcontract electronically between those offices. Many of my clients with multiple fleets use the Autocab system and it has already been subjected to scrutiny by many local authorities, all of whom have concluded that the system facilitates legal subcontracting between multiple licensed private hire offices of a single operator. Shortly after the Deregulation Act 2015 was enacted I met with the Chief Executive of Autocab and later with software developers to explain what the law required, because many of my clients required Autocab to develop its system to provide this functionality in a way that complied with the law.

I also provided advice to iCabbi, because I have clients that use that booking and dispatch system and they too needed the iCabbi system to be developed to facilitate electronic subcontracting that complied with the law. As referred to in my previous letter, the iCabbi subcontracting arrangements have been subject to, and passed, judicial scrutiny in *Milton Keynes Council v Skyline Taxis & Private Hire Ltd and Sokhi* [2017] EWHC 2794 (Admin).

To further expand on and to respond to the questions and comments you pose in the third paragraph of your letter, I should start by saying that my client relies upon Autocab to maintain the system in just the same way, I imagine, that the Council has an IT Department or an external IT Contractor to maintain its computer systems. Whilst the Council might reasonably expect you and your colleagues to be able to use certain software applications, such as MS Word, it would not expect you to be able to put things right, if your computer were to crash.

My client and his staff have, of course, been trained in the use of the Autocab booking and dispatch system, but their interaction with the system has not changed as a result of their being a second fleet operated by York Cars (Wolverhampton), because they are still only accepting bookings as York Cars (York) and inputting them into the system.

Certain individuals have been trained to extract information from the system and are authorised by my client to do so. Such reports include that which accompanied my letter of 13 December 2019 and the more extensive version, which I enclose herewith, which also shows the details of the vehicle / driver to which a subcontracted booking was dispatched by York Cars (Wolverhampton).

My client provides the further report, despite the Council having failed to explain on what legal basis it thinks it is entitled to ask for, and my client entitled to provide, the requested information. Condition 2.2 of the City of Wolverhampton private hire operator licence conditions only requires an operator to act reasonably, which is not the same as requiring an operator to provide information it would be illegal to provide. In the absence of any statement from the Council in this regard, it is assumed the Council's request is made pursuant to its regulatory function, as the hackney carriage and private hire licensing authority for the City of York, under the Data Protection Act 2018, section 15 and Schedule 2, paragraph 7.

With regards to the question posed in the fourth paragraph of your letter of 19 December 2019, I had thought the original version of this question, which constituted the fourth paragraph of your letter of 4 December 2019, had been answered by my letter of 13 December 2019. However, in answer to your expanded question, my client only invites and accepts electronically subcontracted bookings at York Cars (Wolverhampton) from York Cars (York). However, as my client is now also part of the largest national network of private hire companies, customers booking with York Cars (York) can now book journeys in most towns and cities anywhere in the country to undertake local journeys, such as those exclusively within Wolverhampton or York, or long-distance journeys, for example from Berwick-upon-Tweed to Land's End.

Furthermore, as you may already be aware, your colleagues at City of Wolverhampton Council conducted a full inspection and audit of my client's premises, computer system and record keeping on Friday, 20 December 2019 and found everything to be legal and in order. If you require confirmation of that, I am sure City of Wolverhampton Council will confirm that to be the case and, of course, should they require signed authority from my client to share the result of their inspection with you, Mr Iqbal will be pleased to give his consent.

Once again, I trust this letter addresses all matters the Council wanted to have addressed to its satisfaction, but should anything herein require clarification, please do not hesitate to contact me.

Yours sincerely,

A black rectangular redaction box covering the signature of David B Wilson.

David B Wilson

Licensing Consultant

Consulting Editor, Paterson's Licensing Acts 2015-20

Contributing Author and Consulting Editorial Board Member, LexisPSL

Email: david.wilson@a2zlicensing.co.uk

Mobile: 07794 776383

Global Search Results

Pickup Due	Pickup	Destination	Name	Booked By Company	Booked At Time	Time Subcontracted/ Accepted & Dispatched	Completed By Company	Completed By Vehicle No	Completed By Driver No	Comp Price
09/12/2019 15:10				YORK CARS	09/12/2019 14:40	09/12/2019 15:01	YORK CARS WOLVERHAMPTON	24	24	£8.55
09/12/2019 15:35				YORK CARS	09/12/2019 13:19	09/12/2019 15:31	YORK CARS WOLVERHAMPTON	24	24	£4.80
09/12/2019 16:00				YORK CARS	09/12/2019 14:02	09/12/2019 15:53	YORK CARS WOLVERHAMPTON	24	24	£50.00
09/12/2019 18:29				YORK CARS	09/12/2019 18:29	09/12/2019 18:29	YORK CARS WOLVERHAMPTON	24	24	£15.60
09/12/2019 19:03				YORK CARS	09/12/2019 19:03	09/12/2019 19:14	YORK CARS WOLVERHAMPTON	24	24	£5.30
09/12/2019 20:00				YORK CARS	09/12/2019 12:53	09/12/2019 19:50	YORK CARS WOLVERHAMPTON	24	24	£12.45
09/12/2019 20:47				YORK CARS	09/12/2019 20:47	09/12/2019 20:47	YORK CARS WOLVERHAMPTON	24	24	£4.10

Record count: 7

Record count: 7

**IN THE MATTER OF AN APPLICATION FOR A REVIEW OF A PRIVATE
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LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

EXHIBIT MB/12

This is the **Exhibit MB/12** referred to in the statement of Matthew George
Boxall dated 27 October 2020.

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York private hire taxi firm under fire from other cabbies



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Published by the Minster FM News Team (/on-air/news-team.php) at 7:02am 30th December 2019.

A York taxi firm that is licensing its drivers outside of the city has been accused of putting standards and safety at risk.

The Independent Taxi Association says York Cars has started employing drivers from Middlesbrough, who are then sent to Wolverhampton to where the Knowledge test is 'streamlines, and easier to pass.

Tony Green from the Independent Taxi Association in York:

"It has to be a worry for everyone involved in taxi industry in York, whether that is in the Hackney or private hire sector.

We have worked hard to raise standards, so to see those possibly undermined by this move from York Cars is concerning.

Effectively what you have is a lot of potential drivers who really do not know the area - do not know the bylaws and routes and have very little understanding of how taxis work in York.

So from a passenger-safety point of view, and from other road-users point of view, I would be concerned."

But Billy Iqbal from York Cars believes other taxi and private hire firms have it all wrong:

"Yes we are using drivers and vehicles licensed in Wolverhampton, and under the Deregulation Act 2015 it is legal for us to do so.

We are meeting all laws.

All drivers that are licensed through Wolverhampton Council are local to York.

They have chosen to license in Wolverhampton due to the process being quicker, more efficient and up to 50% cheaper.

With these being local York residents, they know their way around York.

We are doing this in protest at York Council doing nothing about the out-of-town vehicles over the last four years.

It is also a protest against the continued use of 'restrictive licensing practices', which hinder us from meeting the forever-growing customer demand that we face as a company."

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**IN THE MATTER OF AN APPLICATION FOR A REVIEW OF A PRIVATE
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EXHIBIT MB/13

This is the **Exhibit MB/13** referred to in the statement of Matthew George Boxall dated 27 October 2020.

Authority	Operator - 5yr (over 99 cars)	PH driver - 3 yr	PH vehicle	Vehicle test
Bradford	£788	£199	£165/ £240 (over 5 yrs old)	The vehicle licence fee is inclusive of the vehicle test fee.
Calderdale	£1165	£239	£166	£48
East Riding	£1,110	£200	£200(New) £150(Renew)	To book a test the driver needs to contact a testing centre, fees on application.
Hambleton	£435 (New) £415 (Renew)	£205 (New) £180 (Renew)	£340(New) £285(Renew)	The vehicle test fee is up to the garage. A form is issued to the driver and they can go to any VOSA testing station in Hambleton
Harrogate	£1111	£370 (New) £245 (Renew)	£290 (New) £226 (Renew)	£42
Kirklees	£1166	£294.50	£184.39	£48
Leeds	£3,000	£390	£135	£110
Scarborough	£1,850	£267(New) £240(Renew) Inc DBS	£237	£54.85
Selby	(Any no. of vehicles) £266.20	£249.86 (New)/ £111.30 3 yr (Renew)	£192.30	£59.70
Wakefield	£1,450	£476 (New incl DBS) £384/ (Renew)	£266 (New)/ £245 (Renew)	£55
Wolverhampton	£1077 (new 1 year) £3,140 (renewal 5 year) *Annual fee available	£59 new 1 year £59 renew 1 year £110 renew 2 year £140 renew 3 year (DBS/DVLA check £79.49) (£40 Safeguarding and Knowledge test, £15 for immediate resit) *Annual fee available	£185 (up to 10 yrs old)/ £299 (10 to 12 yrs old)	Annual tests by approved MOT stations

York	£486	£152 – new application fee £153 – new grant 3yrs £227 renew 3 yr (DBS £49) (£80 Safeguarding and Knowledge test – first occasion, £25 re-sit another day)	£183	£64
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**IN THE MATTER OF AN APPLICATION FOR A REVIEW OF A PRIVATE
OPERATOR'S LICENCE**

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

EXHIBIT MB/14

This is the **Exhibit MB/14** referred to in the statement of Matthew George
Boxall dated 27 October 2020.



Mr D B Wilson
a2z Licensing,
9 The Stables,
Wynyard,
Billingham
TS22 5QQ

david.wilson@a2zlicensing.co.uk

Communities &
Neighbourhoods

Mike Slater
Assistant Director
Planning and Public Protection
Eco Depot
Hazel Court
York
YO10 3DS
Tel: 01904 551550
Fax: 01904 553239

Ext: 1528
Ask for: Matt Boxall
Email: matthew.boxall@york.gov.uk
Our Ref: 200120mb1b
23 January 2020

Dear Mr Wilson

Mr Mohammed Iqbal - York Cars
'Fit and Proper' private hire operator

Thank you for your letter to Lesley Cooke dated 24 December 2019 sent on behalf of your client, Mr Iqbal.

As you will be aware, under section 62 of the Local Government (Miscellaneous Provisions) Act 1976, a Local Authority may 'suspend or revoke' an operator's licence for, amongst other things, 'any other reasonable cause'. There is an ongoing requirement to consider whether an operator remains a fit and proper person to hold a licence.

Recent events are leading me to consider this provision in respect of Mr Iqbal's licence, and I would be grateful for his assistance in this.

Subcontracting

I note that your client is 'subcontracting' bookings through the Autocab programme. It is clear that the arrangements in place are designed to simply 'fit within the law' rather than an established subcontracting arrangement as was the situation in the Skyline case you refer to.

Wolverhampton licensed drivers

I have the benefit of some history to this matter, and I am aware that for some while Mr Iqbal has been frustrated by a perceived lack of drivers 'passing' through City of York's licensing process. The statements made by his representatives in the press recently show this is still his position.

Unfortunately many applicants fail to complete our process because they are unable to pass the knowledge and safeguarding test we require. I am aware that a number of the applicants unable to pass the test intend/intended to drive for York Cars.

I am concerned that York Cars are encouraging drivers, who are unable to meet our local standards, to obtain a licence from Wolverhampton and drive here regardless. Any such disregard, could naturally call into question whether Mr Iqbal, who holds the licence for York Cars, remains fit and proper to retain an operator's licence from City of York.

We are receiving complaints about the driving standards of Wolverhampton vehicles. These include 'drivers appearing to not know where they are going' and 'reversing down dual carriageways having missed the turning'. These are matters which the process of preparing for and taking our tests are designed to help avoid. Aside from any safety issues, such complaints do not help public confidence in 'taxis' as a means of transportation.

I note that thus far, our discussions around potentially being supplied with the names of the drivers licensed in Wolverhampton who drive with York Cars have been met with resistance. This information would help address our concerns. We require the names of the drivers to check against our records of previous applicants, the booking number you have supplied in respect of one of the drivers does not enable us to undertake the cross-referencing. To that end, please find attached a 'Request for Disclosure of Information' from Nigel Woodhead, Licensing Enforcement Officer. A similar request has been made to Wolverhampton Council in order to help me cross check that I have received the names of all drivers.

Please note that if drivers have not consented to the information being shared, then it can be supplied under the General Data Protection Regulations, under either of the following two provisions. It is not illegal to supply this information as you have previously stated: -

- Legal obligation – as noted above, under section 62 of the Local Government (Miscellaneous Provisions) Act 1976, a Local Authority may ‘suspend or revoke’ an operator’s licence for, amongst other things, ‘any other reasonable cause’. There is therefore an inherent legal obligation on us to be alive to causes which may cast doubt on whether an operator continues to be ‘fit and proper’ to hold a licence.
- Public task - even if you still do not agree that there is a legal obligation to process the information, you can clearly do so as it is ‘necessary to perform a task carried out in the public interest’. It is clearly in the public interest that Mr Iqbal helps us maintain the integrity of the private hire licensing system.

Why is this information necessary?

This information is necessary in order to satisfy ourselves that Mr Iqbal is not disregarding local controls and remains a fit and proper person to be licensed here.

For the avoidance of doubt, there can be no expectation of privacy in respect of the drivers names as it is a requirement under the conditions of licence for a private hire driver licensed by Wolverhampton Council, that licensed drivers are, amongst other things, required to display their badge ‘so that is clearly and distinctly visible’ when working. Furthermore, ‘drivers are expected to comply with reasonable requests from compliance staff authorised in other areas’ (I note this is similar to the standard operator licence conditions). I cannot readily think of a situation in which it would be *unreasonable* to ask a driver for their name.

Potential data breach

It is also noted that whilst your client appears keen to protect the identity of their drivers, we do appear to have been supplied with the names and addresses of customers who have taken journeys in a Wolverhampton vehicle. This information was not however requested. I am concerned that this may be a data breach, and would be grateful for your comments in relation to this matter and what action, if any, your client has taken in relation to this.

Website – misleading claims

Furthermore, I note that on the York Cars website there are references to 'our locally licensed drivers'. Clearly, if drivers from Wolverhampton are routinely dispatched to jobs in the way that you have described then such statements may be misleading and could give rise to an offence under the Consumer Protection from Unfair Trading Regulations 2008.

Credit Card Surcharging

Whilst looking at your client's website it has also come to my attention that there also appears to be a 10% surcharge on bookings made by credit card (5% on bookings over £50). The Consumer Rights (Payment Surcharges) Regulations 2012 as amended prevent such surcharging.

What happens next?

I would be grateful for the following within **7 days (30 January 2020)**

- The full names of the drivers licensed by Wolverhampton to drive with York Cars
- Your comments in respect of whether or not there has been a data breach and what action, if any, your client has taken in relation to this.
- What action your client has taken to ensure the website is not misleading
- What action your client has taken in respect of the credit card surcharges
- If your client is not intending to provide a response to any or all of these points I would be grateful for that clarification.

Please note, for the avoidance of doubt, any information supplied/not supplied will be used as part of my considerations as to whether Mr Iqbal remains a fit and proper person to hold a Private Hire Operators licence with the City of York Council.

Yours sincerely



Matt Boxall

Head of Public Protection

Enclosed Request for information form

CC Mohammed Iqbal, York Cars Taxis, 4 Odeon Buildings, Blossom
Street, York. YO24 1AJ

**IN THE MATTER OF AN APPLICATION FOR A REVIEW OF A PRIVATE
OPERATOR'S LICENCE**

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

EXHIBIT MB/15

This is the **Exhibit MB/15** referred to in the statement of Matthew George
Boxall dated 27 October 2020.

Matt Boxall
 Head of Public Protection
 Planning and Public Protection
 York City Council
 Eco Depot
 Hazel Court
 York
 YO10 3DS

Our Ref: DBW / York Cars
 Your Ref: 200120mb1b
 Date: 2 February 2020
 Please ask for: David Wilson

Sent by email only to:
matthew.boxall@york.gov.uk

Dear Mr Boxall,

Mr Mohammed Iqbal
York Cars

Further to your letter dated 23 January 2020 and our subsequent exchange of emails, Mr Iqbal responds through me to the issues raised in the said letter. For convenience, I shall adopt the headings used in your letter.

Subcontracting

The Council's view as to my client's subcontracting arrangements are noted, but not understood. So far as I am aware, every supplier of taxi booking and dispatch system, whether it be iCabbi as in the Skyline case, Autocab as used by my client or any other supplier, has designed a system to "fit within the law", as anything else would be illegal.

Wolverhampton licensed drivers

My client acknowledges that York Cars is the focus of much attention by a minority of the hackney carriage and private hire trade licensed by the City of York Council (in much the same way that Uber was) and that many complaints are being made against their drivers, irrespective of which council they are licensed.

Taking as an example, the allegation that a Wolverhampton driver reversed down a dual carriageway having missed the turning, this was reported to the police who decided not to take any action. My client reported the matter to the City of Wolverhampton Council that concluded there was no evidence upon which it could

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enquiries@a2zlicensing.co.uk

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 Registered in England and Wales Company No: 11830848

Director:

David B Wilson Cert HELL, MIoL, MBII.tp

consider taking any action. My client reviewed its GPS vehicle tracking, which does not show the vehicle being reversed on a dual carriageway, although my client accepts that if the vehicle were only to have been reversed a short distance, which would seem inconsistent with the allegation, that would not necessarily be shown by the GPS vehicle tracking. The driver concerned denied reversing on a dual carriageway.

Having regard to the modified request for only the names of City of Wolverhampton licensed drivers and the legal assertions made by you as to the lawfulness of the provision of this information by York Cars, my client is now satisfied that the City of York Council has legitimate reason to make its request and for it (York Cars) to provide the requested information. In the circumstances, please see the enclosed list of City of Wolverhampton Council licensed drivers working for York Cars, together with the dates on which they started.

The driver start dates are supplied in order to demonstrate to the City of York Council that the number of City of Wolverhampton Council licensed drivers are joining in very small numbers a week, which actually equates to only about one driver per week.

As you seem to acknowledge, my client has long asked the City of York Council to provide more tests dates, better training, etc so as to improve the throughput of driver applicants. Whilst other operators, which tend to be owned by licensed drivers, do not want to increase driver numbers, because that would increase competition between them and might drive down prices and improve the service provided to the people who live in, work in and visit York, my client wants to serve the public better and, as a consequence, grow his business.

York Cars is actively engaged in recruiting drivers. Ideally, my client would like to recruit people who are already City of York Council licensed drivers, as they can, quite literally, hit the road running. My client has recruited three people who had already obtained a driver's licence from the City of Wolverhampton Council before ever approaching my client. All other prospective drivers have been told of the process and costs for licensing with the City of York Council and the City of Wolverhampton Council. They are not encouraged to choose one council in preference to the other. As it happens, most of the driver applicants who have proceeded to apply for a driver's licence have applied to the City of Wolverhampton Council, but some have chosen to apply to the City of York Council.

My client refutes, as I am sure the City of Wolverhampton Council would, that its standards are inferior to those applied by the City of York Council. It is acknowledged that there may be differences, but in some regards, the City of Wolverhampton Council's standards may be higher than those of the City of York Council.

If the City of York Council could expand upon its concerns as to any actual or perceived difference between its knowledge test and safeguarding course and those applied by the City of Wolverhampton Council, as a responsible operator, my client would be prepared to look to see if any actual deficiencies can be addressed.

That having been said, the City of Wolverhampton Council course, which is delivered independently by Worcestershire County Council, covers all subjects that are subject to testing whereas the City of York Council training does not.

Many people looking to enter the trade as a taxi driver have not studied for many years, if not decades, and some of them probably did not excel at school, which was when many last undertook any study at all. In my experience, most people prefer to learn in a more structured classroom setting than they could manage independently. The training provided by Worcestershire County Council fully meets those training needs and, with the greatest of regret, it must be said that the City of York Council training does not.

Potential data breach

When providing part and then full booking records, including customers' details, York Cars did not commit any data breach as it was providing information to the City of York Council in response to its request for an explanation as to how it was complying with the legal requirements of Part 2 of the Local Government (Miscellaneous Provisions) Act 1976.

As all bookings are accepted by my client in York, the details of every booking is held by my client as a City of York Council licensed private hire operator and, as a result, every booking record is legally available for inspection by authorised officers of the City of York Council or a police constable.

As Miss Cooke stated in her letter of 19 December 2019, my client "can share information to comply with a legal requirement" and as you and she have stated, the City of York Council seeks answers from my client in relation to its concerns as to whether my client is acting legally and / or remains a fit and proper person.

Website – misleading claims

My client acknowledges that the phrase 'our locally licensed drivers' no longer reflects the true position and has accordingly changed the wording on the website.

Credit card surcharging

York Cars does not and has not charged a surcharge in respect of consumer credit and debit card payments since it became illegal to do so. Even though a surcharge could still be charged in respect of commercial credit and debit cards, York Cars does not levy such a charge.

The out-of-date information published on the York Cars' website in relation to credit card surcharging and locally licensed drivers arises from a failure to update the website.

In the future, whenever a change is made to some aspect of the business, the website will be reviewed to make sure that any changes that need to be made are also made, as I am sure you will appreciate, there is often a tendency to only update a website when something needs adding and to overlook the need to remove out-of-date information.

Once again, I trust this letter addresses all matters the Council wanted to have addressed to its satisfaction, but should anything herein require clarification, please do not hesitate to contact me.

As I trust is self-evident, my client has always wanted and still wants to work with the City of York Council. Contrary to the impression the City of York Council may have formed of my client, it would be his preference to be able to recruit new entrants to the taxi trade and to license them with the City of York Council, not least because that reduces technical and operational costs associated with operating a satellite office, but the evidence is that prospective drivers want to get onto the road as soon as they can, because they are often unemployed and need to secure work, and the City of Wolverhampton Council provides a quicker and cheaper route to becoming licensed, not an inferior route to becoming licensed, as the City of York Council seems, at the very least, to infer.

If the City of York Council can improve / extend its training and provide a quicker and slicker licensing process, something more akin to that developed by the City of Wolverhampton Council, even if not as cheaply as the City of Wolverhampton Council, my client would no longer need to offer prospective drivers the quicker and cheaper route to become licensed with the City of Wolverhampton Council.

My client does not believe that he / York Cars is circumventing the City of York Council's driver and / or vehicle licensing standards.

Whilst my client acknowledges that the City of York Council is free to take whatever course of action it thinks is legal and appropriate to take in all the circumstances, my client would hope that even if the Council has any residual concerns, it would engage with him further, possibly in a round the table meeting, in an attempt to resolve this matter to everyone's satisfaction.

I look forward to hearing from you in due course.

Yours sincerely,



David B Wilson

Licensing Consultant

Consulting Editor, Paterson's Licensing Acts 2015-20

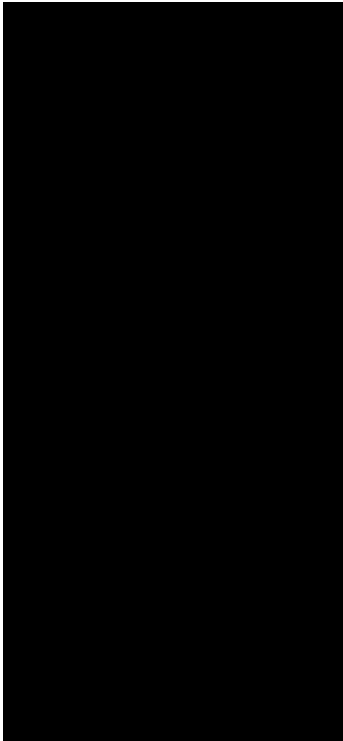
Contributing Author and Consulting Editorial Board Member, LexisPSL

Email: david.wilson@a2zlicensing.co.uk

Mobile: 07794 776383

York Cars

City of Wolverhampton licensed private hire drivers

Start date	Driver's full name
27.11.2019	
11.12.2019	
13.12.2019	
13.12.2019	
17.12.2019	
21.12.2019	
06.01.2020	
21.01.2020	
31.01.2020	
31.01.2020	

**IN THE MATTER OF AN APPLICATION FOR A REVIEW OF A PRIVATE
OPERATOR'S LICENCE**

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

EXHIBIT MB/16

This is the **Exhibit MB/16** referred to in the statement of Matthew George
Boxall dated 27 October 2020.

Spoke regarding the websites 690taxisyork on Wigginton Road and Street Cars on Redness Street. Both sites are owned Mohammed Iqbal, the Redness Street is York Cars management office and garage. Both are ghost companies set up by Mohammed Iqbal and if customers ring numbers on the web site they are answered at Blossom Street office. Mohammed Iqbal and Billy Iqbal both out of the country at the moment till end of next week.

16/7/19.
To Michael Down

Good morning Mohammed

It has been brought to my attention that the above company is connected to York Cars. The website links to an address on Wigginton Road though no number mentioned and when you ring the advertised telephone number 690690 its answered by York Cars. 690taxisyork is not a licensed operator with the City of York Council and therefore I suggest that you either license it or remove the website. It is misleading to the public who when ringing would get York Cars. I was also informed of another website advertising a company called Street Cars from your offices in Redeness Street, but I can no longer find the website.

5/8/19.

Regards

Woodhead, Nigel

From: Woodhead, Nigel
Sent: 15 July 2019 15:40
To: [REDACTED]
Subject: FW: 690taxisyork

Pls put on flare for me
Ta

From: [REDACTED]
Sent: 15 July 2019 14:26
To: Woodhead, Nigel
Subject: 690taxisyork

This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Nigel

Please try giving this number a call. It's York Cars, but advertised under a different number and branded as a different firm. I'm pretty sure this "690taxisyork" firm doesn't hold an operator's licence, and that using their Leeds cars in York will be just as illegal as Uber!

01904690690

<http://www.690taxisyork.co.uk/>

They've got an address on Wigginton Road. No number. Just Wigginton Road.

Apart from encouraging you to use their vehicles for weddings, birthday parties etc, they offer services for, you'll like this one, York Casinos. Now correct me if I'm wrong but I'm pretty certain York doesn't have any Casinos □□□.

They advertise that they are using their Leeds cars too and that they are operating at the high level of Leeds council.

So please keep me posted on this investigation.

Thank you

[REDACTED]

--
[REDACTED]

Woodhead, Nigel

From: Pitcher, Angela
Sent: 04 September 2019 10:30
To: public.protection@york.gov.uk
Subject: Complaint YD17 YHJ

Categories: Anna

Mrs [REDACTED]

Journey details - Black Skoda YD17 YHJ 9.05pm – 9.30pm 1st September from [REDACTED] Foxwood Lane to Lindsey Avenue using York Cars

The journey started with him wanting to go by the by pass, She said no that's the long way round, She said she heard the locks been put on the doors and he started talking aggressively saying all you white women are the same, She asked him to stop the vehicle and let her out, She felt scared for her safety, He started shouting in another language, She called the operator telling them she wants to get out of the vehicle and another taxi sent out, He was still driving so she handed the phone to him and the operator told him he cannot speak to customers like that, When the journey ended she refused to pay him and told him to not pick any more customers up and he should go home,

She called the operator to complain and she said they could see he was circling a roundabout, She said the operator was not very helpful, She didn't call us straight away as she didn't know she could contact us until a friend told her.

She wants to report it to the police but wants to know if the vehicle has cctv.

Please be aware of the new contact details for the Licensing Section (including Taxis):

- Telephone: 01904 552422
- Email: licensing@york.gov.uk

Angela Pitcher | Licensing Assistant
t: 01904 552422 | e: angela.pitcher@york.gov.uk

City of York Council | Licensing Services, Public Protection ,
Economy and Place Directorate, Ecodepot, Hazel Court, York YO10 3DS
www.york.gov.uk | facebook.com/cityofyork | [@CityofYork](https://twitter.com/CityofYork)

Woodhead, Nigel

From: licensing@york.gov.uk
Sent: 31 December 2019 11:36
To: public.protection@york.gov.uk
Subject: FW: Taxi licence 838 complaint

From: [REDACTED]
Sent: 30 December 2019 21:33
To: licensing@york.gov.uk
Subject: Taxi liscence 838

This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Hi

On 22nd December I was in Tesco carpark at clifton moor in York. Incidentally whilst looking for a baby space I found myself going the wrong way around the car park and so down the row of car parking spaces nearest the entry to Tesco's supermarket I found three empty spaces and decided to turn my car around, there were absolutely no vehicles coming either way and I was about 30 spaces from the main road into the shopping park.

I reversed into the empty spaces, there were no cars immediately nearby and as I pulled out a taxi driver came down the road from the direction of the entrance road into shopping centre. This driver was doing well in excess of a safe speed in the car park and was determined not to stop despite me already blocking most of the main road of the car park. This taxi driver had no intention of stopping, I was committed to my manouvre and I felt he was about smash into my car at a high speed. He was travelling well in excess of 40mph & carrying a passenger. He did not have the right of way at the time as I was blocking the road already.

I beeped my horn to alert him I was there, that I was in his way & he needed to stop. He braked and swerved around the front of my vehicle, only just squeezing though, he then continued to drive too fast and pulled into the drop off point outside Tesco's main door like it was a pitstop on F1.

I tried to speak to the driver but he refused to acknowledge me and put his hand up to the window.

I called the taxi firm invovled and made an immediate report to them, I advised I would be contacting York Council and they genuinely advised me to report this driver and they said that he should not be exceeding 5mph in a car park.

I was advised today by York Council that I could have called 101 but as it was private property I didn't think this was a matter for the police at the time.

The taxi number was 838. Reg. SF18 KCU. It was a peugeot and was being driven for York Taxis.

21:16



Woodhead, Nigel

From: Woodhead, Nigel
Sent: 11 December 2019 14:49
To: 'michaelyorkcars@hotmail.com'
Subject: FW: Dangerous driving taxi incident yesterday

Good afternoon Michael

Can you please see the attached complaint. The concerning bit for me is the 'unsteady on his feet' which is why I am sending you this. Might be one to keep an eye on I will be writing a warning letter

Regards

Nigel

----- Original Message -----

From:
Sent: 2019-11-29 11:39:07.74
To: ycc@york.gov.uk
Subject: Dangerous driving taxi incident yesterday

This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Hi,

Yesterday (28/11/19), around 3.15 pm, I experienced a dangerous, possibly, drunken driver of a taxi that nearly knocked me and my mother's dog down. The incident occurred on the corner of Lower Ebor Street and Cherry Street in Clementhorpe, York. I was walking my mother's dog and a taxi from York & Ebor Taxis mounted the footpath at speed as it was turning the corner into Lower Ebor Street. I had to jump out of the way with the dog to avoid being knocked down and the car kept going at speed. The driver clearly had no consideration for what had occurred and the danger involved. I noticed the car stopped further down in Lower Ebor Street and the driver, looking unsteady on his feet, entered either number [REDACTED] Lower Ebor Street. I went and visited the stationary vehicle and obtained the vehicle registration: FV65 HMJ.

It was extremely dangerous, and possibly drunken, driving and would have resulted in injury had I not been quick to move. It was all the more worrying that it was a taxi as well.

I have reported the incident to the Police and they also recommended me to contact York Council as you run Taxi firms.

Yours faithfully,

**IN THE MATTER OF AN APPLICATION FOR A REVIEW OF A PRIVATE
OPERATOR'S LICENCE**

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

EXHIBIT MB/17

This is the **Exhibit MB/17** referred to in the statement of Matthew George Boxall dated 27 October 2020.

The screenshot shows a web browser window displaying the website for 690TAXISYORK. The browser's address bar shows the URL: file:///E:/Taxi%20-%20York%20Cars/www.690taxisyork.co.uk/index.html. The website's header is dark with the logo on the left and navigation links in the center: HOME, ABOUT, SERVICES, LOCATIONS, NEWS, BECOME A DRIVER, and CONTACT US. On the right side of the header, there is a phone icon with the number 01904-690690 and an email icon with the address info@690taxisyork.com. The main content area features a large, dark photograph of a man and a woman sitting in the front seats of a car. Overlaid on this image is the text "We Are #1 Taxi service in York" in a large, white, serif font. Below this headline, there is a smaller line of text: "We have a large selection of vehicles available to meet all customer requirements all equipped with the latest and best telecommunication devices including GPS tracking ensuring customer safety at all times." At the bottom of the browser window, the Windows taskbar is visible, showing the search bar with the text "Type here to search", several application icons, and the system tray with the date 29/04/2020 and time 12:49.

The screenshot shows a web browser window with the following content:

- Browser Tab:** Locations | Taxi York | 65 x
- Address Bar:** file:///E:/Taxi%20-%20York%20Cars/www.690taxisyork.co.uk/locations/index.html
- Navigation Menu:** HOME, ABOUT, SERVICES, **LOCATIONS**, NEWS, BECOME A DRIVER, CONTACT US
- Main Content:**
 - 690TAXISYORK** logo
 - OUR LOCATIONS** (Large white text on a dark background)
 - We offer you a super VIP experience in middle of York. but more locations with details coming soon.**
- Footer:**
 - 690TAXISYORK** logo and "Taxis in york" text.
 - CONTACT INFO:** Wigginton Rd, York YO32 2RJ, UK; Phone: 01904-690690; Email: info@690taxisyork.com
 - ABOUT US:** We have a large selection of vehicles available to meet all customer requirements all equipped with the latest and best telecommunication devices including GPS tracking ensuring customer safety at all times.
 - USEFUL LINKS:** Home, About, Services, Locations
- Taskbar:** Windows search bar, taskbar icons, system tray showing time 12:53 and date 29/04/2020.

Our Service Updates | 11 X

file:///C:/Users/62070rk%20Cars/www.690taxi.york.co.uk/our-service-updates/index.html

HOME ABOUT SERVICES LOCATIONS NEWS BECOME A DRIVER CONTACT US

OUR SERVICE UPDATES

03 Apr 2019 By Muhammad Iqbal 0 Comment cheap taxi in york

We offer a variety of solutions to your transport needs whether it is a **local journey, airport transfers, excursions or special occasions.**

All our cars are equipped with the latest devices for telecommunications to offer tracking services, interconnection and control of transport that our clients require.

Our offices are located at Wigginton Rd, York YO32 2RL, UK.

Operating 24/7 every day of the year, we are always available for hire with or without notice.

We carry out all the transport services you would expect from your local Private Hire Company, charged at standard metered rate from pick-up to drop-off within the boundaries of the York Outer Ring Road.

Our range of vehicles includes **Saloon Cars, Estate Cars, People Carriers and minibuses** to cater for all your requirements. Up to 16 seater can be arranged in advance subject to availability.

Here at 690 Taxis York we have a reputation for providing a reliable quality service to all our customers. We always try to ensure that your booked car will arrive on time, and transport you to your destination in a safe and comfortable manner.

TAXI TAXI SERVICE

THE BEST TAXI SERVICE IN YORK YORK

YORK CARS YORK TAXI

Type here to search

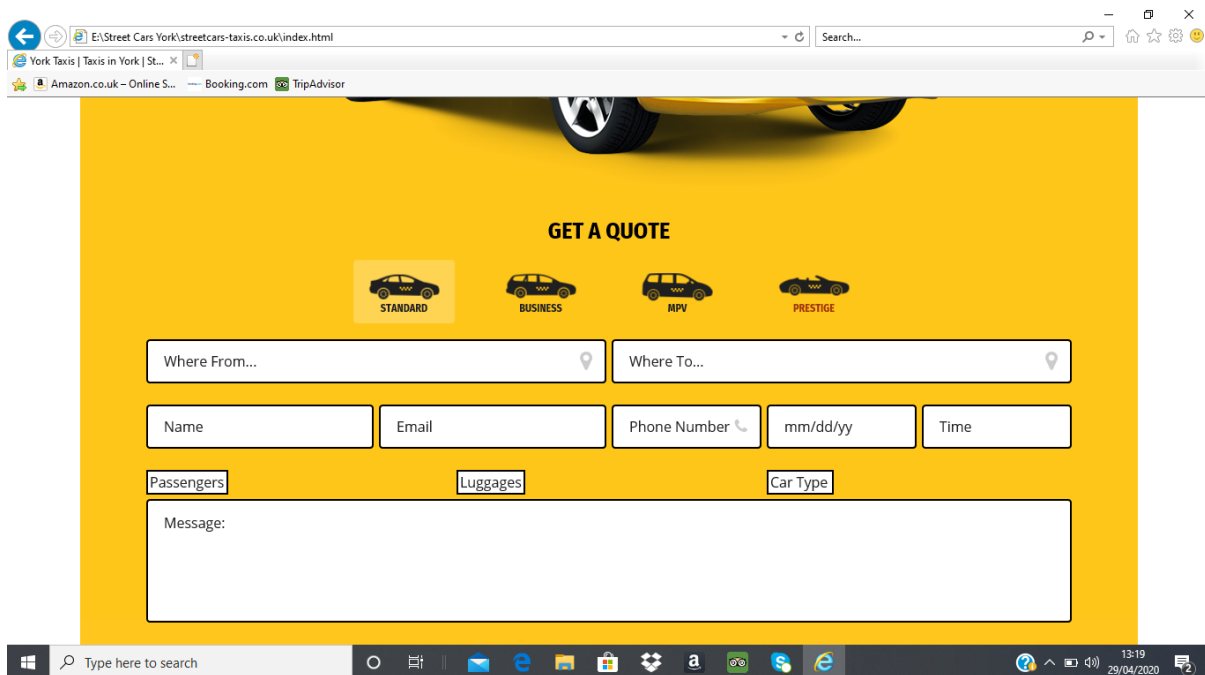
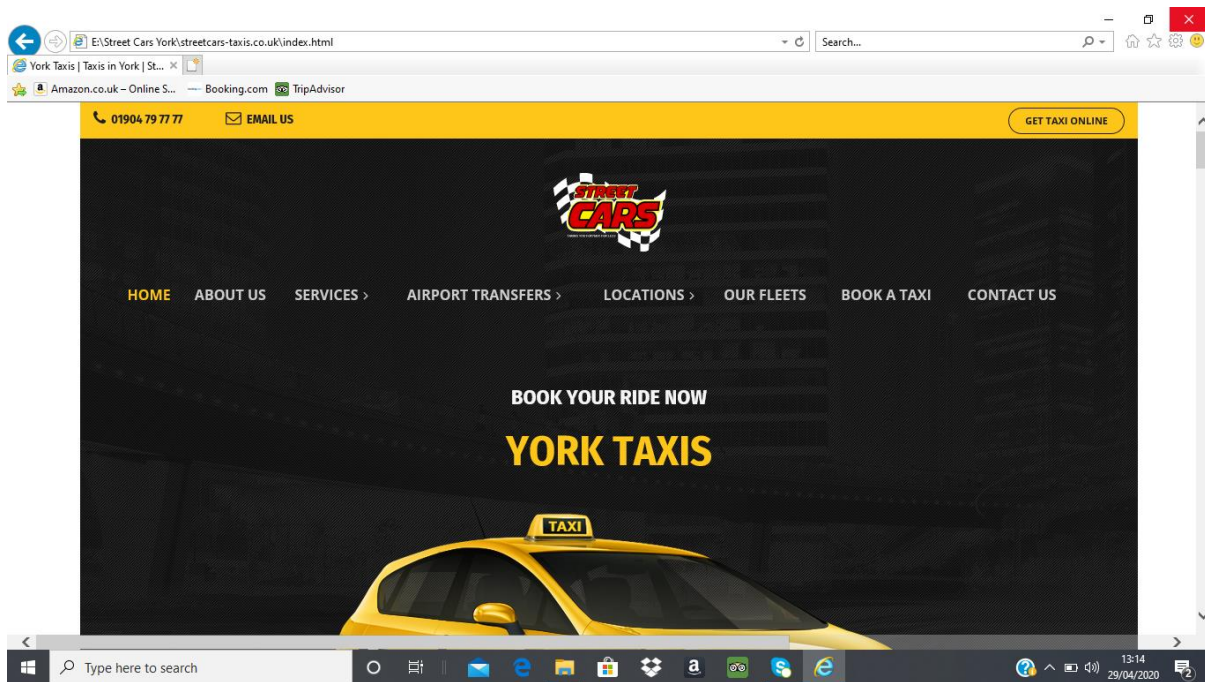
12:41 29/04/2020

**IN THE MATTER OF AN APPLICATION FOR A REVIEW OF A PRIVATE
OPERATOR'S LICENCE**

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

EXHIBIT MB/18

This is the **Exhibit MB/18** referred to in the statement of Matthew George Boxall dated 27 October 2020.



GET TAXI

TAXIS IN YORK

With our wide range of **York Taxis** that carry from one to eight passengers, we offer a complete and competitive **York taxi service** that's the best available in York, 24 hours a day and 365 days a year.

Though we are brand new **York taxi company** operating in York City and its surrounding areas our management team have years of experience in the transport sector. Our aim is to provide a reasonably priced **York taxi service** without compromising on ride quality or customer service levels. Our drivers are all from the local area, all with enhanced DBS checks in place and like true professionals they take pride in the quality of service they provide. We have a growing **York Taxi** fleet of 4,6 and 8 seat recent model vehicles which are regularly maintained by our own mechanics in our York based workshops. Our driver teams aim to provide the best York Taxi experience available whilst striving to be the **best taxis in York** and exceeding your expectations on every occasion.

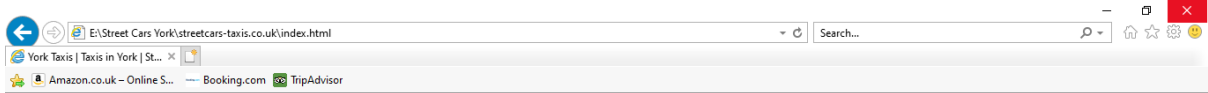
WE KNOW THAT WITHOUT YOU WE WOULD HAVE NO BUSINESS.

So whatever your requirements you can book a York taxi with confidence at **Street Cars 01904 79 77 77**. To ensure your safety our text back service provides the details of make, model and registration of your **York Taxi** so you know which is your vehicle. We can meet with any of your journey requirements whether you're going on a business trip, are off on holidays, doing the supermarket run, socialising with friends or picking the kids up from school we are the **York taxi** for you.

We also offer an excellent corporate service to York's Business community with priority service, 30 day credit and a dedicated account manager.

So remember for a York taxi book Street Cars 01904 79 77 77

Our fleet is continuing to grow on a daily basis recruiting more and more local drivers as demand for our **York taxi services** increases. Our customers appreciate our state of the art dispatch system that ensures an efficient and swift booking process making **Street cars York taxi services** the best equipped York taxi company. That provides an unrivalled level of service to all our customers.



OUR SERVICES



TAXI HIRE YORK

Looking for a reliable and experienced private hire or **taxi service in York City** or its surrounding country side? Then you've come to the right place.

Whether you need a **local taxi in york** or an airport transfer you can expect the same first class taxi service with every booking. That's why we are number one in York City; we only use local, fully vetted drivers that take a pride in providing a quality and professional service. Be assured our aim is always to give a service that meets with your satisfaction 24 hours a day, 365 days a year. We are simply the best; you can always rely on **Street cars** 01904 79 77 77.



MINIBUS HIRE YORK

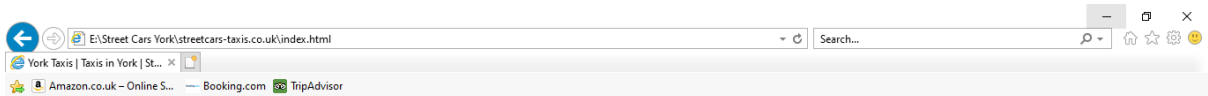
Looking for a reliable and experienced private hire or **Minibus taxi hire service in York** City or its surrounding country side? Then you've come to the right place! Whether it's a local taxi or a minibus you can expect the same first-class reliable taxi service on every booking. That's why we are **number one Taxi Firm in York City**; we only use local, fully vetted drivers that take a pride in providing a quality and professional Minibus service. Be assured our aim is always to give a service that meets with your satisfaction 24 hours a day, 365 days a year.

We are simply the best; you can always rely on **Street Cars York** 01904 79 77 77.



AIRPORT TRANSFERS YORK

From your home, office or hotel we'll get you to or from any UK airport on time and in style. We offer a **Meet and Greet service** for as little as £15 extra it's a little extra security if we're picking up your loved ones at a minimum cost. Once you've experienced our 24/7 hassle-free **York airport taxis transfer** service you'll understand why we are a favourite with regular travellers. Due to the high parking and drop off charges we now incur at all airports we now have no option but to pass these on to customers. Please note however we do keep extra charges to a minimum by checking on flight arrival times to keep parking to a minimum.



CORPORATE TAXI YORK

Whether you're in York for a short period of time or here on a permanent we are the perfect taxi company for **Business Taxi customers**. We have great experience in providing **first class taxi** transport services for **corporate travellers**. A corporate account ensures a priority service at all times with guaranteed availability 24/7 365 days a year, 30 Day credit facility, fully itemised invoicing and a **dedicated accounts manager**. So whether you're an individual or group we will have the **best taxi solution** tailored for your convenience.



WEDDING CARS YORK

Getting married? We are the **leading provider of wedding cars in York** with a range of prestige vehicles to choose from including **classic, modern & vintage cars** and **limos**. So for your special day contact Streetcars 01904 79 77 77. Taxis for first class chauffeur driven **wedding car service**.

When your planning your big day call **Street Cars** 01904 79 77 77.



ONLINE TAXI BOOKING

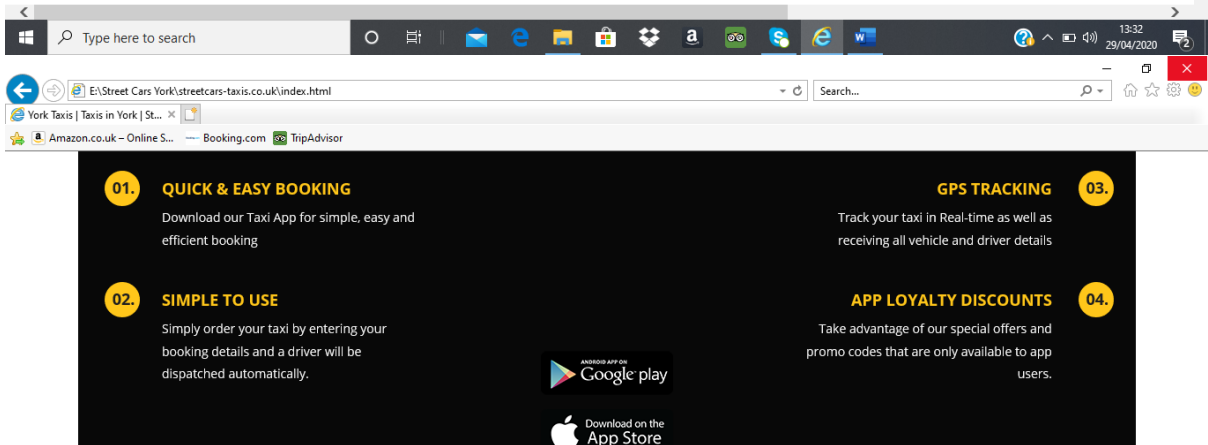
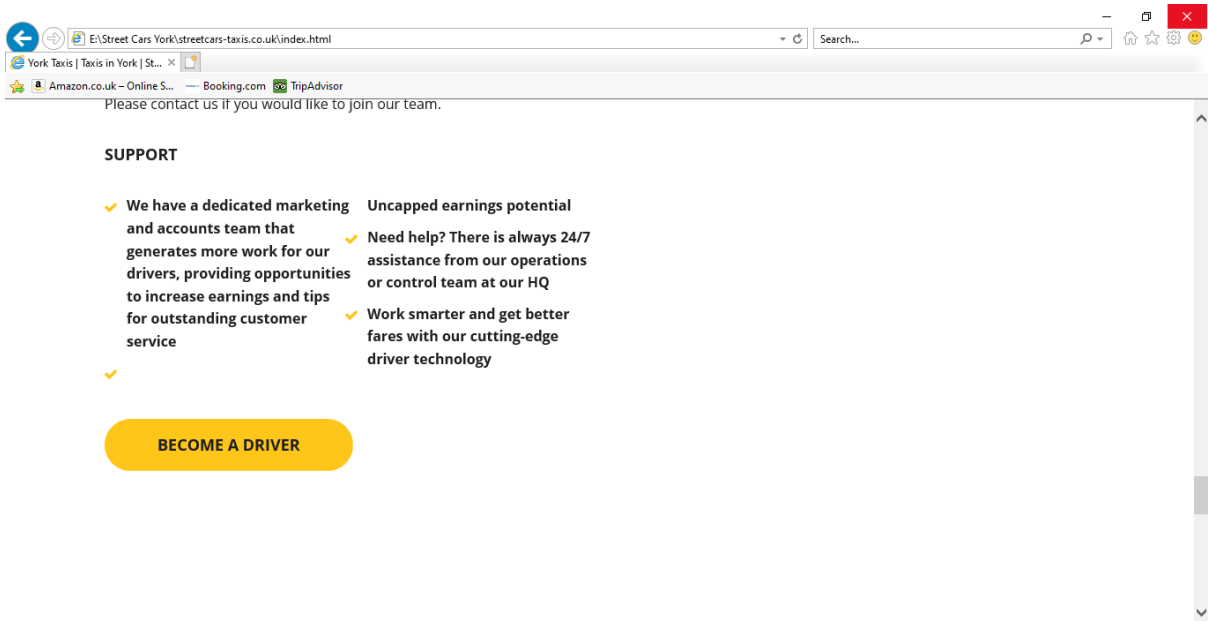
Why not use our quick and easy **online taxi booking service** simply entering your booking details and submit. Our system will automatically dispatch the nearest available vehicle to the requested pick-up point. So **take control of your bookings** it quick, easy and efficient no waiting in call que's give it a try now. If you want to make a online booking.



The screenshot shows a web browser window displaying a taxi service website. The browser's address bar shows the URL "E:\Street Cars York\streetcars-taxis.co.uk/index.html". The website's main heading is "SEE OUR FLEETS". Below this heading are four columns, each representing a different type of vehicle:

- STANDARD:** All our Taxis are clean, well maintained and recent models with smart professional drivers. We have 4 seat saloons, 4 seat estates, 4 to 6 seat mpv's and wheelchair access vehicles available 24 hours a day. Most of our fleets are air-conditioned and as you would expect from Street Cars our drivers keep them all clean and tidy, so you can relax, sit back and enjoy the ride. All our drivers have their own card machines so paying by card is never a problem.
- BUSINESS:** Whether you're taking on a long distance journey or travelling to catch a flight after a tiring day at work, or needing to impress clients then our prestige fleet is what you're looking for. Sit back and let our experienced drivers carry you can relax and ride in comfort and style. To avoid disappointment please book 24 hours in advance as we cannot guarantee immediate availability. Street Cars 01904 79 77 77 Quality you can rely on.
- MINIBUS:** Our MPV's and mini buses can carry From 6 to 8 passengers and luggage to any destination you wish. It's a cost-effective and convenient means of transportation for groups travelling long or short distances. A Door to Door taxi service for less than the cost of train or coach service! Most of our fleets are air-conditioned and as you would expect from Street Cars our drivers keep them all clean and tidy, so you can relax, sit back and enjoy the ride.
- WEDDING CAR:** Street Cars have several stunning wedding cars available to hire, including classic, modern & vintage wedding cars and limos. We provide unmarked vehicles with uniformed drivers in a suit, shirt and tie. We can also provide ivory or white ribbons on the cars if required. To avoid disappointment please book 24 hours in advance as we cannot guarantee immediate availability. Street Cars 01904 79 77 77 Quality you can rely on.

At the bottom of the page, there is a black banner with the text "GET MORE BENEFITS APP WILL BE COMING SOON WITH REAL TIME TRACKING". Below this banner are two yellow circular icons with the numbers "01." and "03.", and the text "QUICK & EASY BOOKING" and "GPS TRACKING" respectively.

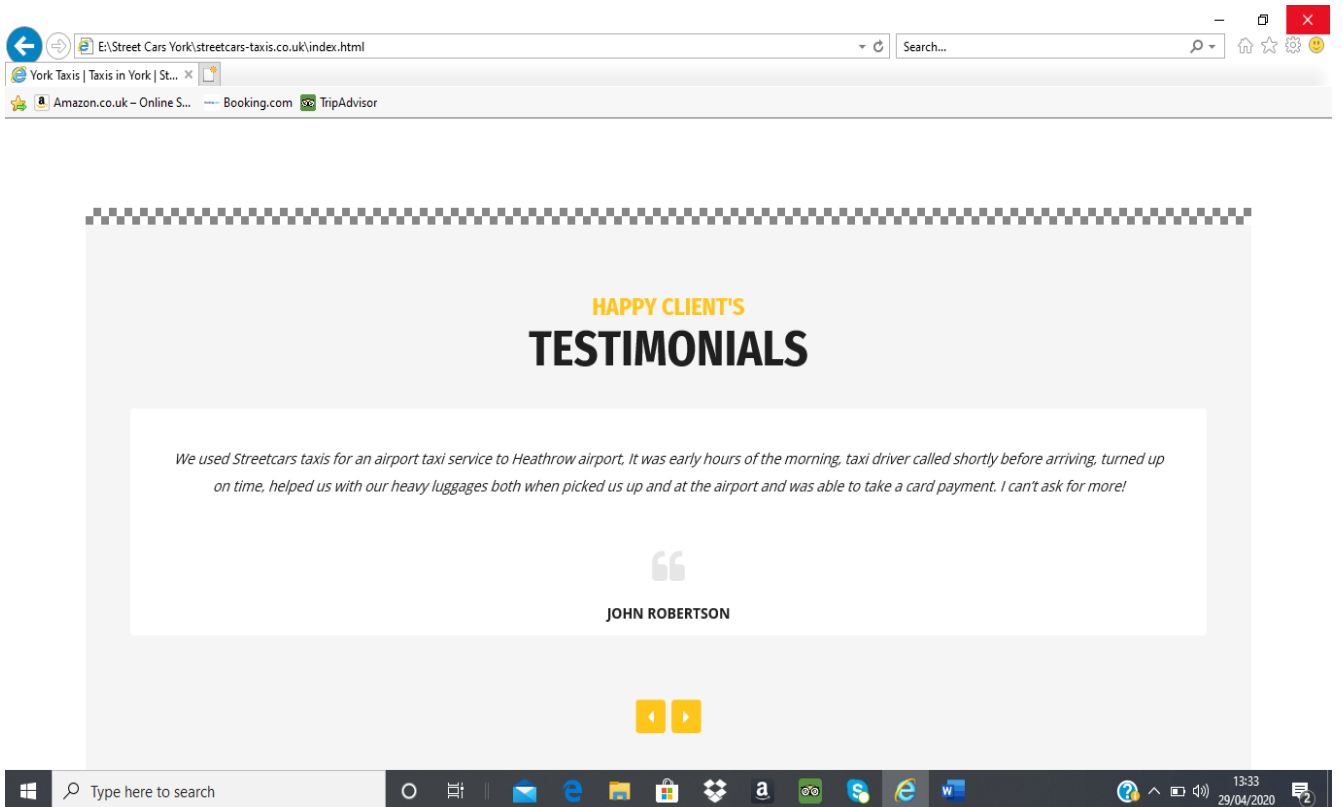
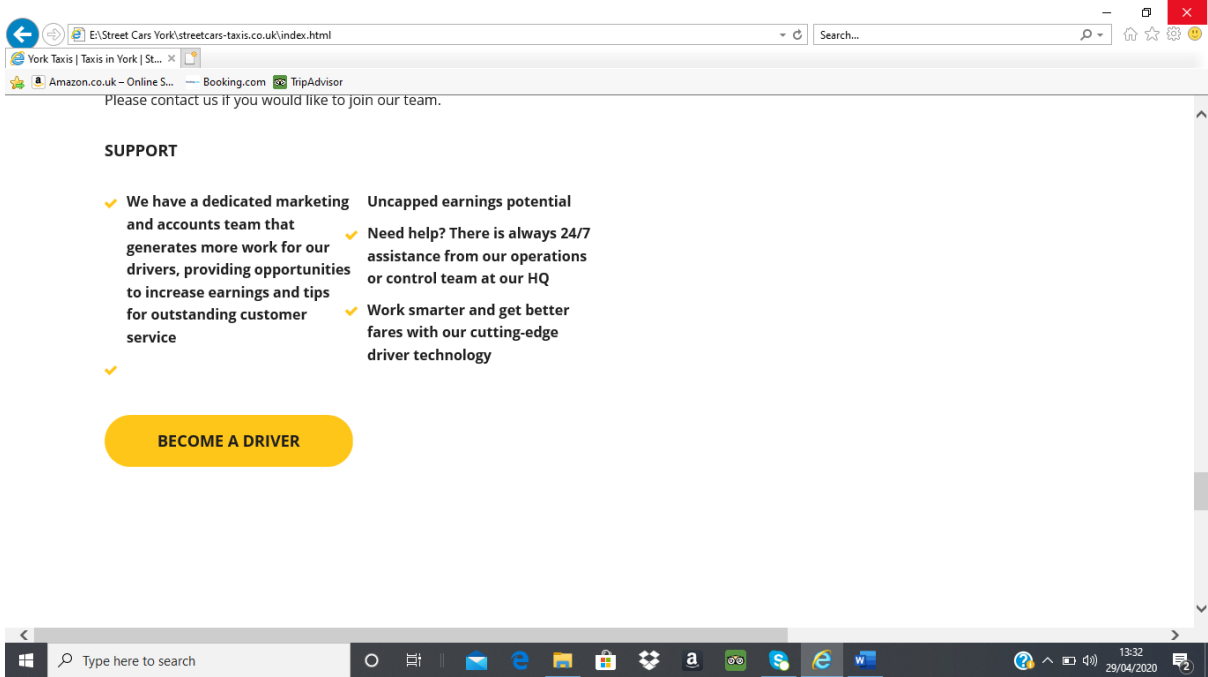


FOR DRIVERS

DO YOU WANT TO EARN WITH STREET CARS?

We are currently recruiting York taxi drivers. We have a large customer base and cutting edge driver technology to ensure our drivers achieve a good earning level. We will provide training and individual support to help new drivers obtain their York taxi license.





City centre based close to the York's train station with a reputation for providing a friendly, reliable and professional service. We're here to assist you 24 hours a day 365 days of the year as we know that without you

- > Home
- > Services
- > About Us
- > Locations
- > York Taxi Number

Book a Taxi online in york

Airport Transfers York

Address: 14 Redeness street, York, North Yorkshire YO31 7UU

01904 79 77 77

City centre based close to the York's train station with a reputation for providing a friendly, reliable and professional service. We're here to assist you 24 hours a day 365 days of the year as we know that without you we don't have business. Our objective is to provide a reasonably priced taxi/minicab service without compromising on the quality.

- > Home
- > Services
- > About Us
- > York Taxi Number
- > Book a Taxi online in york
- > Airport Transfers York
- > Locations
- > City Transfers York

Address: 14 Redeness street, York, North Yorkshire YO31 7UU

01904 79 77 77

Info@streetcars-taxi.co.uk

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**IN THE MATTER OF AN APPLICATION FOR A REVIEW OF A PRIVATE
OPERATOR'S LICENCE**

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

EXHIBIT MB/19

This is the **Exhibit MB/19** referred to in the statement of Matthew George
Boxall dated 27 October 2020.



Communities &
Neighbourhoods

Mike Slater
Assistant Director
Planning and Public Protection
Eco Depot
Hazel Court
York
YO10 3DS
Tel: 01904 551550
Fax: 01904 553239

David B Wilson
a2z Licensing,
9 The Stables,
Wynyard,
Billingham
TS22 5QQ

Ext: 1528
Ask for: Matt Boxall
Email: matthew.boxall@york.gov.uk
Our Ref: 050220
7 February 2020

Dear David,

York Cars

Thank you for your letter dated 2 February 2020, and in particular the list of drivers. I am grateful that you accept you are able to share the information.

I note your client's responses, but remain concerned as to whether your client remains a 'fit and proper' person. I am going to focus on my key concerns, and draw your attention one new matter which has arisen (690 Taxis/Street Cars) with which I would appreciate your client's help to understand.

It is likely that I will invite your client for a 'face to face' meeting to discuss matters further in due course, and where we can discuss any of the points I have not addressed from your letter if your client wishes to do so.

Wolverhampton Licensed Drivers

There may be at least four drivers on your list of ten who have attempted to pass our knowledge and safeguarding test and have failed to do so. These being:-

- [REDACTED]

- [REDACTED]
- [REDACTED]
- [REDACTED]

I would be grateful if you would supply the address and dates of birth of these people in order that I can carry out a more comprehensive check.

Furthermore, please would you advise whether either of the following people (or variations on the names) are/have ever been drivers or considered as drivers at York Cars.

- [REDACTED]
- [REDACTED]

If that is the case, please specify what their relationship with your client is and provide their address and date of birth in order for me to make further checks.

I have attached a new 'Request for Information' form to cover all of the above requests.

Misleading claims

Thank you for acknowledging that referencing 'locally licensed drivers' no longer reflects the true position. Unfortunately however, despite stating the words have been changed, it still appears on the website under 'About Us'.

I also wish to draw your attention to there being a similar reference to 'local' on the Blossom Street 'shop front'.

I trust your client will give these matters their immediate attention.

690Taxis/Street Cars

Additionally, on 5 February 2020 book two separate taxis from the numbers given on the websites of the above businesses. Neither of whom have an operators' licence with us (York addresses are given on their websites).

The bookings appeared to go through York Cars and the journeys were undertaken by York Cars vehicles. I would be most grateful for your

client's insight as to what York Cars involvement is with both 690 Cars and Street Cars.

What happens next?

Please provide your response within 7 days (14 February 2020), the steps thereafter will largely be determined by the response.

I look forward to your reply.

Yours sincerely

Matt Boxall

Head of Public Protection

Enclosed Request for Information form

**IN THE MATTER OF AN APPLICATION FOR A REVIEW OF A PRIVATE
OPERATOR'S LICENCE**

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

EXHIBIT MB/20

This is the **Exhibit MB/20** referred to in the statement of Matthew George
Boxall dated 27 October 2020.



9 The Stables, Wynyard, Billingham TS22 5QQ
 Tel: 01740 645037 / 07794 776383
 Fax: 0191 2475855

Specialist licensing advice, assistance and representation ■ taxis ■ alcohol and entertainment ■ wedding venues ■ gambling

Matt Boxall
 Head of Public Protection
 Planning and Public Protection
 York City Council
 Eco Depot
 Hazel Court
 York
 YO10 3DS

Our Ref: DBW / York Cars
 Your Ref: 050220
 Date: 14 February 2020
 Please ask for: David Wilson

Sent by email only to:
matthew.boxall@york.gov.uk

Dear Matt,

Mr Mohammed Iqbal
York Cars

Further to your letter, DPA request and covering email of 7 February 2020, Mr Iqbal responds through me to the matters raised therein. For convenience, I shall adopt the headings used in your letter, subject to adding an omitted heading for 'Complaints'.

Subcontracting

My client would be more than happy to demonstrate the subcontracting arrangements in operation, as they have already to the satisfaction of the City of Wolverhampton Council, although you will appreciate not a great deal can actually be seen of this with a computerised system that just does it!

For the time being, I trust we need not debate subcontracting further.

It must be stressed, for the avoidance of any doubt, that my client's subcontracting arrangements are not intended to circumvent the City of York Council's licensing standards. It is accepted that driver applicants may (and a number already have) chosen to obtain driver licences from the City of Wolverhampton Council, but that is because its training course covers all topics on which candidates are tested and the process is generally slicker, quicker and more efficient, as well as cheaper, than that administered by the City of York Council.

With regards to meeting at my client's offices, so that you can be given a demonstration of subcontracting and we can have a round the table discussion in the

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 Registered in England and Wales Company No: 11830848

Director:

David B Wilson Cert HELL, MIoL, MBII.tp

hope of resolving matters to everyone's satisfaction, my client and I are available on 27 and 28 February at any time to suit you between 11:00 and 15:00.

Wolverhampton licensed drivers

The details of the four drivers working for my client as City of Wolverhampton Council licensed drivers for which you have asked for addresses and dates of birth are contained in the attached list.

That list also includes the details of [REDACTED] who was not a driver working for York Cars as at the date of my last letter, but he did join a short time later on 4 February 2020.

My client has no knowledge of [REDACTED].

Misleading claims

As I am sure you appreciate, the originally identified out of date claim was removed from the York Cars website as soon as it was drawn to my client's attention.

Now that further examples have been identified by the Council, my client has had every page of the York Cars website and social media feeds checked thoroughly and, where necessary, any further out of date claims concerning 'locally licensed drivers' have been removed.

My client does not accept that the shopfront sign at the Blossom Street premises is misleading, because York Cars remains a local taxi company in just the same way one would regard Rowntree's of York (as it was before being taken over by Nestle) as a York chocolatier and confectioner, even though they had premises in other countries.

However, as my client has only ever wanted to work with the Council, the words causing the Council unnecessary concern will be concealed until a permanent replacement sign can be designed, supplied and fitted.

Complaints

Thank you for acknowledging that many of the complaints the Council receives are from members of the trade.

For the avoidance of doubt, I reiterate that complaints are also made to my client, on social media and to the Council about City of York Council licensed drivers and, in this regard, they are not just drivers working for my client. The last high profile trade target was Uber and the drivers that worked for that company.

In any event, I confirm on behalf of my client that the complaints file will be available for inspection on your visit to my client's premises.

Potential data breach

Although my client does not believe that there was a data breach and is pleased to note that the Council is not going to take this matter further, he will cause enquiries to be made to the confidential ICO helpline for data controllers.

Credit card surcharging

My client is pleased to note that the Council does not intend to pursue this matter further, unless further information is received to the contrary.

In this regard, my client would like to assure the Council that, as well as checking and removing any out-of-date reference to the charging of surcharges, my client has had the York Cars social media checked and any necessary corrections made there too.

690Taxis and Street Cars

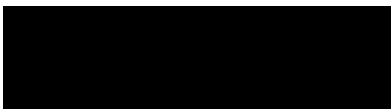
As the Council is aware, these trading names, websites and telephone numbers, which have been the subject of previous discussions between the Council and my client, were actively used and promoted by my client until the Council advised last year that separate operator licences would be required for each trading style.

My client ceased promoting the websites and pursued the sale of the trading names, websites and telephone numbers, but ultimately to no avail.

The websites have now been taken down and the telephone numbers will be used exclusively by York Cars and promoted as such. I trust this will cause no issue, having noted the Council does not ask for the telephone number(s) that are to be used in the course of business for the purposes of making provision for the invitation or acceptance of bookings for a private hire vehicle to be specified when making application for a licence, but would be obliged if you would either confirm that to be the case or advise what my client is to do to have those numbers added to his private hire operator's licence.

I look forward to hearing from you in early course with regards to your visit and our round the table discussions.

Yours sincerely,



David B Wilson

Licensing Consultant

Consulting Editor, Paterson's Licensing Acts 2015-20

Contributing Author and Consulting Editorial Board Member, LexisPSL

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York Cars

City of Wolverhampton licensed private hire drivers
for whom addresses and dates of birth were requested by the City of York Council
by letter and DPA requests, dated 7 February 2020

Driver's full name	Address	Date of birth
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]

**IN THE MATTER OF AN APPLICATION FOR A REVIEW OF A PRIVATE
OPERATOR'S LICENCE**

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

EXHIBIT MB/21

This is the **Exhibit MB/21** referred to in the statement of Matthew George
Boxall dated 27 October 2020.



Communities &
Neighbourhoods

Mike Slater
Assistant Director
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Eco Depot
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David B Wilson
a2z Licensing,
9 The Stables,
Wynyard,
Billingham
TS22 5QQ

Ext: 1528
Ask for: Matt Boxall
Email: matthew.boxall@york.gov.uk
Our Ref: 280220
3 March 2020

Dear David,

York Cars

Thank you to Mohammed, Billy, Michael and yourself for meeting last Friday to discuss our concerns that Mohammed continues to be a 'fit and proper' person to hold a private hire operator licence, and for the demonstration of the Autocab system.

I have summarised my understanding below and would be grateful for any final comments you would like me to consider. There are a couple of points (in bold) on which I would be particularly grateful for further clarification.

Subcontracting

The Autocab system is set to allocate a job (with a vehicle of the correct specification) to the nearest driver.

If the job is sub-contracted, the system shows, amongst other things, the 'time subcontracted, accepted and dispatched'. This is instantaneous to the allocation.

Bookings

Details of all journeys are retained for 12 months. The caller identity details are retained for longer. At my request, you showed us records from the previous Friday (21 February) which showed how across the whole day you completed 9696 jobs, but had 623 cancelled and 314 'no jobs'/'no shows'.

You have a 'stats board' which shows current performance from midnight that day.

Drivers are self-employed and they 'come and go'. In busy times you can send a message out to drivers and ask if they are willing to work, but this can leave you short of drivers the next day.

You want to provide a customer service in the city.

Wolverhampton Licensed Drivers

When a driver is interested in working for York Cars they meet Michael and are given two options:-

1. A 'York badge' – the cost is explained and that it will take 2-3 months to obtain.
2. A Wolverhampton badge – the cost is explained and that it will take 5-6 weeks to obtain.

There are currently 13 Wolverhampton drivers working in York and another 20 or so in the process at various stages. You have now stopped recruiting drivers as you don't want to have more drivers than you need. You are monitoring the number of drivers to ensure there are enough to enable them to earn around £16-18 per hour. Michael closely monitors supply and demand. You now have drivers on a waiting list.

Mohammed knew that the first four drivers you provided details of had not passed the York (Safeguarding and Knowledge) test.

When I raised concerns about this, you began asking drivers if they have previously applied in York (this was sometime in early to mid-February, but before the 12 February). If drivers say 'no', you have no means of checking. You have not asked us for this information. Most drivers answer 'no', or they have a Wolverhampton badge already.

██████████ was not on the first list you supplied as he wasn't driving at the time. He was subsequently taken on, you were not aware that he failed the York test at any time. He wasn't asked if he'd carried out the York test as he was already 'in the system' (prior to you beginning to ask).

Please would you describe the 'assistance' you give to drivers to help them become a holder of a private hire licence (as described on your website under 'Become a Driver'). Please would you include details of the help you give them to get through the safeguarding and knowledge tests (both ours and Wolverhampton's).

Please would you also confirm exactly when Mohammed knew the first four drivers had failed the York test? And include details of what it was that led him to find out that they had not passed? When did Michael and Billy know, and what led to them finding out?

Complaints file

Thank you for sharing the York driver's complaints file. I did not identify any complaints which should have been disclosed to us under your conditions of licence but had not been. It was good to see that you are also recording compliments.

There were two complaints – raised via our enforcement officer - that I was anticipating seeing but which I did not identify in the file, these being:-

- On or around the 28/11/19 – a pedestrian complaining that a driver, who she says was driving dangerously and appeared drunk, nearly knocked her down in Clementhorpe. Vehicle registration: FV65 HMJ
- On or around 31/12/19 a motorist complaining that one of your drivers was travelling at speed in Tesco car park nearly crashed into her as she was parking. Vehicle registration: SF18KCU

I understand you have two complaints about the attitude of one of your Wolverhampton drivers which are in the process of being dealt with.

690Taxis Street Cars

The telephone numbers from other taxi firms i.e. Beeline and A-Team taxis? **Please confirm if it was A-team?**

The websites were developed, but weren't 'getting up' to the position on Google that was wanted. All the jobs through the sites have been picked up by York Cars.

The websites were provided by Smek, a business based in Pakistan.

After Nigel Woodhead's email of 5/8/19, Mohammed had a WhatsApp conversation with Smek (this is a monthly contact) asking them to take the websites down, but they didn't and no check was made.

There was not much 'traffic' through these sites, but it is not possible to tell how much.

The Street Cars website came across from Street Cars in Leeds. It is not known where the reviews on the website came from. They are not customer reviews of Street Cars in York.

After my letter, Smek were contacted again, this time they did take the website down.

Please note, a 'whois' record (attached) shows that these two websites were renewed in January this year. This would appear inconsistent with my understanding that Mohammed asked Smek to take the Website down in a WhatsApp conversation last year. I would be grateful if you would explain why the websites came to be renewed?

Finally, I didn't ask what the respective roles of Mohammed, Billy and Michael are in the business. I would be grateful if you could provide a summary of what each person is responsible for.

What happens next?

Please provide an additional comments by **Wednesday 11 March 2020**, and I look forward to our meeting at 4pm on 5th March 2020 to discuss your concerns about City of York Council.

I look forward to your reply.

Yours sincerely

A handwritten signature in purple ink, appearing to read "Matt Boxall", with a flourish at the end.

Matt Boxall

Head of Public Protection

**IN THE MATTER OF AN APPLICATION FOR A REVIEW OF A PRIVATE
OPERATOR'S LICENCE**

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

EXHIBIT MB/22

This is the **Exhibit MB/22** referred to in the statement of Matthew George
Boxall dated 27 October 2020.



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Specialist licensing advice, assistance and representation ■ taxis ■ alcohol and entertainment ■ wedding venues ■ gambling

Matt Boxall
 Head of Public Protection
 Planning and Public Protection
 York City Council
 Eco Depot
 Hazel Court
 York
 YO10 3DS

Our Ref: DBW / York Cars
 Your Ref: 200220
 Date: 11 March 2020
 Please ask for: David Wilson

Sent by email only to:
matthew.boxall@york.gov.uk

Dear Matt,

Mr Mohammed Iqbal
York Cars

Thank you for your letter of 3 March 2020, further to our three-hour meeting at York Cars on Friday, 28 February 2020.

To avoid uncertainty, I shall endeavour to confirm, clarify or correct your understanding of those matters covered by your letter, particularly the points you raise in bold text, and to correct anything that was inadvertently mis-stated at the aforementioned meeting.

So far as possible, I have adopted your subject headings, but have added a couple of new ones, as well as some sub-category headings in relation to two of your subject headings. I hope this makes the content easier to read and comprehend, but should it have the opposite effect, I apologise, as that was not my intention.

Subcontracting

Your description of subcontracting with the Autocab system is correct.

Bookings

The statistical data concerning completed, cancelled and no jobs / no shows were not for a single day, but for a week, being 17 to 23 February 2020.

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Director:

David B Wilson Cert HELL, MIoL, MBII.tp

You are, however, right that showed 9696 bookings were completed with 623 cancelled by customers and 314 no jobs / no shows, which is when the taxi attends at the pick-up address, only to discover the customer is not there.

Thank you for also acknowledging that my client wants to provide a good service with good customer service to people who live in, work in and visit the City of York.

Wolverhampton licensed drivers

Clarification

When explaining the options to license with either City of York Council or the City of Wolverhampton Council, Michael Dunn explains the cost, process and the likely timescale to become licensed by each council. The only difference in the information provided relates to the differences in the processes.

The monitoring of driver hourly earnings is not something that has just been introduced recently, but is something Michael Dunn has done for about five years.

As I explained at our meeting, the role of an operator is an unusual one in that they need to meet the demands of two groups: (1) customers who book taxis; and (2) the drivers who convey the customers from one place to another.

If an operator attracts more bookings than they can fulfil with the drivers working, they have to turn away work, which comes with the inherent risk that potential customer will not call when they want to book a taxi in the future, but instead call another company. Conversely, if an operator has more drivers than is required to meet the demands of the travelling public, drivers' earnings are adversely affected, but the travelling public temporarily have a highly responsive service. In those circumstances, drivers will leave one company to go to work for another where they hope to earn more in a shorter period of time. In essence, the unseen role of an operator is to balance, so far as possible, the demand by the public for taxis with the supply provided by the self-employed drivers who can ultimately choose when to work and for whom they work.

As a result of Michael Dunn monitoring the statistical data, my client has ensured that driver earnings stay in the range of £16 - £18 per hour, even when more drivers have joined the company.

Assistance given to prospective driver applicants

The assistance given to prospective driver applicants is, in essence, the same, irrespective of whether they choose to pursue licensing with City of York Council or City of Wolverhampton Council.

Indeed, the assistance given to those applying to the City of Wolverhampton Council is based on the assistance my client has long given to those applying to the City of York Council.

That assistance may include sponsorship, so my client will meet some or all of the costs of an applicant becoming licensed, subject to them working for my client for a minimum period of time, once they become licensed. The arrangements may change from time-to-time and the specific details are commercially sensitive.

Otherwise, assistance is given by providing learning packs (although the contents is specific to each council, based on its syllabus) and providing any help an applicant may have to understand anything they receive in the learning packs.

At present, no in-house training is provided, although consideration is being given to introduce this for all driver applicants in the future. If the Council has a view on what should be covered by such in-house training, my client would welcome any suggestions the Council might make.

Knowledge that the first four drivers had failed the York test

Rather than to answer your questions in the sequence in which you posed them, I am going to try to provide the information in chronological order, as I think that will help to clearly state and explain the sequence of events and who knew what when.

During the course of his dealings with driver applicants in late November – early December 2019, Michael learnt that three of those pursuing applications with City of Wolverhampton Council had previously failed in their endeavours to license with City of York Council.

Michael became aware of a fourth driver who had previously applied to City of York Council on 22 January 2020, when the driver attended York Cars office with his City of Wolverhampton Council driver's licence.

Billy also became aware on 22 January 2020 of the fact this driver (the fourth driver) had previously applied to City of York Council.

As a result of your correspondence, Mohammed discussed the issue with Billy and Michael on 23 January 2020, which was when Michael made Mohammed and Billy aware of all four drivers, although Billy had been aware from the previous day of the last of the four.

Complaints file

York drivers

In relation to the York drivers' complaints file, my client is pleased that you are satisfied that there were no complaints that ought to have been referred to the Council that had not been referred. Indeed, it should be acknowledged that there were no complaints of that nature, as defined by Condition 18 of my client's private hire operator's licence.

My client does not accept that there was a failure to record the two complaints to which you refer, same being received by the Council and enquiries then made by the Council of my client, because Condition 17 of my client's private hire operator's licence expressly only requires a "register of complaints" to be kept of complaints made by "the public". These complaints were not made to my client by members of "the public". For my client to also keep a record of a complaint recorded by the Council would be duplicitous.

Despite it being duplicitous for my client to keep a record of a complaint made to the Council (and not required by the conditions of licence), my client will now also keep records of such complaints in the York drivers' complaints file.

Furthermore, I should also highlight that the requirement is merely to keep a "register", without further detail as to what should be recorded in the register. To overcome the vagueness of the condition, my client has adopted a 'belt and braces' approach by keeping a copy of emails, letters, notes of telephone conversations, etc.

Wolverhampton drivers

In relation to the Wolverhampton drivers' complaints file, it is necessary to make a slight correction to the information given to you at our meeting. Contrary to what was said, it was not a case of two complaints against one driver being under investigation at the time, but one complaint being investigated against each of two Wolverhampton drivers.

690 Taxis and Street Cars

Telephone numbers

The telephone numbers were acquired on the purchase by my client of the business of Beeline Taxis. However, my client believes that the telephone numbers in question had been acquired at some earlier date by Beeline Taxis from A-Team Taxis, but cannot be certain that is the case, let alone produce documentation to prove his belief.

Domain names and websites

With regards to the renewal of the domain names in January 2020, my client must draw to your attention a distinction between ownership of a domain name and the presence of a website. One can own a domain name without displaying a website, but one cannot display a website without also owning a domain name.

Smek in Pakistan designed and built the websites and had then hosted on a publicly accessible server within the world wide web. Taking the websites down would not have affected my client's ownership of the domain names. As you are aware, the websites have now been taken down and my client still owns the domain names.

The cost of retaining domain name ownership is minimal. My client may choose to use either or both of these trading names in the future or may, of course, have an opportunity to sell them.

My client asked Smek to take down the websites, not to do anything with the ownership of the domain names. Only my client could do something with the domain names, eg surrender them or renew or not renew them in January.

Customer review on the Street Cars website

In relation to the statement attributed to my client in relation to the reviews on the Street Cars website, my client did not accept that they were not customer reviews of Street Cars in York.

As you have acknowledged, my client said he did not know from where they had come, so he could no more positively assert that they related to Street Cars in York as he could assert that they did not relate to Street Cars in York.

Responsibilities of Mohammed, Billy and Michael

Mohammed is managing director of 34 Cars Limited and, as a result, has ultimate responsibility for the operation of the company and complying with legal requirements, whether they relate to licensing laws and licence conditions, health and safety, data protection, compliance with company law, etc, etc.

Billy is responsible for the Autocab system and for fleet and driver management.

Michael is responsible for managing customer accounts and driver recruitment.

For the avoidance of any confusion between the responsibilities of Billy and Michael in relation to drivers, Michael is responsible for drivers and driver applicants up to them joining York Cars as a licensed driver, from which time they are managed by Billy as a self-employed driver working with the company.

Opinion of Gerald Gouriet QC in respect of fitness and propriety in relation to my client also licensing with the City of Wolverhampton Council

My client is, as I am sure you will appreciate, understandably concerned that the City of York Council might consider him no longer to be a fit and proper person to hold a City of York private hire operator's licence by reason of him having obtained a City of Wolverhampton Council private hire operator's licence and using vehicles and drivers licensed by that council to undertake bookings received at his York licensed office.

If my client had undermined his fitness and propriety, he would wish to take steps to remedy that position to the Council's satisfaction, rather than to engage in, what could become, protracted and very expensive litigation in the courts.

In the circumstances, knowing that Gerald Gouriet QC has previously advised and / or represented several groups who have opposed the licensing of Uber for a variety

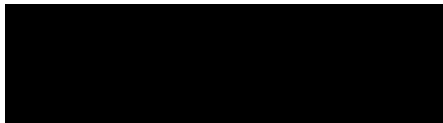
of reasons, including its cross-border hire arrangements, my client has obtained his written opinion, a copy of which I enclose for your consideration.

My client hopes the Council will concur, even if reluctantly, with Mr Gouriet's opinion and rather than begin a process that would likely end up before the courts, instead engage with him to reach a mutually acceptable resolution to this matter generally.

I look forward to hearing from you further in due course, but appreciate that the provision of the legal opinion of Gerald Gouriet QC may require you to seek internal and / or external legal advice.

Although you are not obliged to advise of likely timescales for reverting to me or my client, if you would be so kind as to do so, Mr Iqbal would be particularly grateful to you, because, as I am sure you appreciate, this process is terribly worrying for him and those involved in the company that are aware of this ongoing investigation.

Yours sincerely,

A large black rectangular redaction box covering the signature area.

David B Wilson

Licensing Consultant

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**IN THE MATTER OF AN APPLICATION FOR A REVIEW OF A PRIVATE
OPERATOR'S LICENCE**

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

EXHIBIT MB/23

This is the **Exhibit MB/23** referred to in the statement of Matthew George
Boxall dated 27 October 2020.

**RE: MOHAMMED IQBAL, TRADING AS YORK CARS
LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976
'FIT AND PROPER PERSON' TO HOLD AN OPERATOR'S LICENCE**

OPINION

Introduction and summary of opinion

1. Mohammed Iqbal is the holder of a Private Hire Vehicle Operator's Licence ("PHV operator's licence") first issued by York City Council on 20 October 2016 and re-issued on 29 April (on a "change of company name"). It entitles Mr. Iqbal to use drivers and vehicles licensed by City of York Council ("York Council") to fulfil bookings accepted by him as a York operator.
2. The demand that Mr. Iqbal experiences in York is greater than he can meet with his current pool of York-licensed drivers and vehicles. His solution has been to increase his available pool of drivers and vehicles by the following means -
 - a. He has obtained a PHV operator's licence in the name of 34 Cars Limited ("34 Cars") from City of Wolverhampton Council ("Wolverhampton Council") – which entitles him to use Wolverhampton-licensed drivers and vehicles to fulfil bookings accepted by him as a Wolverhampton operator.
 - b. Where it is either necessary (because no York driver/vehicle is available) or expedient (because an available Wolverhampton driver/vehicle is closer to the person making the booking), he subcontracts bookings accepted at his York booking office to himself as a licensed operator in Wolverhampton.
 - c. Mr. Iqbal then fulfils the subcontracted booking by providing a driver/vehicle licensed by Wolverhampton Council.
 - d. The booking and subcontracting are effected using *Autocab*, which is a world leader in the supply of automated booking systems for private hire vehicles.
3. In my opinion, case law¹ and express statutory provision² put the lawfulness of Mr. Iqbal's solution beyond doubt.
4. I have been asked, however, whether there are grounds for holding Mr. Iqbal not a fit and proper person to hold a PHV operator's licence, notwithstanding the lawfulness of his operation. It has been suggested that he may not be fit and proper because –

¹ *Milton Keynes Council v Skyline Taxis*: [2017] EWHC 2794 (Admin)

² The Deregulation Act 2015

- a. Mr. Iqbal has adopted the subcontracting arrangement specifically to overcome the shortage of available drivers/vehicles in York, and not for the purpose of fulfilling bookings for journeys in Wolverhampton;
 - b. the arrangement is said to undermine ‘local licensing control’ by York Council;
 - c. it is easier and/or faster (and cheaper) for a driver to obtain a licence from Wolverhampton Council than it is from York Council; and
 - d. Mr. Iqbal assists drivers in obtaining licences from Wolverhampton Council.
5. For reasons which I will develop below I do not think that any of the above concerns, whether singly or in combination, provide lawful grounds for holding Mr. Iqbal to be an unfit or improper person to hold a PHV operator’s licence.
 6. These and analogous issues have been before the courts in a series of high-profile cases, the recurring theme of which may be summarised thus: the exercise of well-established and incontrovertible statutory rights cannot render someone an unfit or otherwise improper person to hold a private hire operator’s licence.

The law

The ‘trinity of licences’

7. It is trite law that provided the so-called ‘trinity of licences’ is observed (i.e. that the operator, vehicle and driver are all licensed by the same authority) an operator “... *can use such vehicles and drivers for journeys which have ultimately no connection with the area in which they are licensed.*”³
8. As long as he uses York-licensed vehicles and drivers, therefore, a York-licensed operator can lawfully fulfil a booking for a journey which starts and finishes remotely from York. By the same token, an operator licensed remotely from York can use cars and vehicles licensed by the same authority as licensed him to fulfil bookings which start and finish in York.
9. It should be observed that in neither case will the licensing authority for the district in which the journey starts/finishes be able to exercise ‘local licensing control’ over the drivers and vehicles in question.

Subcontracting

10. The Deregulation Act 2015 inserted sections 55A and 55B into the LG(MP)A 1976, which (in summary) *expressly* allow a private hire operator to subcontract a booking to another licensed private hire operator, or to himself if licensed in a different controlled district, irrespective of the distance between the two controlled districts.

³ Per Latham LJ in *Shanks v North Tyneside Borough Council* [2001] EWHC (Admin) 533

11. Computerised subcontracting by an operator to himself (licensed by another authority) by means of iCabbi – an Internet-based system similar to *Autocab* – was considered by Hickinbottom LJ in *Milton Keynes Council v Skyline Taxis*⁴. He said that when a telephone booking is made on the *iCabbi* system –

“... A driver/vehicle is not immediately assigned to the job. That assignment is made by the computer and without any further human intervention, approximately 5-10 minutes before the pick-up time. Drivers/vehicles that are eligible and available are then identified by the computer system. First, those who are licensed by the same local authority that licensed the operator which accepted the booking are identified. If there is none, the drivers/vehicles from adjacent controlled areas where Skyline have an operator’s licence are identified. That all appears to be common ground. It is the Respondent’s case that, if such a driver/vehicle within a reasonable distance of the pick-up point can be identified, the computer system actions a series of steps – sequentially, but over a very short space of time measured in milliseconds – namely (i) the job is offered by the operator which accepted the original booking, (ii) the job is accepted by the Skyline operation in the other area; and (iii) the driver/vehicle is despatched. Again, each of those steps is performed by the computer without any further human intervention.”

12. I can find no meaningful distinction between the *iCabbi* and the *Autocab* systems. Nor is it material to the *Skyline* decision that the two licensing authorities were adjacent: the legal principles identified by the court are independent of the proximity of the authorities, and in my opinion the decision would have been no different if the relevant authorities had been York Council and Wolverhampton Council.

The ‘fit and proper’ test

13. The requirement given by section 55(1) of the 1976 Act is that the licensing authority must be satisfied that the applicant is a fit and proper person to hold an operator’s licence. The fitness and propriety looked for is a quality generic to the holding of *any* operating licence. Local considerations are not material: a person cannot be fit and proper to hold a licence in controlled district A, but not fit and proper to hold a licence in controlled district B.
14. In my opinion, the lawful use of its operating licences in Wolverhampton and York does not *and cannot* make York Cars an unfit or improper person to hold an operator’s licence, whether in York or Wolverhampton, or anywhere else. I do not think it evidence of impropriety or unfitness to hold a licence that York Cars have obtained an operating licence from Wolverhampton Council specifically in order to do that which the law allows; which in this case is the use of Wolverhampton-licensed drivers/vehicles in York to make up for the shortage of York-licensed drivers/vehicles available to them there.

⁴ [2017] EWHC 2794

15. I am fortified in that opinion by the decision of the Chief Magistrate in Uber London’s 2018 appeal against TfL’s refusal to renew its London operator’s licence⁵. In that appeal the Licensed Taxi Drivers Association argued that even if it were lawful Uber’s cross border operation in York was evidence of its not being fit and proper, because it deliberately undermined local licensing control in a controlled district which had refused Uber an operator’s licence. The Chief Magistrate ruled that Uber’s cross-border operation was “not relevant” to the question of Uber’s fitness and propriety.
16. The decision of District Judge Szagun in Uber Britannia Limited’s appeal against the refusal by Brighton & Hove City Council to renew its operator’s licence likewise rejected the proposition that a lawful exercise of statutory rights could be evidence of an operator not being fit and proper⁶. The case has a particular resonance with the background facts on which I am being asked to advise, because Brighton Council relied heavily on Uber having encouraged drivers to apply for licences from Lewes Council, where (so it was said) licences were more easily and cheaply obtained, standards were lower, and public safety was compromised. Brighton argued that Uber’s encouragement and use of Lewes-licensed drivers in Brighton “facilitate[d] a circumvention of the local [Brighton] standards and create[d] barriers to the enforcement of those standards”. The district judge, however, preferred the submissions made by leading counsel for Uber, namely that –
- a. if the operator is otherwise fit and proper it cannot become unfit and improper due to the exercise of a statutory right (here, the use of Lewes drivers/vehicles in Brighton by Uber as a Lewes-licensed operator); and
 - b. the fit and proper test to be applied goes to the attributes and competence of the licensee to carry out activities under the licence⁷ and “not to the question of whether there is an objection to the exercise of those statutory rights under another authority”.
17. Applying those principles, the district judge ruled that it would be unlawful to refuse an operating licence to Uber in Brighton. The council’s submission that Uber was not fit and proper so long as it fulfilled private hire bookings in Brighton using its Lewes operating licence and Lewes-licensed drivers/vehicles was rejected.
18. Importantly, the district judge went on to say –
- “I consider that it would be equally unlawful to circumvent or undermine the legislation and case law by determining that the exercise of these statutory rights can amount to ‘any other reasonable cause’ for refusal of a licence pursuant to section 62(d)”.*

⁵ *Uber London Limited v Transport for London* (26 June 1998)

⁶ *Uber Britannia Limited v Brighton & Hove City Council* (11 December 2018)

⁷ See also the observations of Kerr J in *Delta Merseyside Ltd v Knowsley Borough Council* [2018] EWHC 757

Conclusions

19. The potential for lawful cross-border hiring to undermine local licensing control is well recognised. Whether or not it does so in any given case, and to what extent, may be matters for legitimate debate; but the overwhelming consensus is that such problems as lawful cross-border hiring causes need to be addressed by Parliament, not by licensing authorities or the courts. That was the position forcibly argued by Martin Chamberlain QC (now Chamberlain J) in Uber London's 2018 appeal, and apparently accepted by the Chief Magistrate.
20. I think that should this issue come to be determined by the High Court it would most likely approve the decisions and reasoning of the judges in the London and Brighton & Hove appeals cited above.

Gerald Gouriet QC

Francis Taylor Building
Inner Temple

Monday, 9 March 2020

IN THE MATTER OF AN APPLICATION FOR A REVIEW OF A PRIVATE OPERATOR'S LICENCE

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

FIRST WITNESS STATEMENT OF VICTORIA LOUISE VINT

I, Vicky Vint, Learning and Development Systems Manager at City of York Council, West Offices, Station Rise, York, YO1 6RE make this statement in respect of Mohammed Iqbal of Ingleby Manor, Crosswell Park, Ingelby Barwick, Stockton on Tees TS17 5BE t/a York Cars and the consideration as to whether he remains fit to hold a private hire operator's licence issued by the City of York Council.

1. I declare that the contents of this my statement are true and correct to the best of my knowledge and belief. I make this statement in the knowledge that it will be used in the proceedings.
2. By way of background, my role is to ensure that the appropriate systems are in place for learning and development provided by the Council and this includes the learning development of taxi drivers as part of the council's licensing regime. The training day for new drivers and the test which follows are provided by an external provider, Neil Lee Training Ltd.
3. I have spoken to Michael Dunn of York Cars a number of times about the arrangements for the tests – particularly when it first came in, and about ensuring there are enough tests for drivers. I am aware that he has spoken to my colleagues in the team also. We set the dates for the sessions and typically arrange one a month, but on occasion, when the need arises, we have put additional tests on to accommodate the demand. Mr Dunn has occasionally highlighted this need.
4. I was given a list of applicants by Matt Boxall, who asked me to check our records in relation to them. I can confirm as follows:-

Name	Address	Date of Birth	Date of test paper	Test paper exhibit reference	Score
				VV1	21/30 (fail)
				VV2	23/30 (fail)
				VV3	21/30 (fail)
				VV4	14/30 (fail)
				VV5	21/30 (fail)
				VV6	5/30 (fail)
				VV7	19/30 (fail)
				VV8	21/30 (fail)
				VV9	16/30 (fail)

5. [REDACTED] is the name which appears on our records, with the address and date of birth as shown. Although the test papers are in slightly different versions of the name, these are all the test papers of the same person.

I BELIEVE THAT THE FACTS STATED IN THIS WITNESS STATEMENT ARE TRUE.



Signed:

Dated:12/08/20.....

**IN THE MATTER OF AN APPLICATION FOR A REVIEW OF A PRIVATE
OPERATOR'S LICENCE**

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

FIRST WITNESS STATEMENT OF NIGEL WOODHEAD

I, Nigel Woodhead, Licensing Enforcement Officer at City of York Council, Hazel Court Eco Depot, York. YO10 3DS, make this statement in relation to a consideration as to whether Mohammed Iqbal of Ingleby Manor, Crosswell Park, Ingleby Barwick, Stockton on Tees TS17 5BE t/a York Cars, remains a 'fit and proper' person to hold a private hire operator's licence issued by the City of York Council..

1. I declare that the contents of this my statement are true and correct to the best of my knowledge and belief. I make this statement in the knowledge that it will be used in the proceedings.
2. The information provided in this witness statement is within my own knowledge, and/or records held by the City of York Council unless expressly stated otherwise.
3. I have been in my current role since December 2018. I previously held this role between 2007 and 2015 whereupon I became part of the National Trading Standards Investigation team also based at City of York Council.
4. As part of my Licensing Enforcement Officer role I deal with complaints about taxi matters and I am in regular contact with operators and drivers. Through these contacts I am well aware that Mr Iqbal and others at York Cars including his son, Billy Iqbal, and Michael Dunn are frustrated by lack of drivers passing through our process and that their main concern is the local knowledge and safeguarding test which they consider a barrier to recruiting drivers.
5. In July 2019, I received a complaint that Mr Iqbal was operating under the names of 690taxisyork and Street Cars, I noted that we had no record of

operators under these names. On 16 July 2019, I spoke to Michael Dunn about the complaint and he said that they were 'ghost companies' of York Cars. On 5 August 2019, I emailed Mr Iqbal and said that he needed to obtain licences or remove the websites. I made a record on our complaints database. I heard nothing more.

6. In early December I began receiving complaints about the Wolverhampton vehicles licensed by York Cars. For the avoidance of doubt, many of the complaints we receive into the service are from other taxi drivers. Mr Dunn and the others at York Cars frequently make complaints about other taxi drivers too. However, we encourage drivers to complain to us and not take matters into their own hands and we do not consider the source of the complaint to make a concern any more or less valid. To assist the process, the table below is a summary of the complaints about Wolverhampton vehicles. I am not authorised to take any action against Wolverhampton licensed vehicles and drivers so any complaints are forwarded to Wolverhampton licensing to deal. Wolverhampton licensing do not update with any action taken.

7. Table of complaints

Date	Concern	Source	Outcome
6/12/19	Parked in disable bay at Racecourse	York driver HC	Sent to Wolverhampton
17/12/19	Parked on Station rank	York driver HC	Sent to Wolverhampton
17/12/19	Reversing on dual carriageway	York driver PH	Sent to Wolverhampton
23/12/19	Parked all 4 wheels on pavement	York driver PH	Sent to Wolverhampton
15/1/20	Manner of driving	York driver HC	Sent to Wolverhampton
16/1/20	No Local knowledge	Member of public	Sent to Wolverhampton
20/1/20	Running red light	York driver PH	Sent to Wolverhampton

6/2/20	Illegal parking at York Hospital	York driver	HC	Sent to Wolverhampton
10/2/20	Possible illegal school run	York driver	PH	Sent to Wolverhampton
21/2/20	Blocking Access	Member of public	of	Sent to Wolverhampton
2/3/20	Parked on St Sampson's rank	York driver	HC	Sent to Wolverhampton
9/3/20	Dropped of passengers on rank at Station	York driver	HC	Sent to Wolverhampton
2/4/20	Query why Wolverhampton vehicles working in York	Member of public	of	Sent to Wolverhampton
27/4/20	Illegal turn	York vehicle	HC	Sent to Wolverhampton
27/8/20	York Cars vehicle including Wolverhampton parking on the roadside	Councillor		Liaised with Billy Iqbal
25/9/20	Wrong way out of one way system	CYC staff		Sent to Wolverhampton

8. On or around the 5th February, I became aware that we had received an application for a private hire operator's licence in the name of 690 taxis and I was told the applicant in the case was a relative of Mr Iqbal. I telephoned the number on the website and it was live, it was answered 'York Cars'. This surprised me given the email I had sent to Mr Iqbal. I discussed all of this with Matt Boxall, Head of Public Protection, and handed him a print of the records of my previous actions from the complaints database. I wrote the dates of my actions on the print out. I confirm this is the document which is **Exhibit MB15**.

9. I was present on 7 February 2020, when Mr Boxall telephoned the numbers for both 690 taxis and Street Cars. He used his speakerphone so I was able to hear all that was said. Both calls were answered 'York Cars'. I made a recording of these telephone calls using my mobile phone, and can produce copies of these recordings if necessary.

I BELIEVE THAT THE FACTS STATED IN THIS WITNESS STATEMENT ARE TRUE.

Signed: 

Dated: 27th October 2020

IN THE MATTER OF AN APPLICATION FOR A REVIEW OF A PRIVATE OPERATOR'S LICENCE

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

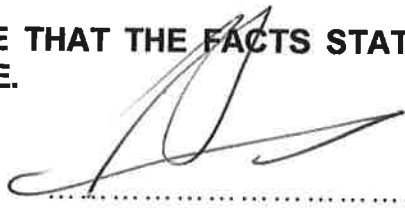
SECOND WITNESS STATEMENT OF NIGEL WOODHEAD

I, Nigel Woodhead, Licensing Enforcement Officer at City of York Council, Hazel Court Eco Depot, York, YO10 3DS make this statement in relation to a consideration as to whether Mohammed Iqbal of Ingleby Manor, Crosswell Park, Ingleby Barwick, Stockton on Tees TS17 5BE t/a York Cars remains a 'fit and proper' person to hold a private hire operator's licence issued by the City of York Council.

1. I declare that the contents of this statement are true and correct to the best of my knowledge and belief. I make this statement in the knowledge that it will be used in the proceedings.
2. The information provided in this witness statement is within my own knowledge, and/or records held by the City of York Council unless expressly stated otherwise.
3. I make this statement to correct an error in my statement dated 27 October 2020. In paragraph 8 of that statement I refer to a document as **Exhibit MB15**. This is an error. The correct exhibit reference for that document is **Exhibit MB16**.

I BELIEVE THAT THE FACTS STATED IN THIS WITNESS STATEMENT ARE TRUE.

Signed:



.....

Dated:

30th October 2020
.....

IN THE MATTER OF AN APPLICATION FOR A REVIEW OF A PRIVATE OPERATOR'S LICENCE

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

FIRST WITNESS STATEMENT OF ANGELA RUANE

I, Angela Ruane, Licensing Officer at City of York Council, Hazel Court Eco Depot, York, YO10 3DS, make this statement in respect of Mohammed Iqbal of Ingleby Manor, Crosswell Park, Ingleby Barwick, Stockton on Tees, TS17 5BE, t/a York Cars, and the consideration as to whether he is a fit and proper person to hold a private hire operator's licence.

1. I declare that the contents of this my statement are true and correct to the best of my knowledge and belief. I make this statement in the knowledge that it will be used in the proceedings.
2. The information provided in this witness statement is within my own knowledge and/or records held by the City of York Council unless expressly stated otherwise.
3. I have worked as a Licensing Officer within the council since 1991. I have access to the records of taxi licensing matters. I have spoken to Mr Iqbal, Billy Iqbal and Michael Dunn on a number of occasions and they have spoken of the difficulties they find drivers have passing our safeguarding and knowledge test in the past.
4. On 28 February 2020, I went to the offices of York Cars with Matt Boxall, Head of Public Protection, and made notes of the meeting that took place. I produce these notes as the **Exhibit AR1**.
5. Finally I have checked our records and confirm that we have no operator licensed under the names 690 Taxis York or Street Cars or anything similar. Neither do we have an operator licensed at Wigginton Road, York, YO32 2RJ. We only have one operator licensed at 14 Redeness Street, York, YO31 7UU, which is Getaway Cars at Unit 7.

**I BELIEVE THAT THE FACTS STATED IN THIS WITNESS STATEMENT
ARE TRUE.**

Signed: 

Dated: 16 September 2020

**IN THE MATTER OF AN APPLICATION FOR A REVIEW OF A PRIVATE OPERATOR'S
LICENCE**

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

EXHIBIT AR/1

This is the **Exhibit AR/1** referred to in the statement of Angela Ruane dated 16 September 2020.

AR1

Notes from meeting at York Cars on 28 February 2020

Present: Matt Boxall – City of York Council (MB)
Angela Ruane – City of York Council (AR)
Mohammed Iqbal – York Cars (MI)
Bilal (Billy) Iqbal – York Cars (BI)
Michael Dunn – York Cars (MD)
David Wilson – A2Z Licensing (DW)

MB Issue regarding Wolverhampton licensed drivers. Concerned that drivers are getting licensed with Wolverhampton to work in York because they have failed the York knowledge test. Explained that during the meeting he would like to see complaints file and requested a demonstration of how the Autocab system works. Purpose of meeting is to look at whether MI is still a fit and proper person to continue holding a private hire operator licence.

BI Clarified that the Autocab system in Wolverhampton has been checked by Wolverhampton taxi licensing. Booking records are kept for 12 months. He is not sure how long customer details are kept, he would need to check this with Autocab.

In the last week:

12,188 phone calls taken
9696 jobs completed
623 jobs cancelled
314 – no fare

3593 jobs booked on the app
3122 jobs completed from the app (out of 9696 overall)
89 – no job
379 – cancelled

Autocab has a call customer/call driver facility. No telephone numbers are revealed to the customer or driver with this facility.

MB Ask if they could explain the procedure for dealing with a new applicant.

MI Explained that they are recruiting drivers all the time. Michael Dunn deals with the recruitment.

MD New applicants are invited to the office at Blossom Street. They are given 2 options.

Option 1 is to obtain a licence through City of York Council and he gives them a breakdown of the costs involved.

Option 2 is to obtain a licence through Wolverhampton Council.

He explains that the process usually takes 2/3 months with York or 5/6 weeks with Wolverhampton.

It is then up to the applicant to decide which option they wish to take.

All done verbally.

He feels the biggest hold up in York is the DBS process taking so long.

Most new applicants choose the Wolverhampton route as it is quicker. When a person is unemployed they want to go the quickest route to start earning.

They currently have 13 drivers licensed with Wolverhampton. Approximately 20 people currently applying with Wolverhampton and their applications are at various stages.

They have stopped Wolverhampton applications at the moment as they don't want more cars on than are needed. Too many means that the drivers earnings go down. On average a driver earns £16 to £18 hour.

MB Explained that he is concerned that York Cars are actively taking news applicants who have failed the York knowledge test and getting them to obtain a licence through Wolverhampton. Do they check?

MI Not feasible. They have no way of checking if an applicant has previously applied to York and failed the knowledge test. They did know about the first 4 or 5 though.

MB Asked which one is it?

MI At first they did know about 4 applicants who had failed the York knowledge test. Michael Dunn now asks the applicant but if they don't tell us there is no way of knowing. They started asking after MB first raised concerns.

MD He does ask the applicant if they have previously applied for a licence with York but there is no way of knowing and they do not check.

MB 4 drivers flagged up and checked with Wolverhampton. One more flagged up and he applied the day after concerns were raised with MI.

MI He was in the system but had not been licensed at that point.

MB The driver was taken on when MI knew MB had concerns about drivers licensed by Wolverhampton that had failed the York knowledge test.

MI He did not know if the driver had taken the York knowledge test or not. Michael Dunn and Billy deal more with the day to day running of the business so they will be able to explain better.

MD He was not aware [REDACTED] had previously took the York knowledge test and failed it.

MB Asked if MD was aware of his concerns.

MD He was aware of the concerns, having read MB's letter but he was not aware [REDACTED] had failed the York knowledge test.

MB When did they start asking if new applicants had previously took the York knowledge test?

MD They starting asking at the next recruitment after MB's letter. When the concerns were highlighted they decided to ask new applicants. Everyone who did the Wolverhampton course on 12 February was asked if they had taken and failed the York knowledge test.

BI MB asked for information on active drivers only, [REDACTED] was not active at that time.

MB Asked to look at the complaints file and clarified that it contained only the complaints regarding York Cars.

MD No complaints have been received about York Cars Wolverhampton as yet. However, two complaints are being processed regarding a Wolverhampton driver, both complaints are about the same driver and are regarding his attitude. Both complaints were received week commencing 24.02.20.

MB Asked about 690 Taxis and Street Cars.

MI The telephone number for 690 Taxis and Street Cars came from the former Beeline Taxis. They were going to apply for a separate operator licence. All jobs came through York Cars. Since the concerns were raised both websites have been shut down.

MB Nigel Woodhead sent an email to MI regarding the websites for 690 Taxis and Street Cars in which he asked for them to be taken down if they were owned by MI.

MI Does not know why the websites were not closed down. The websites are done elsewhere. He did ask the website company to close them but then forgot all about it and did not follow it up. The website company is called Smek and they are based in Pakistan.

MB How do you communicate with them?

MI He contacts them by WhatsApp once a month. There was very little traffic to those websites.

MB Testimonials on the websites from customers – where did those come from?

MI Doesn't know where they came from.

MB There were five testimonials in total all saying how great their journeys were.

MB showed MI the reviews.

- MI Street Cars were licensed in Leeds. We sold Street Cars in Leeds and kept the website. That was approximately 2 or 3 years ago. Not aware if the reviews were for Leeds or York Street Cars.
- MB What has happened since receiving my letter about the websites?
- MI Contacted Smek and instructed them to take the websites down. Checked after a week or so and it had been done.
- MB Finished the meeting by stating that he had asked all his questions and asked if anyone present wanted to ask any questions or needed any clarification.
- MI He does have concerns which require clarification and requested a separate meeting with MB.
- MB Consulted his diary and arranged a meeting for next week.

**IN THE MATTER OF AN APPLICATION FOR A REVIEW OF A PRIVATE
OPERATOR'S LICENCE**

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

FIRST WITNESS STATEMENT OF ALFRED ALEX JOHN THOMPSON

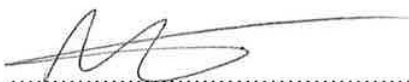
I, Alfred Alex John Thompson, Apprentice Regulatory Compliance Officer at City of York Council, Hazel Court Eco Depot, York, YO10 3DS, make this statement in respect of Mohammed Iqbal of Ingleby Manor, Crosswell Park, Ingelby Barwick, Stockton on Tees, TS17 5BE, t/a York Cars, and the consideration as to whether he is a fit and proper person to hold a private hire operator's licence.

1. I declare that the contents of this my statement are true and correct to the best of my knowledge and belief. I make this statement in the knowledge that it will be used in the proceedings.
2. The information provided in this witness statement is within my own knowledge, and/or records held by the City of York Council unless expressly stated otherwise.
3. I have worked for City of York Council for around 11 months.
4. On Wednesday 5th February 2020 I was working with Sue Chapman, a senior licensing assistant, undertaking taxi licensing work to find out more information on streetcars and 690 Taxis to see how they were related to one another.
5. At approximately 9:45 on 5 February 2020 I was with Sue Chapman when she rang the taxi company 690 York Taxis, she did this by ringing the number 01904 690690, which was the number that was advertised on the website. She booked a taxi journey from Lidl, James Street, York to Micklegate, York. At 9:48 I rang the taxi company streetcars. I did this by ringing the number 01904 797777, which I found on the streetcars

website. I booked a taxi journey from the Dean Court hotel, Duncombe Place to Morrisons, Foss Islands road.

6. At 10:15 on that date, I and Sue Chapman took the taxi journey from Lidl, James Street, York to Micklegate, York. When we arrived the taxi was already waiting and had plates on the side advertising it to be from the company York Cars. The vehicle was a Vauxhall Insignia. The plate number of the taxi was 350. When we reached Micklegate, I paid the taxi driver, the cost of the taxi was £6.70. The taxi driver handed me a receipt which was a receipt for York Cars with all the details for York Cars. On the receipt I was given, the driver was driver number 50. I attach this receipt as **Exhibit AT/1**.
7. At 10.45 on that date, I and Sue Chapman took the second taxi from Dean Court hotel, Duncombe Place to Morrisons, Foss Islands Road. The taxi was already waiting when we arrived. I also received a text to notify me that the taxi had arrived. I attach a screen shot of this text as **Exhibit AT/2**. The text said that 'Your taxi has arrived. Your vehicle is a Skoda Octavia. Reg no GK17 CCF'. The taxi was a Skoda Octavia with the registration number GK17 CCF. The plate number of the taxi was 796. On the side of the taxi it was advertised as being a York Cars taxi. The taxi arrived at Morrisons at 10:59. The cost of the taxi was £6.70.
8. I also received another text at 10:59 on that date, after the journey was completed which said 'Thank you for using York Cars Taxis'. I attach a screen shot of this text as **Exhibit AT/3**.

I BELIEVE THAT THE FACTS STATED IN THIS WITNESS STATEMENT ARE TRUE.

Signed: 

Dated: 28/10/2020

**IN THE MATTER OF AN APPLICATION FOR A REVIEW OF A PREMISES
LICENCE**

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

EXHIBIT AT/1

This is the **Exhibit AT/1** referred to in the statement of Alfred Alex John
Thompson, dated28/10/2020.



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**IN THE MATTER OF AN APPLICATION FOR A REVIEW OF A PREMISES
LICENCE**

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

EXHIBIT AT/2

This is the **Exhibit AT/2** referred to in the statement of Alfred Alex John
Thompson, dated*28/10/*... 2020.

Text Message
Today 10:40

Your taxi has arrived. Your vehicle is a SKODA OCTAVIA .Reg no GK17 CCF . Download our FREE APP <http://onelink.to/4qe27k> & pay by CASH/CARD

Subject

**IN THE MATTER OF AN APPLICATION FOR A REVIEW OF A PREMISES
LICENCE**

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

EXHIBIT AT/3

This is the **Exhibit AT/3** referred to in the statement of Alfred Alex John
Thompson, dated28/10/2020.

Text Message
Today 10:59

Thank you for using YORK
CARS TAXIS. Your booking was
completed by Car 88 . Leave a
review using following link
<http://bit.ly/york-cars>

Subject

Licensing and Regulatory Committee – Workplan 2020-21

17 November 2020 at 5.30pm	<ul style="list-style-type: none">• Review of Private Hire Operators Licence• Renewal of two Sex Establishment Licence• Workplan
22 February 2021 at 5.30pm	<ul style="list-style-type: none">• Workplan
26 April 2021 at 5.30pm	<ul style="list-style-type: none">• ?? Taxi Account up to 31 March 2020• Workplan

Other items

- Report outlining policing and other measures in relation to reducing ASB associated to licensable activities
- Review of Council's Constitution on Licensing Appeals
- Review of scheme of delegated powers to officers
- Unmet Demand Update Report
- Annual report on decisions made by officers under delegated powers with regard to applications under the Gambling Act 2005
- Annual report on decisions made by officers under delegated powers with regard to applications under the Licensing Act 2003
- Annual joint report from North Yorkshire Police and the Licensing Service regarding the effects of the Act and licensing policy in swiftly and safely dispersing concentrations of people from licensed venues, to avoid disorder and disturbance. (Transport focused)
- Annual Taxi Fees Account

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