

Notice of meeting of

Licensing & Regulatory Committee

To: Councillors Firth, Gillies (Chair), Horton, Looker and Moore (Vice-Chair)

Date: Friday, 7 January 2011

Time: 2.00 pm

Venue: Guildhall

AGENDA

1. **Declarations of Interest**

At this point, Members are asked to declare any personal or prejudicial interests they may have in the business on this agenda.

2. **Minutes** (Pages 1 - 2)

To approve and sign the minutes of the meeting held on 5th November 2010.

3. **Public Participation**

At this point in the meeting, members of the public who have registered their wish to speak regarding an item on the agenda or an issue within the Committee's remit can do so. The deadline for registering is **5:00 pm on Thursday 6th January 2011**.

4. **Consultation with The Taxi Trade.** (Pages 3 - 12)

This report presents a petition from members of the taxi trade seeking a review of the council's policy for consultation with the trade. The report sets out the existing policy asking members if they wish to review their policy for consultation with the hackney carriage and private hire trades.

5. Any other business which the Chair decides is urgent under the Local Government Act 1972.

Democracy Officer:

Name: Laura Bootland

Contact Details:

- Telephone – (01904) 552062
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For more information about any of the following please contact the Democracy Officer responsible for servicing this meeting Laura Bootland Democracy Officer

- Registering to speak
- Business of the meeting
- Any special arrangements
- Copies of reports

City of York Council

Committee Minutes

MEETING

LICENSING & REGULATORY COMMITTEE

DATE

5 NOVEMBER 2010

PRESENT

COUNCILLORS FIRTH, GILLIES (CHAIR),
HORTON, LOOKER AND MOORE (VICE-CHAIR)**21. DECLARATIONS OF INTEREST**

At this point in the meeting, Members were asked to declare any personal or prejudicial interests they may have in the business on the agenda. None were declared.

22. MINUTES

Officers provided an update on three applications for renewals of Hackney Carriage Vehicle Licences which were determined by the Committee on 4 August 2010.

- RESOLVED:
- (i) That the minutes of the three meetings of the Licensing and Regulatory Committee held on 4 August 2010 be approved and signed as correct records.
 - (ii) That the update provided by officers be noted.

23. PUBLIC PARTICIPATION

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

24. LICENSING OF SEX ESTABLISHMENTS.

Members received a report seeking their approval of a set of standard conditions to apply to licences for sex establishments in the city and policy guidance with respect to the issue of new licences.

Officers explained that standard conditions already exist for licensed sex shops and that the proposed policy and standards set out in Annexes 1 and 2 reflect the existing arrangements but have been extended to include sexual entertainment venues. They explained that there had been no need for any significant changes to the existing conditions as there had been no problems with existing premises operating under these conditions.

Officers, however, drew Members attention to section 6 of the list of standard conditions and advised them that paragraph 6.3 now required

licensees to agree to display information regarding sexual health at their premises if requested to do so.

Officers responded to particular queries raised by Members regarding the policy statement and standard conditions and Members requested that the following changes be made to the list of standard conditions applicable to licences issued to sex establishments:

- Paragraph 6.3 – amend to read“.....York Teaching Hospitals NHS Foundation Trust, *or its successor*, or any other providers as maybe.
“
- *Paragraph 8.10* – amend to read “*SIA (Security Industry Authority) registered* door supervisors shall be positioned at all entrances.....”

RESOVLED: That option 3 be agreed and the policy statement and standard conditions in relation to the licensing of sex establishments as set out in annexes 1 and 2 be approved, subject to the amendments detailed above as agreed by Members at the meeting.

REASON: To provide appropriate controls for the licensing of lap dancing clubs and other sex establishments in respect of existing and any potential new establishments.

Councillor I Gillies, Chair

[The meeting started at 2.00 pm and finished at 2.20 pm].



Licensing and Regulatory Committee

7th January 2011

Report of the Director of Communities and Neighbourhoods

CONSULTATION WITH THE TAXI TRADE

Summary

1. This report presents a petition from members of the taxi trade seeking a review of the council's policy for consultation with the trade. The report sets out the existing policy asking members if they wish to review their policy for consultation with the hackney carriage and private hire trades.

Background

2. On 2nd February 2001 at the meeting of the Chief Officer in consultation with the Executive member for Planning, Transport and the Environment, the following policy was adopted for consultation with the trade on hackney carriage matters:

“That for the purposes of consultation on hackney carriage matters, the City of York Council recognised the York Taxi Owners and Drivers' Federation and the York Taxi Proprietors' Association as representing the general and business interests of the hackney carriage trade and any other formally constituted group which represented 10% or more of hackney carriage owners, owner drivers or drivers subject to proof of Membership.”

3. Since that date the York Taxi Owners and Drivers' Federation and the York Taxi Proprietors' Association have ceased to exist. Officers have, however, applied the 10% representation standard to successor organisations representing the hackney trade and also extended the same to the private hire trade.
4. The hackney trade is currently represented by the Independent Taxi Association (ITA) and the York Hackney Carriage Drivers' Association (YHCDA). The private hire trade is represented by the York Private Hire Association (YPHA).
5. Officers liaise with the trade through these organisations by way of bi-monthly meetings and bespoke consultations on specific issues. In addition, the minutes of those meetings are now published on the Council's website for all to see. Officers produce newsletters which are circulated to all drivers/owners when significant messages are required to be distributed to the trade generally. For certain functions, such as setting of taxi fares and licence fees, there is a

statutory requirement for notices to be published in the local newspaper.

6. However, for some time officers have received comments from individual members of both the hackney carriage and private hire trades that they do not know what is going on and do not feel represented. Officers have advised of the council policy on representation but it would seem many individuals do not want to join any of the representative bodies.
7. On 15th December 2010 a petition was handed into the council signed by 101 members of the hackney carriage trade stating their dissatisfaction with the current arrangements for consultation within the hackney carriage trade. This was accompanied by a letter signed by one member. A copy of the petition and covering letter can be found at Annex 1.
8. In order to clarify the specific request being made, the Head of Service exchanged email correspondence with the author of the covering letter. That email exchange is attached at Annex 2.
9. The current make up of the hackney carriage and private hire trades is as follows:

Hackney Carriage Vehicles	179
Hackney Carriage Drivers	309
Private Hire Vehicles	570
Private Hire Drivers	602
Private Hire Operators	77

It should be noted that some vehicle owners are also drivers and, in the case of private hire, some are also operators.

Consultation

10. As a result of these representations the current trade organisations have been asked their views on consultation between the council and the hackney carriage and private hire trades. Their responses will be available to members at the meeting.

Options

11. Option 1: To maintain the existing policy for representation and consultation with the hackney carriage and private hire trades.

Option 2: To adopt an alternative policy for consultation with the hackney carriage and private hire trades.

Analysis

12. In order to formulate policy it is recognised as good practice for consultation to have been undertaken with stakeholders. In many cases the effectiveness of consultation procedures have been examined in courts of law where challenges have been made to licensing policies and conditions.
13. It is recognised in many spheres of life that representation of larger groups is undertaken by representatives usually elected in some way by the majority. This is the case with the taxi associations. Officers request trade organisations submit their constitution and that they update details of membership and the composition of any committee. The council is not in a position to interfere with internal communications within those organisations.

Corporate Strategy

14. Good customer consultation will assist the council in delivering its services and improving organisational effectiveness.

Implications

15. **Financial:** Any costs of consultation will be met out of the taxi licensing account.

Human Resources (HR): None.

Equalities: None.

Legal: Proper consultation prior to the implementation of any new policy will mitigate against any successful legal challenge to that policy.

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 authorities responsibility to co-operate in the reduction of crime and disorder in the city.

Information Technology (IT): None.

Property: None.

Other: None.

Risk Management

16. In compliance with the Council's risk management strategy any decisions made which are unreasonable or unlawful could be open to legal challenge resulting in loss of image, reputation and potential financial penalty.

Recommendation

17. That members approve option 1 as a means of consulting with the taxi trade and encourage all those persons not in an association to either join an existing one or consider the formation of a new organisation which will better represent their needs.

Reason: To enable the council to effectively communicate with the taxi trade in matters relating to licensing matters.

Contact Details

Author:

Dick Haswell
Head of Licensing, Registry
and Bereavement Services
Communities and Neighbourhoods
Tel: 01904 551593

Chief Officer Responsible for the report:

Steve Waddington
Assistant Director
Housing & Public Protection

Report
Approved



Date

20th December 2010

Specialist Implication Officer:

Martin Blythe
Tel: 01904 551044

Wards Affected:

All

For further information please contact the author of the report

Background Papers

Report of the Assistant Director (Environmental Regulation) in consultation with the Executive Member for Planning, Transport and The Environment dated 2nd February 2001.

Annexes

- Annex 1 – Petition and covering letter received 15th December 2010.
Annex 2 – Email correspondence with petitioner.

Dear Sir,

We the undersigned wish to let the council members and yourself know that we are dissatisfied with yourself for making misleading comments relating to the hackney carriage trade , to the members as well as the media, for the following reason whenever any changes are made to our working practices you are claiming to have consulted with the trade which is in fact not true, you speak to four to six members of the trade who only represent there own views as they do not consult with us unaffiliated members of the trade let alone there own membership. We would therefore be grateful if you would desist from this practice forthwith.

Yours sincerely.

101 signatures of hackney carriage owners
& drivers.

Dear members,

We are writing to inform yourselves the members of the committee at our dismay as to the way our role in the hackney carriage trade is been portrayed, as you will see a vast number of us have signed the accompanying letter to let you know we disagree with what is been said of us. In the thirteen years I myself have been hackney carriage driving never once has my views been sought as to which direction our trade should be going, as is the case with every one of the people whom have signed our letter to yourselves. Yet the members of this committee as well as the members of the licensing and regulatory committees are been told that consultation has taken place, this is a complete and utter nonsense, for the past 8 months I myself on behalf of my colleagues have been in contact with mr Hasswell and as such have been informing him of this and yet he still insists on saying negotiations have taken place!! .

At this moment in time there are 307 licensed hackney carriage drivers of which we are in fact split into three different sections in reality as there is no cohesion within the trade (which suits the council) as we are all actually individuals with our own personalities whom come under the banner of hackney carriage owners/drivers and the few of us whom are renting the plates.

Presently there are two associations called the ITA and the newly formed Y.H.C.D.A in operation however when the numbers in these are realised then you can see that the trade is in fact been disproportionately represented by these self appointed spokespeople as it stands there numbers as I have been informed are at the present time the ITA has 61 members the YHCDA has 70 when taken into percentage terms these figures equate to this

ITA= 61 = 19.86%

Y.H.C.D.A =70= 22.81%

Total represented = 42.67%

Total Unrepresented = 176= 57.33%

So as you can see when these figures are broken down the majority of the trade are in fact unrepresented and therefore all the decisions that are been made are not in fact strictly speaking with the consent of the trade thus rendering any agreements invalid. As I have already demonstrated on the letter that accompanies this we the trade have 99 signatures which equates to 32.25% of the trade making us the largest % wise majority.

You can reduce even further the percentages of the represented if you cross reference the membership lists that mr Hasswell holds as we have collected a good number of so called represented members signatures who like us the trade are offended by the suggestion as to

the claims that they are represented, we feel that decisions are been made with out our approval and when challenged i.e. the increase to the bank holiday rate fare and a half we were informed that it had been advertised in the York evening press and that we were out of time to object, the people who asked on supposedly our behalf for this increase never asked nor consulted with us the trade !! Yet we had it imposed upon!!Us do you as a committee feel that we as a trade should have to find out about fundemental changes like this through the media?. the council has a website which could be accessed and all relevant information pertaining to the trade could be placed on there as we and mr hasswell agreed 5 months ago was a good starting point to keep the trade informed , it could be utilised to post agendas/ proposals that will help our trade move forward and not let the majority be ruled by the minority as is the case at the moment, how can station taxis with 37 shareholders = 12.05% of the trade be allowed with the consent of the council be the dominant force in the trade ? The reason is in truth they are in fact kow towing to the whims of mr Hasswell for fear of deregulation, a situation that has been well and truly exploited over the years to gain what ever demands have been placed on this trade usually at a cost to ourselves i.e. colour age and so forth nothing is of any benefit to ourselves we have had, our ranks taken away, with ranks resituated which are of no benefit to either the public nor the trade.

The same people will appear before yourselves claiming that they represent the trade but the reality of it is they are representing there own interests which is fine as they entitled to express there opinions /views as we are a democratic society after all but they shouldn't be allowed to try to mislead the committees with the guise of association, as is now, demonstrated by our letter just isn't true. As you can see by the number of signatures they haven't sought our views or there own members which they are portraying themselves as conveying too yourselves.

Yours Sincerely,

See attached

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Annex 2

From: terry gibb-kirk
Sent: 16 December 2010 12:54
To: Haswell, Dick
Subject: ANNEX 2
afternoon dick,

i think you have missed the point as we the majority of the trade wish to be represented and have our voice recognised as a taxi trade associations which represents the majority of the trade at all forthcoming meetings agendas, consultations regarding the trade and the council that has any bearing on the trade.

even i realise that it would be impossible to write to everyone as it would be uneconomical and not viable on our financial budget in the current climate.

yes i will be attending the meeting so can you forward me the agenda and any future agendas as well place me on the same list as the two associations

cheers terry

From: "Haswell, Dick" <Richard.Haswell@york.gov.uk>
To: terry gibb-kirk
Sent: Thursday, 16 December, 2010 9:11:33
Subject: RE: letters

Thanks Terry got the papers and will be writing the report today and tomorrow. What you dont say however is what precisely you want. Without putting words in your mouth do you

Want the council to take no notice of the associations

Want the council to write to every person in the trade on every issue

???????????

Can you please be more specific so I do not mis represent you .

Could you also advise if you will be attending the meeting.

-----Original Message-----

From: terry gibb-kirk
Sent: 16 December 2010 04:39
To: Haswell, Dick
Subject: letters

good morning dick,

i posted the letters through at kings pool last night at 21-

30 ought to let you know two names were duplicated so they have had a line through them the formula is easy enough to work out for every 3.07 names appearing on the list that are on the 2 associations list you reduce there percentages by one and increase ours by one.

also i realise that the transport committee members wont want to reply to everyone so if you would be good enough to furnish with my details they can reply to myself and i will pass there conclusions on to all that signed the letter cheers terry