

Meeting	Gambling, Licensing & Regulatory Committee
Date	24 April 2017
Present	Councillors Douglas (Chair), Boyce (Vice-Chair), Aspden, Crisp, D'agorne, Hayes, Hunter, D Myers, Orrell And Richardson (From 4.30pm)
Apologies	Councillors Funnell, Gillies, Mason and Mercer

Part A - Matters Dealt With Under Delegated Powers

29. Declarations of Interest

Members were 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 the agenda. None were declared.

30. Minutes

Resolved: That the minutes of the meeting held on 13 March 2017 be approved as a correct record and signed by the Chair.

31. Public Participation

It was reported that there had been one registration to speak at the meeting under the Council's Public Participation Scheme on matters within the general remit of the Committee.

Mr Steve Reynolds spoke on the matter of Private Hire Licence theory tests. He stated that it was not a legal requirement for private hire drivers to possess topographical knowledge of an area and explained that the City of York test contained 4/5 topographical questions, which he felt put applicants at a disadvantage.

32. Request for Amendment to Taxi Licensing Policy

Members considered a report which sought determination of a request made by two private hire vehicle licence proprietors,

who operate executive vehicles, in relation to the specification of vehicle windows.

The Licensing Manager gave a brief background to the report and stated that City of York Council considered tinted windows to be a public safety matter. In response to Member questions she clarified that seven private hire vehicles currently held exemptions and of those seven only two vehicle licence proprietors were requesting an amendment to policy.

Members expressed their concern that if the policy were to be amended for executive vehicles it may have to be extended to all licensed vehicles and this would reflect badly on the Council in terms of public safety. It was also noted that with changes to legislation it was increasingly difficult to enforce this type of restriction due to vehicles travelling across borders, for whom CYC policy would not apply.

Members then considered the following options:

1. Approve full consultation to be carried out on amending the policy to include an exemption to standard condition 19 relating to windows for Executive Vehicles, and request that a report be brought back to Members to consider the proposed change and the results of consultation.
2. Take no action at this time, and advise Officers to consult on this matter at a time when the council are formally consulting on other matters relating to hackney carriage and private hire licensing.
3. Refuse this request outright.

Resolved: That, in accordance with Option 2, Members agree to take no action at this time and advise Officers to consult on this matter at a time when the council are formally consulting on other matters relating to hackney carriage and private hire licensing.

Reason: In order that the request relating to the windows condition forms part of a future consultation process.

Part B - Matters Referred to Council

33. Council's Constitution - Licensing Appeals

Members considered a report which sought support for the approval to change the Council's Constitution in relation to the current procedure with regards to appeals relating to licensing decisions.

The Licensing Manager clarified that as far as she was aware CYC were the only Council who gave appellants the chance to appeal via an internal process, in addition to the Magistrates Court. Removing this process would bring CYC in line with other authorities and legislation.

During debate some Members were of the opinion that removing this internal right to appeal would save officer time and money and improve efficiency. They felt that the Magistrates Court was the right forum to deal with the seriousness of the appeals being heard. Conversely, other Members highlighted that the current process was of a high quality and suggested there was merit to having an additional right of appeal.

Members then considered the following options:

1. Recommend to Full Council that the Council's Constitution is changed and a new procedure for dealing with licensing appeals is approved. In line with the requirements of relevant legislation licence applicants and licence holders can appeal a decision made by Officers to refuse/suspend/revoke to the Magistrates Court, thereby no longer providing an internal appeals process.
2. Recommend to Full Council that a change to the Council's Constitution in relation to the internal appeals process is approved. Licence applicants and licence holders can appeal a decision made by Officers to refuse/suspend/revoke to a Sub-Committee of the Gambling, Licensing and Regulatory Committee. In line with the relevant legislation licence applicants/holders will also be able to appeal Officers decisions to Magistrates Court.
3. Take no further action.

After some debate and consideration of the options, on balance, Members were minded to support Option 2 on the basis that it preserved a staged process for dealing with appeals and provided the opportunity to benefit from the knowledge and experience of Members of this Committee.

Recommended: That, in accordance with Option 2, the Committee recommend to Full Council that a change to the Council's Constitution in relation to the internal appeals process is approved on the basis of:

Licence applicants and licence holders being able to appeal a decision made by Officers to refuse/suspend/revoke to a Sub-Committee of the Gambling, Licensing and Regulatory Committee;

In line with the relevant legislation, licence applicants/holders would also be able to appeal Officers decisions to Magistrates Court.

Reason: To allow applicants/licence holders who are aggrieved by a decision made by an Officer of the Council to appeal that decision in line with the requirements of the relevant legislation.

Councillor Douglas, Chair

[The meeting started at 4.00 pm and finished at 4.40 pm].