

Meeting	Gambling, Licensing & Regulatory Committee
Date	17 September 2018
Present	Councillors Lisle (Chair), Pavlovic, Reid, Richardson, D Taylor, K Taylor and Wells
Apologies	Councillors Funnell, Boyce, Cullwick, Douglas, Hayes, Hunter, Mason and Mercer

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## **Part B - Matters Referred To Council**

### **13. Council's Constitution - Licensing Appeals**

The report was brought to the Committee following their request at the meeting held on 21 May 2018. The Head of Public Protection outlined the report, explaining that York was the only authority in the region with 'two routes of appeal' for licence holders who were dissatisfied with an officer decision. The report sought a recommendation to Full Council to change the Constitution and allow only one route of appeal.

In response to Member questions, the Head of Public Protection explained the background and previous process for Licence applicants and licence holders to appeal a decision made by Officers to refuse/suspend/revoke to a Sub-Committee of the Gambling, Licensing and Regulatory Committee.

During discussion it was explained that the aim of the change from two routes of appeal to one was to standardise the licensing process across the region.

In response to Member questions, it was confirmed that:

- All authorities within the West Yorkshire Combined Authority (WYCA) had one route of appeal for an applicant or licence holder who is aggrieved by a decision made by an officer on behalf of the Council, to appeal that decision to Magistrates Court.
- There was a national database in which the Local Authority could record revocations and refusals for taxi licences for which all authorities within the WYCA had signed up to.
- The West Yorkshire Group had looked at information sharing, operating within data protection regulations.

- Every taxi licence applicant had a had a DBS check and had to self declare of they had received a revocation or refusal in a different area.
- A two track appeal process runs a risk of an appeal heard by Members being overturned (through Judicial Review) and by reducing to a one track appeal process removes this risk.
- The primary consideration to allow only one route of appeal was for the consideration of taxi passengers in York.
- The appeal process was against the officer decision, not that of the Sub-Committee.

Following debate it was:

Resolved: That, in accordance with Option 1, the Committee recommend to Full Council that the Council's Constitution is changed and a new 'single appeal' procedure for dealing with licensing appeals is approved. In line with the requirements of relevant legislation licence applicants and licence will be able to appeal a decision made by Officers to refuse/suspend/revoke to the Magistrates Court, thereby no longer providing an internal appeals process.

Reason: In order to support the Council's plan of a being more responsive and flexible council that puts residents first and meets its statutory obligations.

Cllr S Lisle, Chair

[The meeting started at 4.00 pm and finished at 4.37 pm].