

## Licensing and Regulatory Committee

4 September 2019

Report of the Director of Economy and Place

### Interpretation of law - 'Out of town' licences

#### Summary

1. This covering report introduces the 'Executive report' (Appendix A) which is a draft report intended to be considered by the Executive on 26<sup>th</sup> September 2019. The Executive report concerns the council's interpretation of the law relating to the ability of private hire operators and drivers to work their vehicles outside of the area within which they are licensed (often referred to as 'out of town' operators/drivers/vehicles).
2. This report is brought further to the request of Members at the last Gambling Licensing and Regulatory Committee (GLRC) meeting and provides an opportunity for comments prior to the Executive Meeting. The comments of the Committee will be added to the report in due course.

#### Recommendations

3. In the Executive report, Members are recommended to follow Option 1, namely that the settled legal position remains with no changes required to the Taxi Licensing Policy.

Reason: To provide clarity for the public in relation to the council's interpretation of the law.

#### Background

4. The council's settled legal position and how it has been derived is set out in the Executive report.

#### Consultation

5. There has been no consultation in relation to this report as it concerns legal opinion.

## Options

6. The various options are set out in the Executive report.

## Analysis

7. The Executive report contains an analysis of the options.

## Council Plan

8. This report helps ensure the council is meeting its statutory duties.

## Implications

9. The various 'Financial', 'Human Resources', 'Equalities', 'Legal', 'Crime and Disorder', 'Information Technology', 'Property' and 'Other' implications are set out in the Executive report.

## Risk Management

10. The impact on the risk management score is also provided in the Executive report.

## Contact Details

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**Report**  **Date** 22.08.2019  
**Approved**

**Specialist Implications Officer(s)** List information for all

N/A

**Wards Affected:** List wards or tick box to indicate all

**All**

**For further information please contact the author of the report**

## **Annexes**

Annex A – The draft Executive Member Report ‘Interpretation of law - ‘Out of town’ licences’ intended to be received at the Executive meeting on 26 September 2019

Annex 1 – Gerald Gouriet QC ‘Opinion’ for the York Private Hire Association, 16.11.18

Annex 2 – Leo Charalambides ‘Advice Note’ for City of York Council, 05.03.19

Annex 3 – Further Opinion (salmon paper)

## **List of Abbreviations Used in this Report**

GLRC - Gambling Licensing and Regulatory Committee