

Meeting	Licensing and Regulatory Committee
Date	9 August 2022
Present	Councillors Cuthbertson (Chair), Melly (Vice-Chair), Orrell, Galvin, Hook, Looker, D Myers and Norman
Apologies	Councillors Barker, D'Agorne, Hunter, Mason, Warters, Wann and Wells
In Attendance	Matt Boxall (Head of Public Protection) Sandra Branigan (Senior Solicitor) Lesley Cooke (Licensing Manager)

5. 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. There were none.

6. MINUTES

Resolved: That the minutes of the meeting held on 7 June 2022 be approved and signed by the Chair as a correct record subject to the following amendments:

That paragraphs 3 and 4 under Declarations of Interest be deleted and amended to:

- 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. Cllr Looker declared a personal interest in Agenda Item 4 [Hackney Carriage Licences] with regard to accessibility and the need to maintain a fleet accessible other than to wheelchair users. Cllr Norman also declared a personal interest in that item due to his employment

in wheelchair services and working with people with wheelchair interests. There were no further declarations of interest.

- That in the second bullet point after the Chair left the meeting at 18:50 in the minute on Hackney Carriage Licences be amended to:
The Senior Solicitor advised that there could only be a quantity restriction in the number of licences issued if Members were satisfied that there was no unmet demand. The LVSA author of the unmet demand survey explained that it would take a significant change in supply to bring the number of licences down to 80/180. [subject to this being checked on the webcast]

The Head of Public Protection advised Members that the Executive had agreed with the Committee recommendation that the type of vehicle would be black, wheelchair accessible and hybrid. He added that the number of licences issued would be decided at Full Council.

7. PUBLIC PARTICIPATION

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

8. 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

Members considered a report which sought the 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 as amended by Policing and Crime Act 2009 in respect of The Adult Shop, 70B Gillygate, York, YO31 7EQ.

The Licensing Manager outlined the report, detailing the annexes. She noted that conditions 25 and 26 in the standard conditions referred to him and her. She added that consultation had been carried out correctly, and there had been no objections to the renewal. She advised that there were no mandatory

grounds to refuse the application for a sex establishment licence and she noted discretionary grounds refusal.

By virtue of paragraphs 10, 12 and 13 of schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended), the Committee had the following options available to them in making their decision:

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

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

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).

Cllr Melly moved option 2 to renew the licence with modified/additional conditions imposed by the committee. The modification related to references to him and her being changed to they or them in the conditions. This was seconded by Cllr Looker. On being put to the vote it was unanimously:

Resolved: That, in accordance with option 2 to the licence was renewed with modified conditions imposed by the committee. The modification related to references to him and her being changed to they or them in the conditions.

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

Cllr Cuthbertson, Chair

[The meeting started at 5.30 pm and finished at 5.50 pm].