



**Notice of a public meeting of
Gambling, Licensing & Regulatory Committee**

To: Councillors Boyce (Chair), Alexander, Crisp,
Cuthbertson, Funnell, Hyman, Horton, King, Looker,
McIlveen, Orrell, Richardson, Taylor, Watt (Vice-Chair)
and Watson

Date: Monday, 15 September 2014

Time: 4.00 pm

Venue: The King Richard III Room (GO49) - West Offices

AGENDA

1. Declarations of Interest

At this point in the meeting, Members are 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 this agenda.

2. Minutes

(Pages 1 - 4)

To approve and sign the minutes of the meeting held on 21st July 2014.

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 Friday 12th September 2014.**

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 Friday 12th September 2014**.

Filming or Recording Meetings

Residents are welcome to photograph, film or record Councillors and Officers at all meetings open to the press and public. This includes the use of social media reporting, i.e. tweeting. Anyone wishing to film, record or take photos at any public meeting should contact the Democracy Officer (whose contact details are at the foot of this agenda) in advance of the meeting.

The Council's protocol on Webcasting, Filming & Recording of Meetings ensures that these practices are carried out in a manner both respectful to the conduct of the meeting and all those present. It can be viewed at http://www.york.gov.uk/downloads/download/3130/protocol_for_webcasting_filming_and_recording_of_council_meetings

4. Review of Polling Districts, Polling Places (Pages 5 - 14) and Polling Stations.

This report informs Members of the duty on all Local Authorities to carry out a review of polling districts, polling places and polling stations in UK Parliamentary polling districts and polling places as laid down in the Electoral Registration Administration Act 2013.

5. Safeguarding Children - Verbal Update.

A representative of the Safeguarding Children Board will be in attendance to speak to committee members to highlight the work of that team and how it relates to licensing.

6. Any other business which the Chair considers urgent under the Local Government Act 1972

Democracy Officer:

Name: Louise Cook/Catherine Clarke

Contact Details:

- Telephone – (01904) 551031
- E-mail: louise.cook@york.gov.uk catherine.clarke@york.gov.uk

For more information about any of the following please contact the Democratic Services Officer responsible for servicing this meeting:

- Registering to speak
- Business of the meeting
- Any special arrangements
- Copies of reports and
- For receiving reports in other formats

Contact details are set out above.

This information can be provided in your own language.

我們也用您們的語言提供這個信息 (Cantonese)

এই তথ্য আপনার নিজের ভাষায় দেয়া যেতে পারে। (Bengali)

Ta informacja może być dostarczona w twoim własnym języku. (Polish)

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

یہ معلومات آپ کی اپنی زبان (بولی) میں بھی مہیا کی جاسکتی ہیں۔ (Urdu)

 **(01904) 551550**

This page is intentionally left blank

City of York Council

Committee Minutes

Meeting	Gambling, Licensing & Regulatory Committee
Date	21 July 2014
Present	Councillors Boyce (Chair), Crisp, Funnell, Hyman, Horton, King, Looker, McIlveen, Orrell, Richardson, Taylor, Watt (Vice Chair) and Watson
Apologies	Councillors Alexander and Cuthbertson

1. **DECLARATIONS OF INTEREST**

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

2. **EXCLUSION OF PRESS AND PUBLIC**

Resolved: That the press and public be excluded from the meeting during consideration of annex 4 of agenda item 5 and annexes 4 and 6 of agenda item 6 on the grounds that they contain information relating to individuals. This information is classed as exempt under Paragraph 2 of Schedule 12A to Section 100A of the Local Government Act 1972, as amended by the Local Government (Access to information) (Variation) Order 2006.

3. **MINUTES**

Resolved: That the minutes of the meeting held on 17th March 2014 be approved and signed by the Chair as a correct record.

4. **PUBLIC PARTICIPATION**

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

5. PRIVATE HIRE VEHICLE LICENCE CONDITIONS - LICENCE PLATE AND SIGNAGE EXEMPTIONS.

Members received a report which asked them to consider implementing an exemption policy with regards to the displaying of taxi licence plates and signage on licensed private hire vehicles who exclusively undertake executive contract work. There is provision within the Local Government (Miscellaneous Provisions) Act 1976 to introduce a policy of this nature.

The Licensing Manager outlined the key points of the report and drew Members attention to the proposed policy at Annex 2 .

Mr. Heaney had registered to speak as a Private Hire Driver who owns an Executive Vehicle. He advised that he agreed with the introduction of the proposed policy but had some difficulty with the wording of point 4 which may prevent him from carrying out some types of journey which may be requested by a VIP customer, such as an airport run.

Members made the following comments:

- Point 4 of the policy needs the wording simplifying to be clear what types of work can be carried out by executive vehicles and what constitutes normal private hire work.
- Although some Members did not agree that the plates should not be displayed, most Members accepted that VIP customers may not wish to have signage displayed and agreed that licence plates could be kept in vehicle boots.
- Due to government policy, the reference to the tax disc at point 11g may need to be amended in the near future.

Resolved: That Members agreed Option 1.

Reason: This option will provide the council with a policy to allow the private hire trade, who exclusively undertake executive hire work, with the provision of applying for an exemption from the requirement to display licence plates and signage.

Action Required

1. Implement PH Vehicle Licence Plate and Signage Exemption Policy subject to members comments at the meeting. LC

6. GRANT OF SEX ESTABLISHMENT LICENCE IN RESPECT OF TOKYO YORK (FIRST FLOOR), 3-5 TOFT GREEN, YORK, YO1 6JT.

Members considered a report which asked them to determine an application for the grant of a Sex Establishment Licence for a Sexual Entertainment Venue which had been made under the Local Government (Miscellaneous Provisions) Act 1982, Schedule 3 Control of Sex Establishments in respect of Tokyo York (First Floor), 3-4 Toft Green, York, YO1 6JT,

In coming to their decision, Members took into consideration all the evidence and submissions that were presented to them including:

1. The application form.
2. The Licensing Managers report and her comments made at the hearing, including that the application was for a sex establishment licence in line with Section 27 of the Policing and Crime Act 2009 which allowed local authorities to regulate lap dancing clubs and similar venues. Members were advised that the premises currently had a premises licence issued under the Licensing Act 2003.
3. The comments made in writing by various representors as outlined in the committee report. Concerns had been raised by York Feminist Network about Tokyo being located close to premises of sensitive use such as places of worship, nurseries and charities. A number of local businesses had also objected including the Hilton Hotel and Safestay Tourist Hostel who raised concerns about the impact on their businesses caused by anti-social behaviour attributed to the venue.
4. The comments made by a representor at the hearing who spoke in support of York Feminist Network and advised

that a Sex Establishment should not be located close to charities such as women's refuges.

5. The comments made by the applicants Solicitor at the hearing. She advised that the club will be operated responsibly and discreetly by an experienced Manager and drew Members attention to the extensive list of rules imposed on staff working at the venue. Noise would be reduced on the first floor as loud music would no longer be required.

Some members queried disabled access into the venue. The applicant agreed to look into this.

Members were presented with the following options:

- Option 1 Grant the Licence.
- Option 2 Grant the licence with modified/additional conditions imposed by the Licensing Gambling and Regulatory Committee.
- Option 3 Refuse the application.

Following lengthy discussion, it was:

Resolved: That Members agreed Option 1 to Grant the Licence.

Reason: Members noted the good character and experience of the proposed venue Manager and could find no grounds for refusal.

Councillor Boyce, Chair

[The meeting started at 4.00 pm and finished at 6.20 pm].



Gambling, Licensing & Regulatory Committee

15 Sept 2014

Report from the Assistant Director – Governance and ICT

Review of Polling Districts, Polling Places and Polling Stations**Summary**

1. This report informs members of the duty on all local authorities to carry out a review of polling districts, polling places and polling stations in UK Parliamentary polling districts and polling places as laid down in the Electoral Registration Administration Act 2013. The first reviews must be completed between 1st October 2013 and 1st January 2015, with future reviews every fifth year following 1st October 2013.

Background

2. The Local Government Boundary Commission has recently completed a review of the ward structure for City of York Council and their recommendations are expected to be passed in the Houses of Parliament in October 2014. This review will reflect the new ward boundaries.

Aim of the Review

3. Local Authorities are required to divide their area into polling districts for the purposes of parliamentary elections and to designate polling places for these polling districts and to keep them under review.
4. Local Authorities must:
 - Seek to ensure that all electors in the constituency have such reasonable facilities for voting as are practicable in the circumstances.
 - Seek to ensure that so far as is reasonable and practicable the polling places they are responsible for are accessible to all electors, including those who are disabled and when considering

the designation of polling places must have regard to the accessibility needs of disabled persons.

The Review Process

5. A Local Authority is required to publish notice of the holding of a review. Accordingly a notice is to be published in the local press and on the Council's website and will invite comments and representations from interested parties and bodies.
6. Consultation has also begun with local political parties, parish council's, disability awareness groups and local community groups.
7. A period of six weeks consultation will now take place which ends on 28th October 2014.
8. At the end of the consultation period, any representations received will be brought before Members. Members may then decide to make recommendations for amendments to polling districts, polling places and/or places.
9. Accepted changes and newly created polling districts will be implemented by the Electoral Registration Officer in the next scheduled Register of Electors, due to be published on 1st December 2014. In order to meet that timescale, the outcome of the consultation and proposals will be reported to Staffing Matters and Urgency Committee in November.

Consultation

10. There will be a process of consultation as part of the review as outlined above.

Options

11. This is a statutory requirement and this report is for information only.

Council Priorities

12. The review will improve the way the Council and its partners work together to deliver better services and will improve our focus on the needs of customers and residents in designing and providing services.

Implications

13. The implications arising from this report are:

- **Financial:** There are no direct financial implications associated with this report.
- **Human Resources:** There are no Human Resources implications associated with this report.
- **Equalities:** The review will consider equalities issues and ensure in particular that recommendations reflect the Council's duty to have regard to the need eliminate discrimination, advance equality of opportunity and foster good relations between different people. In this regard ease of access to polling stations will be a key issue.
- **Legal:** As the report indicates there is a statutory requirement to undertake this review. Under the Council's Constitution this Committee may make recommendations in respect of the review, but the decision making responsibility rests with full Council or Staffing Matters and Urgency Committee where a decision is required without delay.
- **Crime and Disorder:** There are no crime and disorder implications.
- **Information Technology (IT):** There are no IT implications associated with this report.
- **Other:** There are no other implications associated with this report.

Risk Management

14. Failure to meet statutory requirements would represent unacceptable risk to the authority.

Recommendations

15. The Committee is asked to:

Members are asked to note the contents of this report and make any comments.

Reason: To reflect the result of the consultation and meet legislative requirements.

Contact Details

Author:

Andrew Flecknor
Electoral Services
Manager
Tel: 01904 552032

Chief Officer Responsible for the report:

Andy Docherty
Assistant Director (Governance and ICT)
Tel: 01904 551004

**Report
Approved**



Date 20th August 2014

Specialist Officer Implications: None

Wards Affected:

All

Background Papers:

None

Annexes

Annex 1 – Review of Polling Districts, Places and Stations 2014 – Terms of Reference.

Review of Polling Districts, Places and Stations 2014 – Terms of Reference

Context

The Electoral Administration Act 2006 introduced a duty to for all polling districts and polling places to be reviewed every four years. The Council's first review under these provisions was concluded by 1 December 2007 and a subsequent review took place in 2011.

The Electoral Registration and Administration Act 2013 introduced a change to the timing of compulsory reviews. The next compulsory review must be started and completed between 1 October 2013 and 31 January 2015 (inclusive). Subsequent compulsory reviews must be started and completed within the period of 16 months that starts on 1 October of every fifth year after 1 October 2013. Though these five yearly reviews are now compulsory, City of York Council as an unitary authority has a cycle of elections such that all polling districts, places and stations are necessarily kept constantly under review.

Process

The Council is required to publish notice of the holding of the polling places review which must conclude by 31 January 2015. The notice must be published at the Council's relevant office, at least one other conspicuous place in the area and on the Council's website. The Council is required to consult the Returning Officer and the Returning Officer is required to make representations as to the location of polling stations within polling places. Within thirty calendar days of their receipt, the Council is required to publish the Returning Officer's representations.

In reviewing polling places, the Council is required to actively seek representations from such persons as it thinks have particular expertise in relation to:

- a) access to premises; or
- b) facilities for persons who have different forms of disability.

Such persons must be given the opportunity to make representations and to comment on the representations made by the Returning Officer. Other key stakeholders will be offered an opportunity to make representations.

In addition any elector may make representations on the designation of polling places to the Council. Any representations made should ideally include proposals for specified alternative polling places and reasons for the suggestion.

On completion of the review the council must give reasons for its decisions in the review and publish;

- i) all correspondence sent to the Returning Officer
- ii) all correspondence sent to any person whom the council thinks has particular expertise in relation to access to premises or facilities for persons who have different forms of disability,
- iii) all representations made by any person in connection with the review,
- iv) the minutes of any meeting held by the Council to consider any revision to the designation of polling places,
- v) details of the designation of polling districts or polling places within its area, and
- vi) details of the places where the results of the review have been published.

Persons or groups making submissions need to be aware that, upon completion of the review, all correspondence/representations received must by law, also be published.

Duties of the Council and the Returning Officer

It is the duty of the Council to divide its electoral areas (i.e. constituencies and wards) into polling districts seeking to ensure that all electors have such reasonable facilities for voting as are practicable in the circumstances. This is achieved at a ward level with the additional requirement that every parish must be in a separate polling district. Each parish is likely to contain more than one polling district especially if the parish area extends across borough ward boundaries. As a general rule of thumb polling districts will be determined by the availability of suitable venues for polling places.

It is the duty of the Returning Officer to provide a polling station within the designated polling place. It is permissible for the Returning Officer to provide more than one polling station in a designated polling place.

The duties of the Council and the Returning Officer are therefore inextricably linked. In undertaking a review it is practical to consider the suitability of the available polling places first, i.e. to identify what

premises are available, and then to designate the polling district boundaries and allocate electors to what is actually available.

Factors for Consideration

1. A sufficient number of polling places

Polling places must be designated such that there are sufficient suitable premises to allow the Returning Officer to allocate a reasonable number of voters to each. Inadequate provision of polling places and polling stations could have a detrimental effect on voter turnout. It could lead to queues such as those seen in some areas in the parliamentary elections in 2010 and could be the source of legal challenge to an election. Voter allocations should be within the limits set in any guidance issued by the Electoral Commission.

2. Availability of suitable venues

There are important factors to consider when considering suitable venues and not least of these is the absolute requirement that the premises must be available for each scheduled election and any other election called at short notice, e.g. parliamentary general elections and local or parliamentary by-elections.

Electoral law therefore gives the Returning Officer an important resource:

The returning officer may use, free of charge, for the purpose of taking the poll or counting the votes--

- (a.) a room in a school maintained or assisted by a local education authority or a school in respect of which grants are made out of moneys provided by Parliament to the person or body of persons responsible for the management of the school;
- (b.) a room the expense of maintaining which is payable out of any rate.

3. Use of schools

Schools are notified of scheduled election dates well in advance which allows them to set one of their statutory in-service training days for the same day instead of requesting an additional school closure. In the case of unscheduled by-elections, the Returning Officer has to work within statutory timescales but will do his best to avoid disruption, setting polling day during school holidays if possible. Depending on the layout of the school, some are able to remain open on polling day if the head-teacher is satisfied that he/she can ensure the security of the children

whilst allowing unimpeded access for voters to the area containing the polling station.

4. Use of other council owned buildings

In York, the current economic climate has resulted in closure or an uncertain future for some premises such as youth centres and community centres for which the Returning Officer has the right of use. The impact of this upon the number of polling places available will be one of the factors taken into account during the review.

5. Use of private premises

The Returning Officer's right to use schools and certain other premises is unlikely to provide a sufficient number of stations and so other premises, such as church halls, are used where practicable. The Returning Officer has less control over these and hire charges can be prohibitive. Private premises always carry the risk that use for polling may be refused, sometimes at short notice. There may be a change of ownership or policy or an alternative booking may be preferred.

Criteria and Scope for the review

Taking account of factors outlined above, the review process should

- seek to ensure that all electors have such reasonable facilities for voting as are practicable in the circumstances
- seek to ensure that so far as is reasonable and practicable the polling places are accessible to those who are disabled, and
- have regard to the accessibility needs of disabled persons

The current cycle of both national and local elections means that polling places are kept under continual review and the number of polling places and the level of voter allocations are well within the Electoral Commission guidelines. The existing polling places and stations fit the criteria, no serious issues have been reported and no voter has been prevented from voting by being in a queue at the close of poll.

- Consultation with building owners or managers will be necessary to confirm the continued availability and suitability of polling places.
- Consultation with Planning Officers on future development will be required to ensure voter allocations will continue to meet guidelines.

- Following each election, comments from voters and reports from polling station inspectors and other stakeholders are reviewed and followed up where practicable. The last local elections in 2011 provided information and proposals which will be considered as part of this review as will any feedback from the elections scheduled to take place 2012 or 2014.
- The statutory notice of the review will invite representations from the public and known stakeholders will be directly contacted and invited to make representations including alternative proposals.
- The review team will actively seek representations from persons with expertise in relation to access to premises or facilities with persons who have different forms of disability.

Known stakeholders for consultation

- Electors
- All elected members of the council
- MPs for the 2 constituencies in City of York Council area
- Candidates and agents (locally based) standing at the most recent parliamentary & council elections
- Political parties
- Parish councils

Timescale

The timescale for the review is 2 months and there is a statutory requirement that it be concluded by 31 January 2015. However we aim to conclude the review by the publication of the revised register on 1 December 2014. It is the Electoral Registration Officer's duty to make alterations to the registers of electors to reflect any changes in polling districts. If this is not done in time to be incorporated in the revised register published on 1 December it will have implications for the supply of registers to organisations and political parties and the planning of the parliamentary, borough and parish elections to be held in May 2015.

Timetable

Event	By (date)
Publication of notice of review.	16 Sept 2014
Relevant documents on website and available for inspection	16 Sept 2014
Invite representations & comments	16 Sept 2014
Deadline for representations & comments	31 Oct 2014
Publish RO representations and proposals for consideration by the relevant committee	24 Nov 2014
Publication of review result (subject to council approval)	1 Dec 2014
Revised register of electors published	1 Dec 2014

Andrew Flecknor
Electoral Services Manager
City of York Council
West Offices
Station Rise
York
YO1 6GA
andrew.flecknor@york.gov.uk
16 September 2014