

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].