



**Notice of a public meeting of  
Licensing and Regulatory Committee**

- To:** Councillors Melly (Chair), Clarke, Kent, Kilbane, Ravilious, Rose, Wells, Cuthbertson, Hook, Knight, Mason, Smalley, Widdowson, Nicholls and Warters
- Date:** Tuesday, 13 June 2023
- Time:** 5.30 pm
- Venue:** The Snow Room - Ground Floor, West Offices (G035)

**AGENDA**

- 1. Declarations of Interest** (Pages 1 - 2)  
At this point in the meeting, Members and co-opted members are asked to declare any disclosable pecuniary interest, or other registerable interest, they might have in respect of business on this agenda, if they have not already done so in advance on the Register of Interests. The disclosure must include the nature of the interest.  
  
An interest must also be disclosed in the meeting when it becomes apparent to the member during the meeting.  
  
*[Please see attached sheet for further guidance for Members].*
- 2. Minutes** (Pages 3 - 6)  
To approve and sign the minutes of the meeting held on 4 April 2023.

### **3. Public Participation**

At this point in the meeting members of the public who have registered to speak can do so. Members of the public may speak on agenda items or on matters within the remit of the committee.

**Please note that our registration deadlines are set as 2 working days before the meeting, in order to facilitate the management of public participation at our meetings. The deadline for registering at this meeting is 5:00pm on Friday 9 June 2023.**

To register to speak please visit [www.york.gov.uk/AttendCouncilMeetings](http://www.york.gov.uk/AttendCouncilMeetings) to fill in an online registration form. If you have any questions about the registration form or the meeting, please contact Democratic Services. Contact details can be found at the foot of this agenda.

### **Webcasting of Public Meetings**

Please note that, subject to available resources, this meeting will be webcast including any registered public speakers who have given their permission. The meeting can be viewed live and on demand at [www.york.gov.uk/webcasts](http://www.york.gov.uk/webcasts).

### **4. Renewal of Sex Establishment Licence for The Adult Shop, 70B Gillygate, York, YO31 7EQ (Pages 7 - 36)**

This report seeks Member's 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 Control of Sex Establishments in respect of The Adult Shop, 70B Gillygate, York, YO31 7EQ

### **5. Hackney Carriage Fares (Pages 37 - 50)**

This report asks Members to determine a request from the Hackney Carriage Associations with regards to the maximum fares to be paid in respect of the hire of a City of York licensed hackney carriage vehicles. This request relates to a variation of the table of fares.

**6. Application for a Private Hire Operators licence (Pages 51 - 96)  
- Mohammed Iqbal, trading as York Cars  
(Private Hire)**

This report seeks Members' determination of an application for a Private Hire Operators Licence. The operating premises will be situated at Unit 1, Heritage Park, Outgang Lane, York, North Yorkshire, YO19 5UP.

**7. Urgent Business**

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

Democracy Officer:

Name: Angela Bielby

Telephone – (01904) 552599

Email – [a.bielby@york.gov.uk](mailto:a.bielby@york.gov.uk)

For more information about any of the following please contact the Democracy 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**

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### Declarations of Interest – guidance for Members

- (1) Members must consider their interests, and act according to the following:

Type of Interest	You must
Disclosable Pecuniary Interests	Disclose the interest, not participate in the discussion or vote, and leave the meeting <u>unless</u> you have a dispensation.
Other Registrable Interests (Directly Related) <b>OR</b> Non-Registrable Interests (Directly Related)	Disclose the interest; speak on the item <u>only if</u> the public are also allowed to speak, but otherwise not participate in the discussion or vote, and leave the meeting <u>unless</u> you have a dispensation.
Other Registrable Interests (Affects) <b>OR</b> Non-Registrable Interests (Affects)	Disclose the interest; remain in the meeting, participate and vote <u>unless</u> the matter affects the financial interest or well-being: (a) to a greater extent than it affects the financial interest or well-being of a majority of inhabitants of the affected ward; and (b) a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest. In which case, speak on the item <u>only if</u> the public are also allowed to speak, but otherwise do not participate in the discussion or vote, and leave the meeting <u>unless</u> you have a dispensation.

- (2) Disclosable pecuniary interests relate to the Member concerned or their spouse/partner.
- (3) Members in arrears of Council Tax by more than two months must not vote in decisions on, or which might affect, budget calculations,

and must disclose at the meeting that this restriction applies to them. A failure to comply with these requirements is a criminal offence under section 106 of the Local Government Finance Act 1992.

City of York Council

Committee Minutes

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Meeting	Licensing And Regulatory Committee
Date	4 April 2023
Present	Councillors Cuthbertson (Chair), Melly (Vice-Chair), Orrell, Hook, Hunter, Looker, Mason, Norman, Warters And Wells
In Attendance	Matt Boxall (Head of Public Protection) Sandra Branigan (Senior Solicitor) Lesley Cooke (Licensing Manager) David Cowley (Taxi Licensing Manager)
Apologies	Councillors D'Agorne, Myers and Wann

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**22. Declarations Of Interest [17.31]**

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. No interests were declared.

**23. Minutes [17.31]**

Resolved: That the minutes of the meeting held on 21 December 2022 be approved, and signed by the Chair as a correct record.

**24. Public Participation [17.32]**

It was reported that there had been no registrations to speak under the councils public participation scheme.

**25. Safety At Sports Advisory Group - Policies & Procedures And Terms Of Reference [17.32]**

Members considered a report that sought their approval for the revised Policies and Procedures, and Terms of Reference for the Sports Grounds Safety Advisory Group.

The Licensing Manager outlined the report and options available to Members. She was then asked a number of questions by Members to which she responded that:

- The Event Safety Advisory Group Terms of Reference had been sent to Legal for checking and had been consulted on.
- When the Safety at Sports Advisory Group met, the Racecourse and Community Stadium were both discussed. There was three meetings a year, one at the beginning and end of the race season, and one at the beginning of the football season.
- [The Senior Solicitor was asked and confirmed that was acceptable to replace gendered language (he/she) with they in the Policies and Procedures, and Terms of Reference].
- The links in the Terms of Reference had been checked and would be reviewed.
- The minutes of the Sports Grounds Safety Advisory Group meetings could not be made public as they contained confidential information that would need to be redacted.

The following options were available to Members in making their decision:

Option 1 – Approve the Policies and Procedures, and Terms of Reference.

Option 2 – Approve the Policies and Procedures, and Terms of Reference with alternative wording agreed by members.

Option 3 - Take no further action.

Following consideration of the options, it was

Resolved: That approval be given to Option 2 - approve the Policies and Procedures, and Terms of Reference with gendered language (he/she) to be replaced with they.

Reason: To assist the council in its statutory duty under the Safety of Sports Grounds Act 1975 (as amended) and Fire Safety and Safety of Places of Sport Act 1987.

## **26. Taxi Licensing Update Report [17.44]**

Members considered a report that advised them of the implementation of the Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022 and the changes to the National Refusal and Revocation, Suspension database (NR3S). The report also updates Members on the allocation of

the ten additional hackney carriage vehicle licences. The Taxi Licensing Manager outlined the report. In response to Member questions he confirmed that:

- There had been no taxi drivers added to the NR3 central database due to defects.
- 25 March 2023 when licensing officers worked with partner agencies on a special operation to inspect taxis in York to make sure they were mechanically satisfactory and are legal to be on the road. Of the 31 vehicles inspected, 8 were licensed in York, 12 in Bradford, 5 in Leeds, 5 in Wolverhampton, and 1 in Selby. Of the 11 suspension on vehicle, 2 were licensed in York, 5 in Bradford, 1 in Leeds, 3 in Wolverhampton, and 1 in Selby. These suspensions were new and the suspension of those licences had been added to the NR3 datase.
- All 10 of the new Hackney Carriage Licence applications had been accepted.

Members then;

Resolved: That the update on the implementation of the Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022, changes to the National Refusal and Revocation, Suspension database (NR3S) and allocation of the ten additional hackney carriage vehicle licences be noted.

Reason: In order to be updated on taxi licensing.

### **Chair's Remarks**

The Chair thanked all Members and Cllr Melly as Vice Chair. He thanked officers for their reports.

Cllr Cuthbertson, Chair

[The meeting started at 5.30pm and finished at 5.54pm].

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**Meeting of Licensing & Regulatory Committee**

13 June 2023

Report of the Director – Environment, Transport and Planning

**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****Summary**

1. This report seeks Member's 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 Control of Sex Establishments in respect of The Adult Shop, 70B Gillygate, York, YO31 7EQ.
2. Name of applicant: Lilacgrange Limited
3. Summary of Application: The application is to renew an existing Sex Establishment Licence which permits the premises to operate as a sex shop during the following times: Monday to Saturday 10:00 hours to 20:00 hours and Sunday 12:00 hours to 17:00 hours. A copy of the renewal application can be found at Annex 1.
4. A sex establishment licence is valid for 12 months. The licence holder must submit an application to renew the licence to the licensing authority before the existing licence expires if they wish to continue running a sex establishment, in this case a sex shop. A copy of the licence to be renewed can be found at Annex 2.

**Recommendations**

5. Members are asked to determine the application for the renewal of the licence in accordance with the Local Government (Miscellaneous Provisions) Act 1982 Schedule 3 as amended by Policing and Crime Act 2009.

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

## **Background**

6. Sex shops are defined in the legislation as any premises, vehicle or stall used for a business which consists to a significant degree of selling, hiring, exchanging, lending, displaying or demonstrating sex articles; or other things intended for use in connection with, or for the purpose of stimulating or encouraging sexual activity; or acts of force or restraint which are associated with sexual activity.
7. These premises have operated as a sex shop since 1997. There have been no complaints received in relation to the premises since the initial licence was granted.
8. City of York Council's Licensing of Sex Establishments Licensing Policy was reviewed, and a revised policy was adopted on 27 April 2017 with immediate effect. A copy of this policy can be found at <https://www.york.gov.uk/SexEstablishmentLicences>
9. A copy of City of York Council's Standard Conditions for Sex Shops can be found at Annex 3.

## **Consultation**

10. Consultation was carried out by the applicant and the Licensing Authority in accordance with paragraph 10 of Schedule 3 of the 1982 Act relating to the process which the applicant must follow for the application for renewal to be considered valid.
11. There were no objections received to the application.
12. A map showing the location of the premises can be found at Annex 4.

## **Relevant Legislation – Grounds for Refusal**

13. When considering the renewal application, the Authority does not have an unfettered discretion as to whether to refuse an application or grant a renewal. The grounds on which an application could be refused are set out in paragraph 12 to Schedule 3 of the 1982 Act.



### **Mandatory grounds for the refusal of an application**

14. The mandatory grounds for the refusal of an application for a sex establishment licence are that the applicant:
- a) is under the age of 18;
  - b) is for the time being disqualified from holding a sex establishment licence;
  - c) is not a body corporate, and is not in resident or has been resident in an EEA state for six months immediately preceding the date of the application;
  - d) is a body corporate which is not incorporated in an EEA state;
  - e) has in the period of twelve months preceding the date of application been refused the grant or renewal of a licence for the premises, vehicle, vessel or stall in respect of which the application is made, unless the reversal has been reversed on appeal.
15. There are no mandatory grounds for refusing this application.

### **Discretionary grounds for the refusal of an application**

16. Discretionary grounds for the refusal of an application for a sex establishment licence are that:
- a) the applicant is unsuitable to hold a licence by reason of having been convicted of an offence or any other reason;
  - b) if the licence were to be granted, the business to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant of such a licence if they made the application themselves;
  - c) the number of sex establishments, or sex establishment of a particular kind, in the relevant locality at the time the application is made is equal to or exceeds the number which the authority consider is appropriate for that locality;
  - d) the grant would be inappropriate, having regard –
    - to the character of the relevant locality;
    - to the use to which any premises in the vicinity are put;

- to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.
17. When considering the suitability of the applicant to hold a licence the council will take into account such matters it considers to be relevant.
  18. Guidance on relevant locality can be found at Annex 5, paragraphs 3.32 to 3.38.
  19. Within the licensing policy the council has determined a limit on the number of sexual entertainment venues permitted within the Authority area, however, this limit does not apply to sex shops. These applications must be dealt with on a case by case basis.

## Options

20. By virtue of paragraphs 10, 12 and 13 of schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended), the Committee have the following options available to them in making their decision:
21. Option 1: Grant a renewal of the licence as requested.
22. Option 2: Renew the licence with modified/additional conditions imposed by the licensing committee.
23. 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).

## Analysis

24. The following could be the result of any decision made by this Committee:
25. Option 1: This decision cannot be appealed at Magistrates Court by an objector to the application. Objectors could judicially review the decision.
26. Option 2: This decision could be appealed at Magistrates Court by the licence applicant.
27. Option 3: With the exception of a decision to refuse an application on a ground specified in paragraph 12(3) (c) or (d) of Schedule 3 to the 1982

Act, the licence applicant may appeal against the decision made to the Magistrates' Court.

## Council Plan

28. The approved City of York Council Policy will support the Council's Plan for a prosperous city for all and a council that listens to residents.

## Implications

29. The implications arising directly from this report are:

- **Financial** - There are no financial implication.
- **Human Resources (HR)** – There are no HR implications.
- **Equalities** – There are no equality implications.
- **Legal** – The Council has the ability to control the licensing of sexual entertainment venues having adopted Schedule 3 to Local Government (Miscellaneous Provisions) Act 1982 as amended by the Policing and Crime Act 2009.

Paragraph 8 of Schedule 3 to the 1982 Act provides that where it determines to grant sex establishment licence, the Council is empowered to impose such conditions or restrictions as it deems appropriate.

Paragraph 12 of Schedule 3 to the 1982 Act sets out a number of mandatory grounds for refusal of sex establishment licence and also discretionary grounds for refusal of a sex establishment licence.

In considering this application the Committee should have regard to:

- Schedule 3 to the 1982 Act, as amended by Policing and Crime Act 2009 (Annex 5).
- The City of York Council Licensing of Sex Establishment Licensing Policy which can be found at <https://www.york.gov.uk/SexEstablishmentLicences>.
- The Home Office – Sexual Entertainment Licence – Guidance for England and Wales which states that “Objections should not be based on moral grounds/values and local authorities should not consider objections that are not relevant to the grounds set out in paragraph 12” [of Schedule 3 to the 1982 Act].

In addition, when making their decision Members must give consideration to the rights the applicant has under the European

Convention on Human Rights. Article 1 (entitles every person to peaceful enjoyment of their possessions) and Article 10 (freedom of expression) are particular rights that may be relevant. Members should consider whether interference with these rights is necessary and proportionate for the prevention of crime or disorder, for the protection of health or morals or for the protection of the rights and freedoms of others or, in the case of Article 1, whether interference can be justified in the general interest.

Members of the Committee should not allow themselves to predetermine the application or to be prejudiced in favour or opposed to the licence and shall only determine the application on its own merit.

- **Crime and Disorder** - The Committee is reminded of their duty under the Crime and Disorder Act 1998 to consider the crime and disorder implications of their decisions and the authority's responsibility to co-operate in the reduction of crime and disorder in the city.
- **Information Technology (IT)** – There are no IT implications.
- **Property** – There are no property implications.
- **Other** – There are no other implications.

### **Risk Management**

30. All Members are aware that any decision which is unreasonable or unlawful could be open to legal challenge resulting in loss of reputation and potential financial penalty.
31. The report details the options available to the panel in determining the application and recommends that a decision be reached. Provided the decision complies with the proper grounds for considering the application as set out within this report, there are no known risks involved with this recommendation.

**Contact Details**

**Author:**

Lesley Cooke  
Licensing Manager  
Ext 1515

**Chief Officer Responsible for the report:**

James Gilchrist  
Report of the Director – Environment,  
Transport and Planning

**Report  
Approved**



**Date** 30.05.2023

**Wards Affected:** Guildhall

**Annexes**

- Annex 1** - Copy of application for renewal
- Annex 2** - Copy of existing licence to be renewed
- Annex 3** - Standard Conditions for Sex Shop
- Annex 4** - Map showing location of premises
- Annex 5** - Legislation Extracts – Renewal Applications

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CITY OF YORK COUNCIL  
Licensing Services, Hazel Court EcoDepot, James Street, York, YO10 3DS

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 AS AMENDED  
SCHEDULE 3 – CONTROL OF SEX ESTABLISHMENTS

Application for the ~~Grant~~ / ~~Renewal~~ / ~~Transfer~~ of a Sex Establishment Licence

TYPE OF VENUE

Sexual Entertainment Venue

Sex Shop

Sex Cinema

TYPE OF APPLICATION

Grant

Renewal

Transfer

APPLICANT DETAILS

1. Is the applicant:

An individual (please answer questions 2, 5 to 9)

A company or other corporate body (please answer questions 3, 5 to 9)

A partnership or other unincorporated body (please answer questions 4, 5 to 9)

2. Full name of applicant (individual):

Former or previous names:

Home address:

Post town:

Post code:

Telephone numbers:

Date of birth:

Email address:

N/A

3. Name of applicant (company name): LILACGRANGE LTD

Address of registered or principal office: 70B GILLYGATE

Post town: YORK

Post code: YO31 7EQ

Registration number: 05842814

Email address:

4. Name and address of applicant:

Names and addressed of applicant's partners (please use additional sheet):

N/A

5. Are there any other persons responsible for the management of the premises/business other than the partners? Please state their names and addresses:

ANTHONY BARTLETT-MOORE (DIRECTOR)

- 6. a. Has the applicant ever been known by any other name? ~~YES~~ / NO
- b. Has the applicant ever been convicted of a criminal offence? ~~YES~~ / NO
- c. Has the applicant ever been refused a sex establishment licence? ~~YES~~ / NO
- d. Has the applicant ever had a sex establishment licence revoked? ~~YES~~ / NO
- e. Has the applicant ever been served with a winding up petition? ~~YES~~ / NO

If the answer to any of these questions is yes, please provide details:

7. Applicants' trading address or head office (other than the premises)

THE PREMISES ARE THE TRADING ADDRESS  
• HEAD OFFICE

8. Will the business for which this licence is sought be carried on for the benefit of a person other than the applicant? ~~YES~~ / NO

If the answer is yes, state the name, address, place of registration, registered number and the identity of all directors, company secretary and those with a greater than 10% shareholding (use separate sheet if necessary).

9. Does the applicant operate any other sex establishments, licensed or otherwise? Please state name, address, and type of sex establishment of each.

No



## PREMISES DETAILS

10. Please state the name the business will be known as:

THE ADULT SHOP

11. Is the premises a  Building  Vehicle  Vessel  Stall

12. Where is it proposed to use the vehicle, vessel or stall?

N/A

13. Does the company propose to only operate on the internet?  
(f yes answer Q14 to 19 only)

NO

14. Premises address 70B GILLYGATE

Post town YORK

Post code YO31 7EQ

Telephone number at premises

15. Which part of the premises is to be used as a sex establishment?

GROUND FLOOR SHOP

16. Is the applicant  owner  lessee  sub-lessee  other

17. If the applicant rents the property state:

a. Name and address of landlord:

MR D BROWN  
1st floor FLAT

b. Name and address of the superior landlord:

7 MILEY ROAD  
SCARBOROUGH

c. Total annual rental: 5440

d. Length of unexpired term: 3 MONTHS

e. Notice required to terminate tenancy: NONE

18. Please provide details of the building management company (if appropriate):

NONE

19. State the current use of the premises:

SEX SHOP

20. Has planning permission, or a certificate of lawful use, been obtained for the use of the proposed premises? YES / ~~NO~~

21. Can members of the public access the premises:  
 a. Directly from the street? YES / ~~NO~~  
 b. From other premises? ~~YES~~ / NO  
 c. Not at all? (internet sales only) ~~YES~~ / NO

22. Are the premises currently being used as a sex establishment? YES  
 Please provide details of the business currently operating the business:  
 LILACGRANGE LTD.

**OPERATING SCHEDULE**

23. Opening hours: (If internet sales only please tick here  and continue to Q 26) AS EXISTING

Monday	Tuesday	Wednesday	Thursday	Friday
10:00 20:00	10:00 20:00	10:00 20:00	10:00 20:00	10:00 20:00
Saturday	Sunday			
10:00 20:00	12:00 17:00			

Any non-standard timings:

24. Has the applicant entered into any written or oral agreement in connection with the business, for example a management agreement, partnership agreement or profit share arrangement? Please provide details.

No

a. Please provide details of any lender, mortgage or others providing finance:

NONE

b. Please provide details of any merchandising agreements:

NONE

**PREMISES MANAGEMENT**

25. Please state the name of the person who will be in day to day control of the premises (the manager).

ANTHONY BARTLETT-MOORE

a. Will the manager be based at the premises

YES / ~~NO~~

b. Will the management of the premises be the manager's sole occupation

~~YES~~ / NO

26. Who will be in control of the premises in the manager's absence (relief manager)?

PHILLIP BENSON / JONATHAN SWAN

a. Will the relief manager be based at the premises in the absence of the manager?

YES / ~~NO~~

If you have ticked no to any of the above please provide details.

**EXTERNAL APPEARANCE AND ADVERTISING – DO NOT COMPLETE FOR RENEWAL APPLICATION**

27. Please describe the proposed exterior signage and advertising. Please include nature, content and size of each sign and any images to be used:

Please note that a drawing of the front elevation is required to be submitted with this application.

28. Please describe how the interior of the premises is obscured to passersby:

29. Please describe any proposed window displays:

30. Please describe how the business is to be advertised, ie business cards, billboard advertising, personal solicitation, advertising on motor vehicles, radio or television advertising:

*RENEWAL*

**APPLICATIONS FOR SEXUAL ENTERTAINMENT VENUES ONLY**

31. Is the proposal for full nudity? YES / NO

32. Describe the nature of the entertainment eg lap-dancing, pole dancing, stage strip tease:

33. State measures to ensure employees age and right to work in the UK:

34. Describe training and welfare policies:

Please enclose a copy of the welfare policy for performers (or equivalent document).

35. Please set out any further information you wish the authority to take into account.

*N/A*

36. Is there any information on this form you do not wish to be seen by members of the public?  
If so state which information and the reasons why you do not wish it to be seen.

No

**CHECKLIST & ENCLOSURES**

Enclosures

I have made or enclosed payment of the fee  
I have enclosed three sets of plans of the premises  
I have enclosed a drawing of the street elevation of the premises  
In the case of an application to transfer the licence, include the completed Consent to Transfer form

**DECLARATION**

I declare that I have served notice of this application on North Yorkshire Police.

I declare that a public notice advertising this application has today been displayed upon the proposed premises where it may be conveniently read by the public and will remain thereon for a period of 21 days. A copy of the notice and the standard declaration is enclosed.

I declare that within seven days of the date of this application a public notice advertising this application will be publicised in the legal notices column of the local press.

A copy of the relevant press edition will be forwarded to the City of York Council Licensing Section.

I understand that if I do not comply with the above requirements my application will be rejected.

Any person who, in connection with an application for a grant, renewal or transfer of a sex establishment licence, makes a false statement which he knows to be false in any material respect of which he does not believe to be true is guilty of an offence and liable on summary conviction to an unlimited fine.

**SIGNATURES**

Signature of applicant or applicant's solicitor or other duly authorised agent, If signing on behalf of the applicant please state in what capacity

Signature ..... Signature .....  
Name (print) ANTHONY BARTLETT-MODRE Name (print) .....  
Date 26 APRIL 2023 Date .....  
Capacity DIRECTOR Capacity .....

Contact name (where not previously given) and address for correspondence associated with this application:

Post town ..... Post code .....  
Telephone number (if any) .....

If you would prefer us to correspond with you by email, your email address (optional)

Ref no: MAU 008669/22



LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

**SEX ESTABLISHMENT LICENCE**

The City of York Council hereby grant renewal of licence to:

Lilacgrange Ltd  
70B Gillygate  
York  
YO31 7EQ

to use the premises known as:

The Adult Shop  
70B Gillygate  
York  
YO31 7EQ

for the purposes of a sex establishment comprising a sex shop as defined in Schedule 3 to the above Act.

This Licence is renewed subject to the City of York Council Standard Conditions Application to Sex Establishment Licences and to the additional conditions set out in the schedule below.

This licence shall continue in force from 1 May 2022 until 30 April 2023 unless previously revoked.

Granted on 9 August 2022(renewal)

Signed .....  
For and on behalf of Corporate Director of Place

**SCHEDULE**

1. The sound from the video preview facility must be inaudible externally and in adjoining premises.
2. That the hours of opening be limited to 10:00am to 8.00pm, Monday to Saturday, and 12 noon to 5:00 pm on Sunday.
3. The attached Standard Conditions also apply to this licence.

**Extract from the Local Government (Miscellaneous Provisions) Act 1982**

**APPEALS** (*Sched. 3, para. 27*)

27. - (1) Subject to sub-paragraphs (2) and (3) below, any of the following persons, that is to say -
- (a) an applicant for the grant, renewal or transfer of a licence under this Schedule whose application is refused;
  - (b) an applicant for the variation of terms, conditions or restrictions on or subject to which any such licence is held whose application is refused;
  - (c) a holder of any such licence who is aggrieved by any term, condition or restriction on or subject to which the licence is held; or
  - (d) a holder of any such licence whose licence is revoked

may at any time before the expiration of the period of 21 days beginning with the relevant date appeal to the magistrates' court acting for the relevant area.

(2) An applicant whose application for the grant or renewal of a licence is refused, or whose licence is revoked, on any ground specified in paragraph 12(1) above shall not have a right to appeal under this paragraph unless the applicant seeks to show that the ground did not apply to him.

(3) An applicant whose application for the grant or renewal of a licence is refused on either ground specified in paragraph 12(3) or (d) above shall not have the right to appeal under the paragraph.

(4) In this paragraph -

'the relevant area' means-

- (a) in relation to premises, the petty sessions area in which they are situated; and
  - (b) in relation to a vehicle, vessel or stall, the petty sessions area in which it is used or, as the case may be, desired to be used as a sex establishment;
- and

'the relevant date' means the date on which the person in question is notified of the refusal of his application, the imposition of the term, condition or restriction by which he is aggrieved or the revocation of his licence, as the case may be.

(5) An appeal against the decision of a magistrates' court under this paragraph may be brought to the Crown Court.

(6) Where an appeal is brought to the Crown Court under sub-paragraph (5) above, the decision of the Crown Court shall be final; and accordingly in section 28(2)(b) of the Supreme Court Act 1981 for the words 'or the Gaming Act 1968' there shall be substituted the words 'the Gaming Act 1968 or the Local Government (Miscellaneous Provisions) Act 1982'.

(7) On an appeal to the magistrates' court or the Crown Court under this paragraph the court may make such order as it thinks fit.

(8) Subject to sub-paragraph (9) to (12) below, it shall be the duty of the appropriate authority to give effect to an order of the magistrates' court or the Crown Court.

(9) The appropriate authority need not give effect to the order of the magistrates' court until the time for bringing an appeal under sub-paragraph (5) above has expired and, if such an appeal is duly brought, until the determination or abandonment of the appeal.

(10) Where a licence is revoked or an application for the renewal of a licence is refused, the licence shall be deemed to remain in force -

- (a) until the time of bringing an appeal under this paragraph has expired and, if such an appeal is brought, until the determination or abandonment of the appeal; and
- (b) where as appeal relating to the refusal of an application for such a renewal is successful and no further appeal is available, until the licence is renewed by the appropriate authority.

(11) Where -

- (a) the holder of a licence makes an application under paragraph 18 above; and
- (b) the appropriate authority impose any term, condition or restriction other than one specified in the application,

the licence shall be deemed to be free of it until the time for bringing an appeal under this paragraph has expired.

(12) Where an appeal is brought under this paragraph against the imposition of any such term, condition or restriction, the licence shall be deemed to be free of it until the determination or abandonment of the appeal.



## STANDARD CONDITIONS

### SEX SHOPS

#### General

1. Unless stated otherwise, the licence hereby granted will remain in force for one year from the date on the licence, after which it will cease to be in effect unless an application for renewal is submitted in the manner prescribed by the council.
2. The licence may be revoked by the council if at any time the holder is convicted of an offence of using the licensed premises, or other premises for which a similar licence has been granted, other than in accordance with the terms, conditions or restrictions of the licence or is convicted of any offence under any enactment defined in paragraph 1 of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 as amended.
3. In the event of a conflict between these conditions and any special conditions contained in a licence relating to a sex establishment the special conditions shall prevail.
4. The name of the premises must be approved by the council in writing. Any change to the name of the premises must be approved by the Council in writing.

#### Exhibition of the licence

5. The licence or a certified copy shall be prominently displayed at all times so as to be readily and easily seen by all persons using the premises and all authorised officers. A copy of the conditions attached to the licence shall be kept on the premises and be available for inspection by an authorised officer of the council.

#### Hours of opening

6. Except with the written consent of the council, the premises will only open to the public during the following hours:

Monday	09:00 – 20:00	Friday	09:00 – 20:00
Tuesday	09:00 – 20:00	Saturday	09:00 – 20:00

Wednesday 09:00 – 20:00      Sunday      12:00 – 20:00  
Thursday      09:00 – 20:00

### **Conduct of the premises**

7. The premises will be conducted primarily for the purpose of the sale or hire of goods by retail.
8. The licensee, or any other person concerned in the conduct or management of the premises, will only obtain custom by means of personal solicitation or touting from the premises in such a way that it does not cause concern to the public or the licensing authority. All literature used will not contain images or text of a sexually explicit, obscene or offensive nature.
9. No part of the premises will be used by prostitutes.
10. All sex articles or other items displayed for sale, hire, exchange or loan within the premises will be clearly marked to show the price being charged.
11. All printed material offered for sale, hire, exchange or loan will be available for inspection prior to purchase and a notice to this effect will be displayed in a conspicuous position within the premises.
12. No film, DVD or video recording (or computer game) will be exhibited, sold or supplied unless it has been passed by the British Board of Film Classification and bears a certificate to that effect.
13. No moving picture will be provided on display at the licensed premises unless it is that of advertising videos on a loop system or allowing a prospective purchaser a short preview of films upon request, being no longer than 3 minutes in length.
14. Items offered for sale, hire, exchange or used in any promotion/advertising must not contravene any current legislation i.e. Section 12 Video Recordings Act 1984 (as amended).

### **External appearance**

15. There will be a notice displayed inside each entrance or doorway to the premises, clearly visible on entering the premises, which states the following words and no others:

**STRICTLY NO ADMITTANCE TO PERSONS UNDER 18 YEARS OF AGE**

This premises operates a Challenge 25 policy.  
Persons who appear to be under the age of 25 will be required to show proof of age.



16. The external appearance of the premises must be approved by the council in writing. Any change to the external appearance must be approved by the council. The operator must advise of any change in writing including a drawing of the existing and proposed street elevation. This must be approved by the council in writing before work is undertaken.
17. The frontage of the licensed premises will be of such a nature that the inside of the licensed premises are not visible and the contents of the licensed premises should not be visible when the doors of the licensed premises is open.
18. There will be no illuminated or protruding signs fixed to the premises and no signs placed outside the premises on the public highway.

### **Advertising**

19. Any unsolicited written, visual or auditory advertisement material, posters, signage or window display must not be of a sexually explicit or suggestive nature, will not contain images or text of a sexually explicit, obscene or offensive nature and must be approved by the council in writing.
20. The distribution of flyers will only be permitted in such a way where it does not cause public offence. Flyers must not be distributed by and to persons under the age of 18 years.

## **Layout of the premises**

21. Access to ground floor premises may only be through two or more doors placed consecutively, so arranged that when a person enters or leaves the premises the interior of the premises is not recognisable to persons outside the premises. The first set of entry doors must be fitted with a device to provide for their automatic closure and such a device shall be maintained in good working order.
22. No access will be permitted through the premises to any other adjoining or adjacent premises except in the case of an emergency.
23. No alterations (including temporary alterations) will be made to the structure and installations on the premises, without the prior written consent of the council. This condition will not require notice to be given in respect of routine maintenance works. Where there is any doubt the licensee should seek advice from the council.

## **Management of the premises**

24. Where the licensee is a body corporate, or an un-incorporated body, any change of director, company secretary or other person responsible for the management of the body will be notified in writing to the council within 14 days of such change. Such details as the council may require in respect of the change of personnel will be furnished within 14 days of a request in writing from the council.
25. The licensee, or a responsible person nominated by them in writing for the purpose of managing the venue ("the manager") will have personal responsibility for and be present on the premises whilst the premises are open to the public. Any such nomination will be produced on demand to an authorised officer of the council or the police.
26. The licensee will ensure that any person nominated by them under the above:
  - a) has been provided with a copy of the conditions relating to the premises and is fully conversant with them; and
  - b) is in possession of a written nomination referred to about at all times when they are in charge of the premises.
27. Where the licensee, director, company secretary, or responsible person nominated for the purpose of managing the venue ("the manager"), is convicted of an offence, they must, as soon as practicable after the conviction, inform the council of the conviction giving details of the nature and date of the conviction, and any sentence imposed.
28. The licensee will retain control over all parts of the premises and will not let, licence or part with possession of any part of the premises. The council must be notified immediately in the event that any part of the premises affected by

the termination of a lease or other event affecting the licensee's control of the premises.

29. The licensee will ensure that the public is not admitted to any part or parts of the premises that has not been approved by the council.
30. The holder of the licence will keep a record of all employees who are asked to work on the premises which will include their full name, date of birth, current and previous address and any convictions recorded against that person (subject to the Rehabilitation of Offenders Act 1984).
31. An authorised and certified copy of the full personal record or a record of an individual will be produced on demand to an authorised officer of the council or the police.
32. No person under the age of 18 will be admitted to the premises.
33. The licensee will operate a Challenge 25 age verification policy. People who appear to be under the age of 25 will be required to show proof of ID prior to admittance. A notice to this effect, in accordance with condition 18 will be displayed on the premises.
34. The licence holder will not employ any person under the age of 18 in any capacity.

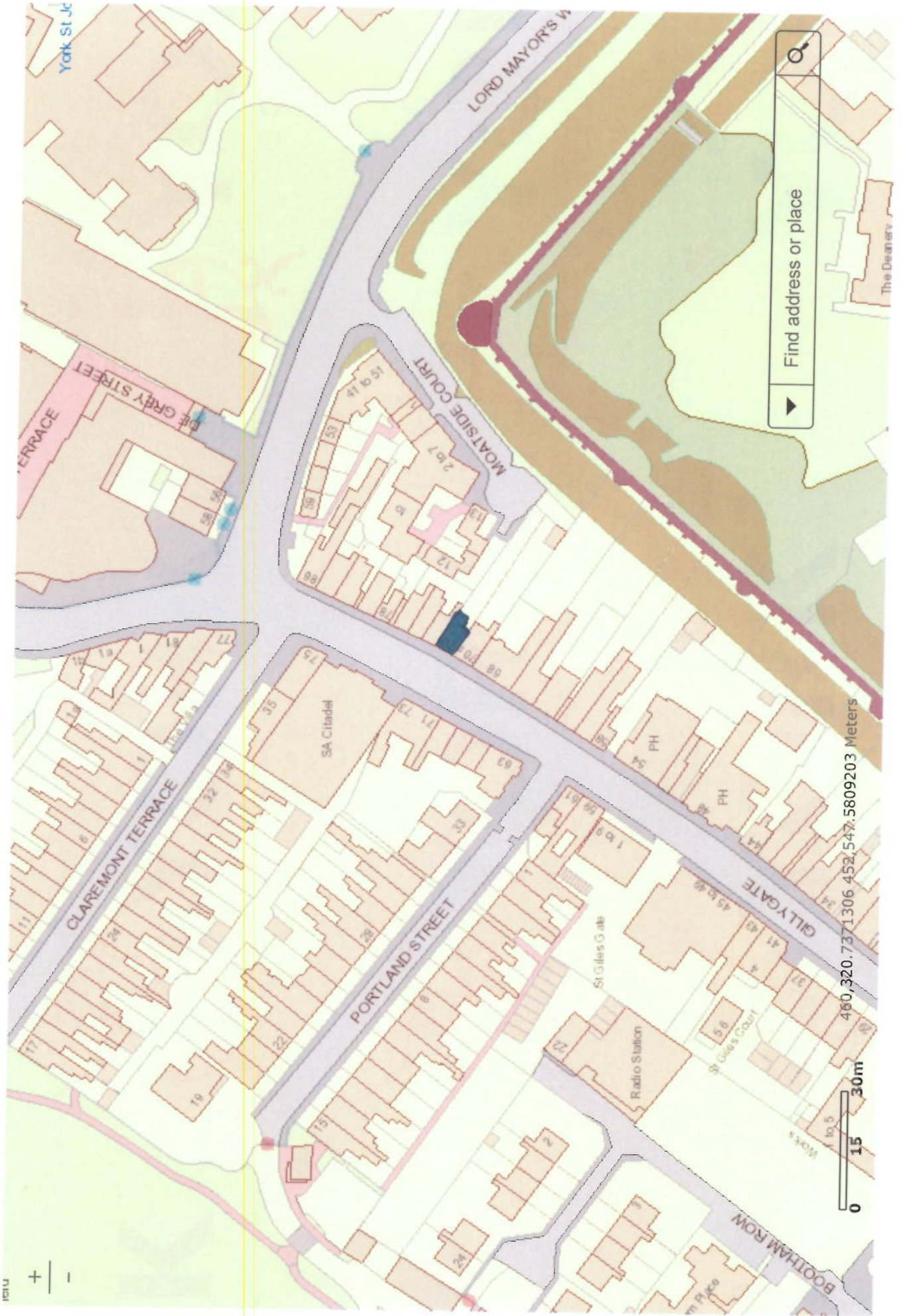
### **Vessels, vehicles and stalls**

35. In the case of licensed premises that are a vessel, vehicle or stall, the licensee shall not move the vessel, vehicle or stall from the location specified in the licence unless 28 days written notice is given to the council of such intended removal. The council may require the licensee to lodge such written application as it may deem appropriate and pay such a fee as it may deem reasonable in respect of such application.
36. The requirements of condition 35 will not apply to a vessel, vehicle or stall habitually operating from a fixed location, which is regularly moved, whether under its own propulsion or otherwise, from another place for storage purposes. This place must be specified in the licence and must not be used for the purposes for which the licence is granted and any other location than that specified in the licence.
37. Vehicles must not be used for personal solicitation, touting or advertising.

### **Variation of conditions**

38. The council may, at the time of grant or renewal of the licence, waive, modify or vary these conditions or impose additional conditions as appropriate.

39. The licensee may apply to the council to vary any of the terms of the licence.
40. Applications to vary conditions of the licence must be advertised by the licensee in the same manner as the application for the grant, renewal or transfer of the licence.



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## Legislation and Policy Considerations

1. The following provisions of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended) apply to this application:
  - Paragraph 10 (Grant, renewal and transfer of licences for sex establishments) relates to the process which the applicant must have followed for the application to be considered valid.
  - Paragraph 12 (Refusal of licences) relates to the grounds under which an application shall not be granted and also describes the powers by which the licensing authority has a discretion to refuse the licence.
  - Paragraph 13 (Power to prescribe standard conditions).
  
2. The following provisions of the Home Office Guidance apply to this application:
  - Paragraphs 3.23 – 3.24 (Objections) explain who can object and how this is done and that the applicant must be made aware of the general grounds for the objection before the application is determined.
  - Paragraphs 3.25 – 3.26 (Hearings) explain that the applicant must be given the opportunity to appear and be heard in front of the sub-committee considering the application. Schedule 3 does not make any explicit provision for objectors to be heard, this is left to the discretion of the appropriate authority.
  - Paragraphs 3.27 – 3.31 (Grounds for refusal).
  - Paragraphs 3.32 – 3.38 (Relevant locality) define the meaning of “relevant locality” and the powers of the appropriate authority to decide the maximum number of premises allowed in a particular locality.
  - Paragraphs 3.39 – 3.42 (Licence conditions) explain that once the decision is made to grant, the appropriate authority can attach conditions specific to the individual premises and/or standard conditions for the particular type of establishment. These conditions should not duplicate conditions placed on a premises licence issued under the Licensing Act 2003 and should be appropriate to the activities authorised by the licence.
  - Paragraphs 4.19 – 4.21 (European Convention on Human Rights) explain whilst applications from existing operators can be refused on one or more grounds set out in paragraph 12 of schedule 3 of the 1982 Act, account must be taken of rights existing operators may have under Article 1 of Protocol 1 to the European Convention

which protects the peaceful enjoyment of their possessions (including licences) and article 10 (freedom of expression).

4. City of York Council's Policy for the Licensing of Sex Establishments Licensing Policy and the Standard Conditions for Sex Shops applies to this application.
5. The Committee is reminded of their duty under the Crime and Disorder Act 1998 to consider the crime and disorder implications of their decisions and the authority's responsibility to co-operate in the reduction of crime and disorder in the city.
6. The Committee is reminded that the Human Rights Act 1998 guarantees the right to a fair hearing for all parties in the determination of their civil rights. The Act also provides for the protection of property, which may include licences in existence, and the protection of private and family life.
7. The Committee is reminded that it must comply with the Council's Public Sector Equality Duty (as required to do so under s.149 of the Equality Act 2010), and have due regard to the potential impact on gender equality.



## **NOTE FOR MEMBERS**

Extracts from Home Office Guidance for England and Wales relating to Sexual Entertainment Venues.

3.23 When considering an application for the grant, renewal or transfer of a licence the appropriate authority should have regard to any observations submitted to it by the chief officer of police and any objections that they have received from anyone else within 28 days of the application. Any person can object to an application but the objection should be relevant to the grounds set out in paragraph 12 of Schedule 3 for refusing a licence. Objections should not be based on moral grounds/values and local authorities should not consider objections that are not relevant to the grounds set out in paragraph 12. Objectors must give notice of their objection in writing, stating the general terms of the objection.

3.24 Where the appropriate authority receives notice of any objection the authority shall, before considering the application, give notice in writing of the general terms of the objection to the applicant, However, the appropriate authority shall not without the consent of the person making the objection reveal their name or address to the applicant.

### **Hearings**

3.25 Under paragraph 10(19) of Schedule 3, before refusing an application, all applicants should be given the opportunity to appear before and be heard by the local authority committee or sub-committee that is responsible for determining the application.

3.26 Schedule 3 does not make explicit provision for objectors to be heard, but this does not mean that such hearings cannot take place. Rather, case law on this matter states that while local authorities are under no obligation to offer an oral hearing to objectors, they may do so at their discretion. Although a local authority is under a duty to consider any objections made within 28 days of the application, it has discretion to hear later objections provided the applicant is given the opportunity to deal with those objections.

### **Refusal of a Licence**

3.27 Paragraph 12 of Schedule 3 sets out the grounds for refusing an application for the grant, renewal or transfer of a licence.

A licence must not be granted:

- a) to a person under the age of 18;

- b) to a person who is for the time being disqualified due to the person having had a previous licence revoked in the area of the appropriate authority within the last 12 months;
- c) to a person, other than a body corporate, who is not resident in an EEA State or was not so resident throughout the period of six months immediately preceding the date when the application was made; or
- d) to a body corporate which is not incorporated in an EEA State; or
- e) to a person who has, within a period of 12 months immediately preceding the date when the application was made, been refused the grant or renewal of a licence for the premises, vehicle, vessel or stall in respect of which the application is made, unless the refusal has been reversed on appeal.

3.28 A licence may be refused where:

- a) the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason;
- b) if the licence were to be granted, renewed or transferred the business to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant, renewal or transfer of such a licence if he made the application himself;
- c) the number of sex establishments, or of sex establishments of a particular kind, in the relevant locality at the time the application is determined is equal to or exceeds the number which the authority consider is appropriate for that locality;
- d) that the grant or renewal of the licence would be inappropriate, having regard -
  - i. to the character of the relevant locality;
  - ii. to the use to which any premises in the vicinity are put; or
  - iii. to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.

3.29 A decision to refuse a licence must be relevant to one or more of the above grounds.

3.30 When determining a licence application, the local authority must have regard to any rights the applicant may have under Article 10 (right to freedom of expression) and Article 1, Protocol 1 (protection of property) of the European Convention on Human Rights.

3.31 The Provision of Services Regulations 2009 amended Schedule 3 to the 1982 Act to state that, if having considered an application for the grant, renewal or transfer of a licence, the appropriate authority decides to refuse it if one or more of the above grounds, it must provide the applicant with reasons for the decision in writing.

## Relevant Locality

3.32 Paragraph 12(3)(c) and 12(3)(d) of Schedule 3 allow appropriate authorities to refuse applications on grounds related to an assessment of the “relevant locality”. A licence can be refused if either, at the time the application is determined the number of sex establishments, or sex establishments of a particular kind, in the relevant locality is equal to or exceeds the number that the authority considers appropriate for that locality; or that a sex establishment would be inappropriate having regard to the character of the relevant locality, the use to which any premises in the vicinity are put or the layout, character or condition of the premises. Nil may be the appropriate number.

3.33 Schedule 3 to the 1982 Act does not define “relevant locality” further than to say that:

- (a) in relation to premises, it is the locality where they are situated; and
- (b) in relation to a vehicle, vessel or stall, any locality where it is desired to use it as a sex establishment.

3.34 Clearly, the decision regarding what constitutes the ‘relevant locality’ is a matter for the appropriate authority. However, such questions must be decided on the facts of the individual application.

3.35 Therefore, it is reasonable and potentially useful to future applicants, for a local authority to decide in advance of receiving any applications that certain areas are, or are not, appropriate locations for a sex establishment or a particular number of sex establishments. Nevertheless, all applications must be considered on their individual merits.

3.36 When considering a particular application case law has indicated that the relevant locality does not have to be a clearly pre-defined area nor are local authorities required to be able to define its precise boundaries. Therefore, while a local authority is not prevented from defining the exact area of the relevant locality, it is equally free to conclude that it simply refers to the area which surrounds the premises specified in the application and does not require further definition. Nevertheless a local authority’s view of what constitutes a locality could be open to challenge if they took a completely unreasonable view of the area covered, for example, by concluding two sex establishments 200 miles away from one another were in the same locality. Case law indicates that a relevant locality cannot be an entire local authority area or an entire town or city.

3.37 Once the appropriate authority has determined the relevant locality, it should seek to make an assessment of the ‘character’ of the relevant locality

and how many, if any, sex establishments, or sex establishments of a particular kind, it considers appropriate for that relevant locality.

3.38 Section 27 amends paragraph 12(3)(c) of Schedule 3 to allow local authorities to determine an appropriate number of sex establishments of a particular kind. In practice, this means that the appropriate authority may, for example, decide that a particular locality is suitable for a sex shop but is not suitable for a sexual entertainment venue or vice versa.

### **Licence Conditions**

3.39 Once the appropriate authority has decided to grant a licence they are able to impose terms, conditions and restrictions on that licence, either in the form of conditions specific to the individual licence under paragraph 8 of Schedule 3 or standard conditions applicable to all sex establishments, or particular types of sex establishments, prescribed by regulations made by the appropriate authority under paragraph 13 of Schedule 3.

3.40 Paragraph 13 provides examples of the matters that standard conditions may address which include but are not restricted to:

- The hours of opening and closing
- Displays and advertisements on or in sex establishments
- The visibility of the interior of a sex establishment to passers-by
- Any change of use from one kind of sex establishment to another

3.41 Where the appropriate authority decides to produce standard conditions under paragraph 13 they will apply to every licence granted, renewed or transferred by the authority unless they have been expressly excluded or varied.

3.42 Most sexual entertainment venues will require a 2003 Act licence as well as a sex establishment licence. Where this is the case, local authorities should avoid duplicating licence conditions and should ensure that conditions imposed on each licence are relevant to the activities authorised by that licence. For example, conditions relating to the sale of alcohol should only appear on a premises licence or clubs premises certificates and should not be imposed on sexual entertainment venue licence. Likewise, conditions relating the provisions of relevant entertainment should appear on the sexual entertainment venue licence and not a premises licence or club premises certificate. Local authorities should also avoid imposing conditions on either licence that are contradictory.



## Licensing and Regulatory Committee

13 June 2023

Report of the Director – Environment, Transport and Planning

Hackney Carriage Fares

### Summary

1. This report asks Members to determine a request from the Hackney Carriage Associations with regards to the maximum fares to be paid in respect of the hire of a City of York licensed hackney carriage vehicles. This request relates to a variation of the table of fares.

### Recommendations

2. Members are asked to determine the request for the variation of the table of fares from City of York's Hackney Carriage Associations.

Reason: To determine the table of fares that will apply to charges in respect of the hire of City of York's licensed hackney carriage vehicles.

### Background

3. Section 65 of the Local Government (Miscellaneous Provisions) Act 1976 (1976 Act) allows the Council to fix the rates of fares within its area, and all other charges in connection with the hire of a vehicle or with the arrangements for the hire of a vehicle, by means of a "table of fares". The Council can only fix the rates of fares in relation to hackney carriage vehicles.
4. There is also provision within the 1976 Act that the Council may vary the table of fares.
5. The current table of fares, more commonly known as the fare chart, was fixed by the Council in July 2022. This followed a request from the Hackney Carriage Associations for a temporary variation to the fares by way of a journey fuel surcharge due to the current economic situation, changes with cost of living and unprecedented increase in fuel prices. A

review date for this temporary surcharge was set to January 2023. The table of the current fares can be found at Annex 1.

6. The current City of York’s table of fares covers five tariffs, which include distance and waiting time:

- Standards charges
  - Tariff 1 – day time 7am – 10pm
  - Tariff 2 – night time 10pm – 7am
  - Tariff 3 – race days (to and from the racecourse only)
- Premium rates – Christmas and New Year
  - Tariff 4 – day time 7am – 10pm
  - Tariff 5 – night time 10pm – 7am

It also covers extras, which includes additional charges for:

- Bank Holidays
- Cats and dogs (excluding assistant dogs)
- Each item of luggage carried in the boot
- Fouling of the vehicle interior

7. The Council determines whether to vary the table of fares upon receipt of a request from the Hackney Carriage Associations (Associations). There are currently three Associations representing City of York hackney carriage trade, it is a requirement of the Council that all three Associations must agree to make the request.

8. At the beginning of the calendar year, when the relevant RPI Transport Indices figures are published by the Office for National Statistics, the Council provides the Associations with the results of hackney carriage fare inflation calculations. This calculation take into account the:

- a) Inflation figures
- b) Fuel annual percentage inflation figures
- c) Vehicle maintenance annual percentage inflation figures
- d) Vehicle insurance annual percentage inflation figures

Upon receipt of this information the Associations determine if they are going to submit a request to the Council to vary the table of fares, providing details of how they would like the variations to be applied.

9. The results of the inflation calculations over the last four years have shown the following percentage increases:

December 2018 – December 2019	-	2.91%
December 2019 – December 2020	-	0.99%
December 2020 – December 2021	-	9.62%
December 2021 – December 2022	-	10.97%

10. As stated above the current table of fares was fixed by the Council in 2022. The Associations did not submit a request to the Council to vary the tariffs on the fare chart in 2022, however the request was made for the temporary surcharge to each journey which was implemented in July 2022. The Association did submit a request to the Council to vary the fares in February 2021, the request was agreed by the Council and implemented in September 2021. The proposed table of fares can be found at Annex 2.

## **Consultation**

12. The Associations have consulted their members prior to submitting the request to vary the table of fares.
13. It is a legal requirement of the 1976 Act that when the Council makes or varies a table of fares, that they publish in at least one local newspaper circulating in the district a notice setting out the table of fares, or the variations. The notice must give a specified period, of not less than 14 days, within which objections can be made.
14. If no objections to the table of fares or the variation are received the table of fares or the variations shall come into operations on the date of the expiration of the period specified in the notice.
15. In the event that objections are received, and they are not withdrawn, the report and any outstanding objections would be referred to committee for consideration. The Council shall set a further date, no later than two months after the first specified date, on which the table of fares shall come into force with or without modifications as decided by the Council after consideration of the objections.

## **Options**

16. Option 1 – ask officers to publish in a local newspaper the variation to the table of fares proposed by the Hackney Carriage Associations, giving a specified period of 14 days within which objections can be made. If no objections are received or if so received are withdrawn then the new fares will be implemented on the date specified in the advert.
17. Option 2 – determine an alternative variation to the table of fares, and ask officer to publish in a local newspaper the variation to the table of

fares determined by Members, giving a specified period of 14 days within which objections can be made.

18. Option 3 - reject the request from the Hackney Carriage Associations to vary the table of fares.

## Analysis

19. The comparisons in the current and proposed table of fares are detailed in the table below (distance is shown in metres):

Current Table of Fares		Proposed Table of Fares	
Standard Charges	Additional	Standard Charges	Additional
Tariff 1 £3.00 157.8 yards 144.29 metres 39.8 seconds	20p 168.2 yards 153.8 metres 42.4 seconds	Tariff 1 £3.40 215.8 yards 197.3 metres 56.4 seconds	20p 144.8 yards 132.4 metres 37.9 seconds
Tariff 2 £3.90 77.6 yards 70.96 metres 19.3 seconds	As above	Tariff 2 £4.40 124.0 yards 113.4 metres 32.2 seconds	As above
Tariff 3 £6.00 1066 yards 974.75 metres 4 mins 27.6 seconds	As above	Tariff 3 £6.20 313.0 yards 286.2 metres 81.8 seconds	As above
Premium Rates	Additional	Premium Rates	Additional
Tariff 4 £4.50 157.8 yards 144.29 metres 39.8 seconds	30p 168.2 yards 153.8 metres 42.4 seconds	Tariff 4 £5.10 215.8 yards 197.3 metres 56.4 seconds	30p 144.8 yards 132.4 metres 37.9 seconds
Tariff 5 £5.85 77.6 yards 70.96 metres 19.3 seconds	As above	Tariff 5 £6.60 124.0 yards 113.4 metres 32.2 seconds	As above

20. On the current table of fares the 'Extras' include:-

The extra charge for children between the age of 3 – 12 years of age.

The extra charge for animals (cats and dogs) carried.

The proposed table to fares requests that these 'Extra' is removed.

This has been agreed with the Associations.



The extra charge for each item of luggage carried in the boot be amended from 20p to 50p per item with a maximum charge being £1.00  
The charge for the 3<sup>rd</sup> and 4<sup>th</sup> passenger in the vehicle be changed from 40p to 50p (no charge for children under 12).

The fouling charge (for alcohol induced fouling or, in all cases,) be increased from £75 to £90 across all tariffs.

Standard bank holiday remains the same Standard charge +£2.00

21. Fare comparisons of journeys with regards to distance travelled can be found at Annex 3.

### **Council Priorities**

22. The taxi licensing functions undertaken by the Council are statutory, supporting the new and existing trade, as well as local residents and visitors. Through these functions, the policy supports the Council's Plan of a good quality of life for everyone.

### **Implications**

23. The direct implications arising from this report are:
- (a) **Financial** – There are no financial implications.
  - (b) **Human Resources (HR)** - There are no HR implications.
  - (c) **Equalities** – There may be an equalities impact in that many people with a disability use a taxi as their main method of transport. There will be an increase in price, but it risks drivers leaving the industry unless its implemented.
  - (d) **Legal** – Section 65 of the Local Government (Miscellaneous Provisions) Act 1976 (1976 Act) grants the Council the power to fix and vary the maximum rates of fares charged for hire of a Hackney Carriage. Section 65 of the 1976 Act sets out the procedure to be followed to vary the table of fares and this is set out in the paragraph titled Consultation in body of the report.
  - (e) **Crime and Disorder** – There are no crime and disorder implications.
  - (f) **Information Technology (IT)** - There are no IT implications.

(g) **Property** - There are no property implications.

(h) **Other** - There are no other implications.

## Risk Management

24. There are no known risks associated with this report.

## Contact Details

<b>Author:</b>		<b>Chief Officer Responsible for the report:</b>		
David Cowley Taxi Licensing Manager 01904 552422		James Gilchrist Director Environment, Transport and Planning		
		<b>Report Approved</b>	√	<b>Date</b> 05.06.2023
<b>Specialist Implications Officer(s)</b>				
<b>Wards Affected:</b>			<b>All</b>	√
<b>For further information please contact the author of the report</b>				

## Annexes

**Annex 1** – Current Table of Fares

**Annex 2** – Proposed Table of Fares

**Annex 3** – Fare Comparisons of Journeys

**CITY OF YORK HACKNEY CARRIAGE FARES FROM 29 JULY 2022** Annex 1

**STANDARD CHARGES**

**ADDITIONAL DISTANCE AND WAITING TIME**

<b>Day Time</b> (7am to 10pm)	<b>Tariff 1</b>	<b>£3.00</b>	<b>For the first 144.3mtrs/157.8yrds or 39.8 seconds of waiting time or a combination of both</b>	<b>20p</b>  <b>For each 148.3mtrs/162.2yrds or 42.4 seconds of waiting time or a combination of both</b>
<b>Night Time</b> (10pm to 7am)	<b>Tariff 2</b>	<b>£3.90</b>	<b>For the first 70.9mtrs/77.6yrds or 19.3 seconds of waiting time or a combination of both</b>	
<b>Race Days</b> (To and from Racecourse)	<b>Tariff 3</b>	<b>£6.00</b>	<b>For the first 974.8mtrs/1066yrds or 4 mins 46 seconds of waiting time or a combination of both</b>	

**PREMIUM RATES**

**ADDITIONAL DISTANCE AND WAITING TIME**

<b>Christmas and New Year</b>		7pm Christmas Eve to 7am on 27th December 7pm New Year's Eve to 7am on 2nd January			<b>30p</b>  <b>For each 148.3mtrs/162.2yrds or 42.4 seconds of waiting time or a combination of both</b>
<b>Day Time</b> (7am to 10pm)	<b>Tariff 4</b>	<b>£4.50</b>	<b>Tariff 1 + 50%</b>	<b>For the first 144.3mtrs/157.8yrds or 39.8 seconds of waiting time or a combination of both</b>	
<b>Night Time</b> (10pm to 7am)	<b>Tariff 5</b>	<b>£5.85</b>	<b>Tariff 2 + 50%</b>	<b>For the first 70.9mtrs/77.6yrds or 19.3 seconds of waiting time or a combination of both</b>	

**Vehicles carrying 5 or more passengers - premium rates apply**

**EXTRAS**

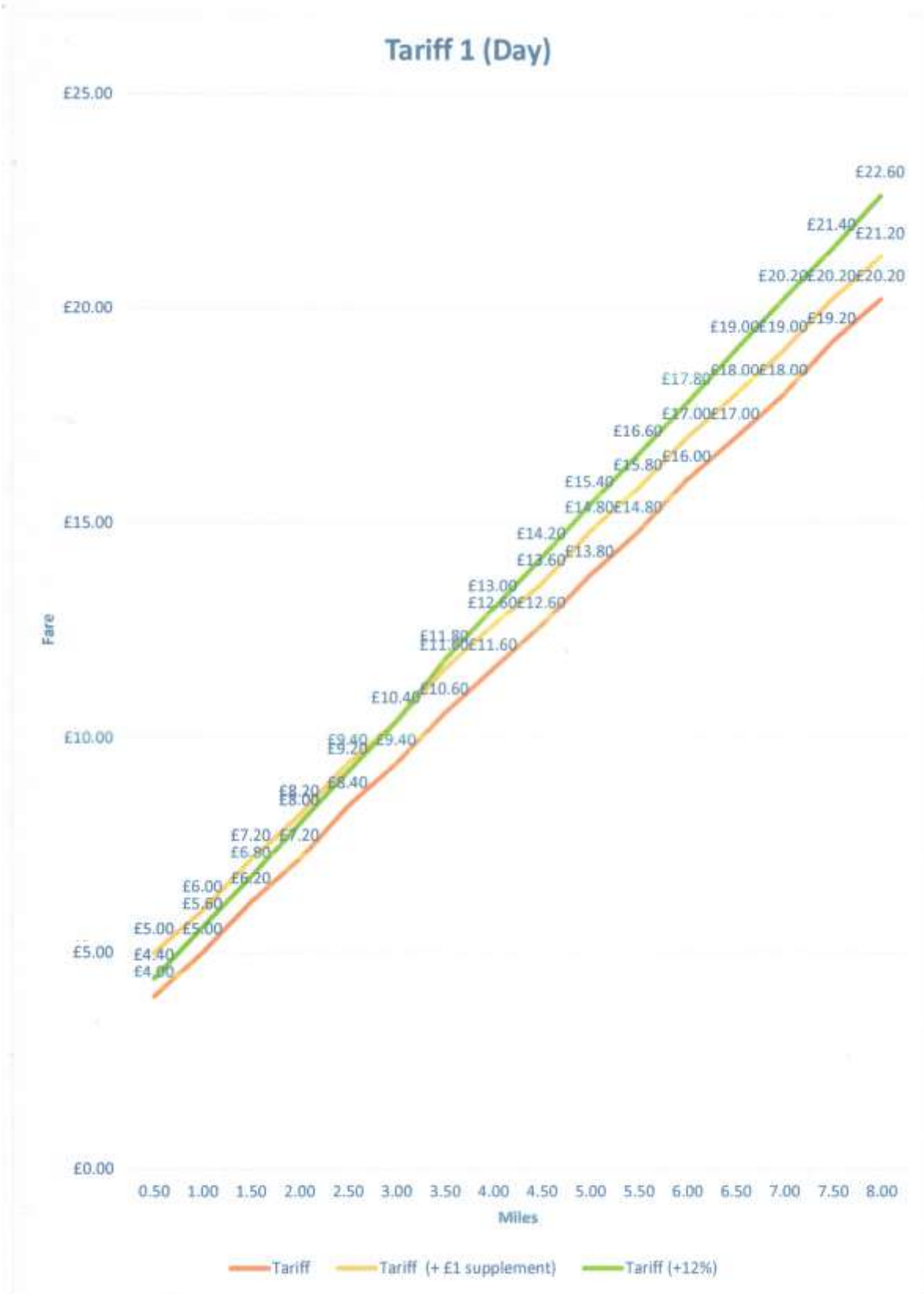
<b>All other Bank Holidays</b> (7am on day of Bank Holiday until 5am next day)	<b>Standard Charge + £2.00</b>
<b>Extra Passengers: 3rd and 4th passengers</b>	<b>40p each</b>
<b>Children aged between 3 and 12 years of age - half the extra passenger rates</b>	
<b>Cats and Dogs (except Guide, Hearing or Assistance Dogs - these dogs travel free)</b>	<b>20p</b>
<b>Fuel Levy</b>	<b>£1</b>
<b>Each item of luggage carried in boot</b>	<b>20p</b>
<b>FOULING OF VEHICLE INTERIOR: For alcohol induced fouling or, in all cases, when the night tariff applies</b>	
<b>Maximum charge of:</b>	<b>£75</b>

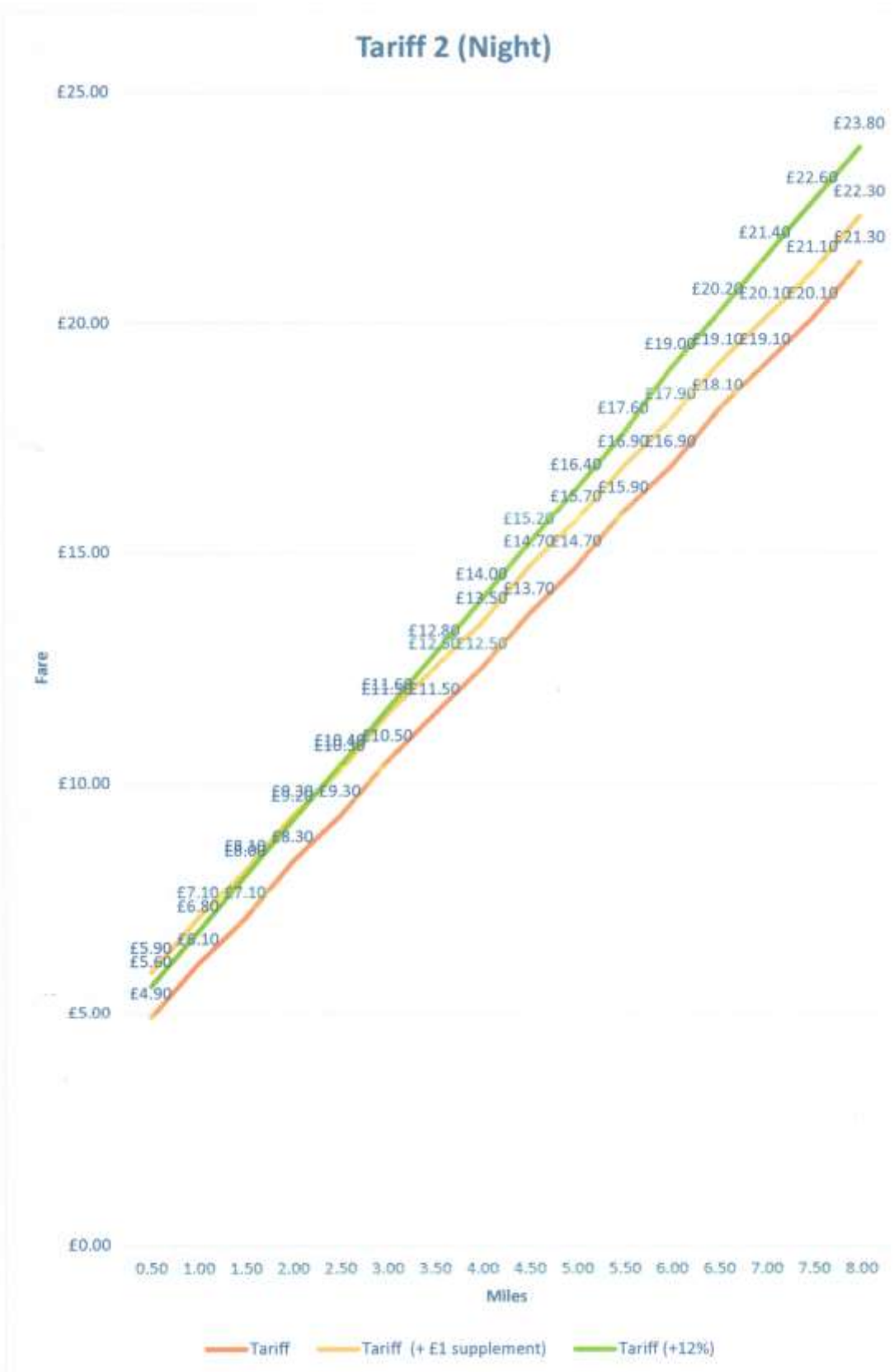
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<b>CITY OF YORK HACKNEY CARRIAGE FARES (TBC)</b>					
<b>STANDARD CHARGES</b>				<b>ADDITIONAL DISTANCE AND WAITING TIME</b>	
<b>Day Time</b> (7am to 10pm)	Tariff 1	<b>£3.40</b>	For the first 197.3 mtrs/215.8 yards or 56.4 seconds of waiting time or a combination of both		<b>20p</b>  For each 132.4 mtrs/144.8 yards or 37.9 seconds of waiting time or a combination of both
<b>Night Time</b> (10pm to 7am)	Tariff 2	<b>£4.40</b>	For the first 113.4 mtrs/124.0 yards or 32.2 seconds of waiting time or a combination of both		
<b>Race Days</b> (To and from Racecourse)	Tariff 3	<b>£6.20</b>	For the first 286.2 mtrs/313.0 yards or 81.8 seconds of waiting time or a combination of both		
<b>PREMIUM RATES</b>				<b>ADDITIONAL DISTANCE AND WAITING TIME</b>	
<b>Christmas &amp; New Year</b>		7pm Christmas Eve to 7am on 27th December 7pm New Year's Eve to 7am on 2nd January			
<b>Day Time</b> (7am to 10pm)	Tariff 4	<b>£5.10</b>	Tariff 1 + 50%	For the first 197.3 mtrs/215.8 yards or 56.4 seconds of waiting time or a combination of both	<b>30p</b>  For each 132.4 mtrs/144.8 yards or 37.9 seconds of waiting time or a combination of both
<b>Night Time</b> (10pm to 7am)	Tariff 5	<b>£6.60</b>	Tariff 2 + 50%	For the first 113.4 mtrs/124.0 yards or 32.2 seconds of waiting time or a combination of both	
<b>MULTI SEAT</b>		<b>(5 OR MORE PASSENGERS) - PREMIUM RATES APPLY</b>			<b>(No Extra Charge for 3rd &amp; 4th Person)</b>
<b>ALL OTHER BANK HOLIDAYS</b>		<b>(7am on day of Bank Holiday until 5am following day)</b>			<b>Standard Charge + £2.00</b>
<b>EXTRAS</b>					
<b>3rd &amp; 4th Persons</b>		<b>(No Charge for Children Under 12)</b>			<b>50p Each</b>
<b>Each Item of Luggage Carried In Boot</b>				<b>50p (Max £1.00)</b>	
<b>FOULING OF VEHICLE INTERIOR</b>				<b>£90.00</b>	

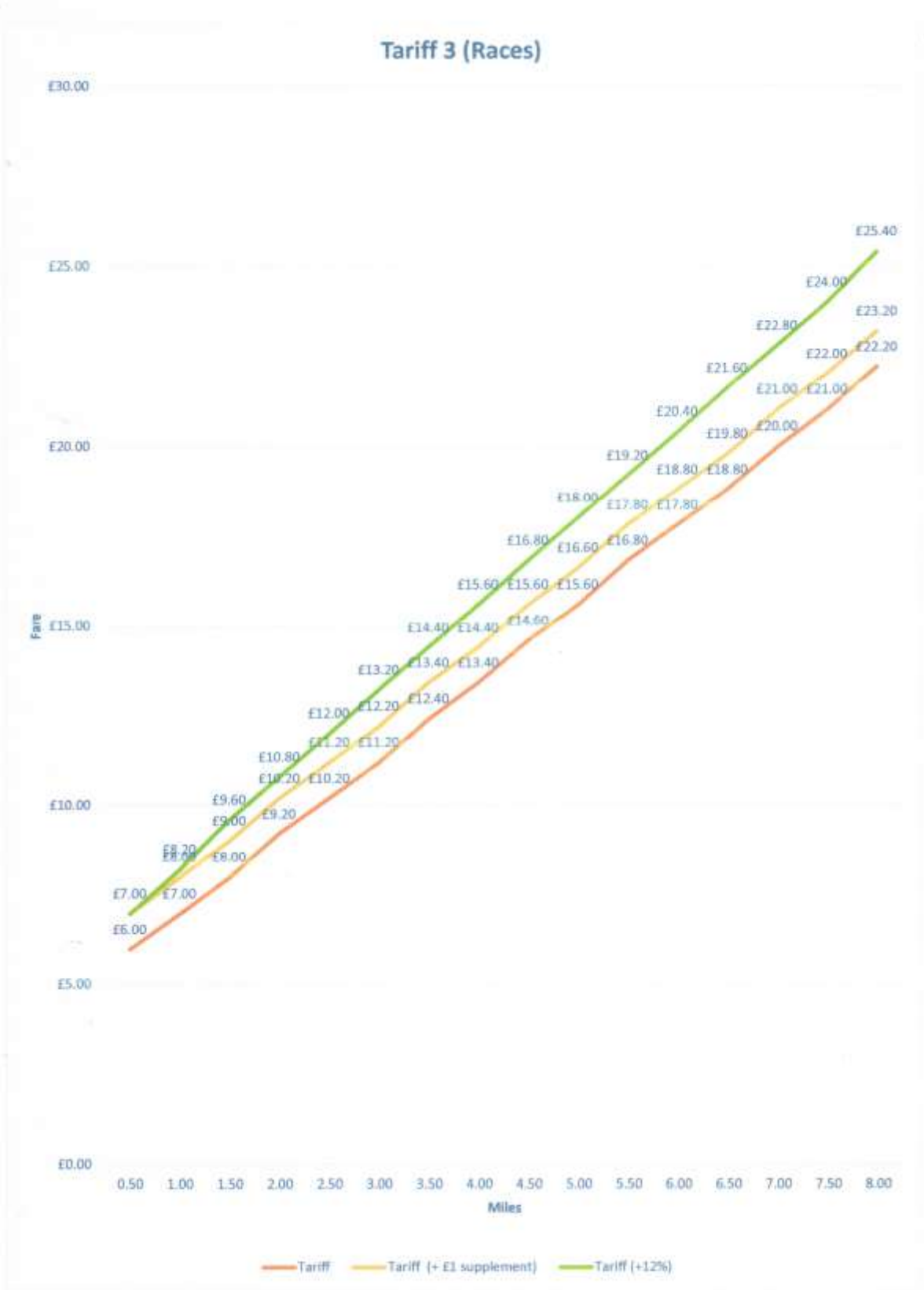
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Fare comparisons of journeys with regards to distance travelled **Annex 3**









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## Licensing & Regulatory Committee

13 June 2023

Report from the Director – Environment, Transport and Planning

### **Local Government (Miscellaneous Provisions) Act 1976 Part 2, Section 55, Licensing of Operators of Private Hire vehicles**

#### **Application for a Private Hire Operators licence**

#### **Summary**

1. This report seeks Members' determination of an application for a Private Hire Operators Licence.
2. Name of applicant: Mohammed Iqbal, trading as York Cars (Private Hire).
3. Summary of Application: A copy of the application is attached at Annex 1 of this report and is summarised as follows:
4. An application for the grant of a Private Hire Operator's Licence, to operate private hire vehicles from Unit 1, Heritage Park, Outgang Lane, York, North Yorkshire, YO19 5UP.
5. Annex 2 provides a map showing the location of the premises.
6. The Council must determine an application for an operator on its own merits in accordance with the legislative framework and the City of York Council's Taxi Licensing Policy (the Policy), although Policy does not have to be followed where there is a good reason to depart from it. In making the determination, the Council must consider the application form, any supporting documentation and any other relevant information.
7. Mr Mohammed Iqbal is a private hire operator (York Cars) which is currently licensed by the Council at a location at Blossom Street, York, YO24 1AJ. However, the Policy does not allow for a transfer of a private hire operator's licence from one location to another, therefore an application for the grant of an additional operator's licence is required.

## Recommendations

8. Members are asked to determine Mr Iqbal's application for a new licence

Reason: To fulfil the Council's obligations in relation to the Licensing of Operators of Private Hire Vehicles in accordance with Section 55 of the Local Government (Miscellaneous Provisions) Act 1976.

## Background

9. Annex 3 provides legislation extracts of the Local Government (Miscellaneous Provisions) Act 1976.
10. Private hire operators are defined in Section 55 of the 1976 Act as: 'a person who in the course of business makes provision for the invitation or acceptance of bookings for private hire vehicles.'
11. Having adopted Part II of the Local Government (Miscellaneous Provisions) Act 1976 in March 1996, Section 55 allows for 'the grant of a Private Hire Operator's Licence'. However, a Council shall not grant a licence unless they are satisfied:-
  - (a) that the applicant is a fit and proper person to hold an operator's licence; and
  - (b) if the applicant is an individual, that the applicant is not disqualified by reason of the applicant's immigration status from operating a private hire vehicle.
12. Please note that Mr Iqbal is not disqualified by reason of his immigration status, this is not therefore considered further in this report.
13. There is no test specified in the legislation to establish whether an operator is fit and proper. However, the Institute of Licensing and the Department of Transport Statutory Standards provide some guidance on the test to apply. Extracts of both are included at Annex 4 and 5.
14. The 1976 Act also allows the council to attach such conditions on a private hire operator's licence as it considers reasonable to operate private hire vehicles.

15. City of York Council's current Taxi Licensing Policy (the Policy) was adopted by the Council's Executive on 26 September 2019, with an implementation date of 1 October 2019.
16. The Policy sets out standard conditions on the grant of a private hire operator's licence. A copy of City of York Council's Standard Conditions for Private Hire Operators is attached at Annex 6. On 13 May 2022, the Council and Mr Iqbal agreed additional conditions to his existing licence. These conditions can be found at Annex 7.
17. The additional conditions were put in place in response to 34 Cars Ltd (Mr Iqbal's Wolverhampton Private hire operation) use of the provisions afforded to them under The Deregulation Act of 2015. These provisions allow a person licensed as a private hire operator (under section 55) in one district, who has accepted a booking for a private hire vehicle, to arrange for another person to provide a vehicle to carry out the booking if:-
  - (a) the other person is licensed under section 55 in respect of the same district and the sub-contracted booking is accepted in that district;  
or
  - (b) the other person is licensed under section 55 in respect of another district and the sub-contracted booking is accepted in that district;
18. Therefore, providing the above conditions are met, bookings may be sub-contracted to another operator out of district to carry out the journey. For the avoidance of any doubt, such a practice is lawful, and an operator should not be considered 'unfit' purely on this basis. Officers are satisfied that 34 Cars Ltd's subcontracting arrangements are legally compliant.
19. For the avoidance of any doubt, Mr Iqbal is currently considered by the Council to be fit and proper to operate a private hire vehicle at the Blossom Street address.
20. Please note, that in a similar application made to this committee on 21 December 2022 (by Drive Cars), Members applied the conditions which can be found at Annex 8a. These form the basis of the recommended conditions at Annex 8a.
21. The first purpose of the Local Authority when licensing hackney carriage and private hire, vehicles, drivers and operators is to protect the interests of the travelling public. The Council is aware that the public should have reasonable access to safe and comfortable hackney

carriage and private hire vehicles because of the role they play in the local transport system. Therefore, the recommended conditions at Annex 8a are suggested to ensure consistency is provided to the travelling public and to further the objective of the licensing policy to provide the travelling public access to a safe, efficient and effective public transport service.

22. Finally, by way of background, Section 55 of the 1976 Act states that 'the licence is to remain in force for five years or for such lesser period as the Council thinks is appropriate in the circumstances of the case'. Members of this Committee determined in February 2021, to issue licences for a maximum period of 12 months until such time that the Taxi Licensing Policy is reviewed, the Policy is currently in the process of being reviewed.

### The application

23. Mr Iqbal made submitted the current application, for an additional licence at the Outgang Lane address on 26 January 2023, Section 57 of the Local Government Miscellaneous Provisions Act 1976 allows the Council to ask for further information as they may reasonably consider necessary to enable them to determine whether the licence should be granted and whether conditions should be attached to any such licence. Further information in relation to that application was requested by officers on 29 March 2023 The response being received on 12 April 2023. Annex 9 contains the questions and the responses.

24. The following is a summary of the information provided in the application:

### The premises

25. The premises is currently in operation as auto repair / garage trading as Gladstone Garage (Gladstone Tyres and Autocare Ltd). The applicant has stated that they are neither a director nor a shareholder of Gladstone Tyres and Autocare Ltd.
26. The hours of operation are to be 24 hours every day of the week.
27. The premises has planning permission for the use as a private hire operating company. A copy of the planning permission is attached at Annex 10 of this report.
28. Condition three of the planning permission states that:- the private hire office shall be conducted as a control room only, no facilities are to be

provided on site for drivers to waiting for fares or between shifts, nor shall the premises and car park be used to pick up or drop off customers or be used as a waiting area for customers.

Other licences held either in a personal capacity or as director of a company (in addition to the Private Hire Operator's licence at Blossom Street licence)

29. The applicant currently holds private hire operator's licences issued by:
  - City of Wolverhampton Council
  - Ashfield District Council
30. Mr Iqbal has pending private hire operator applications with Leeds City Council and Bradford Council.
31. Mr Iqbal also holds a private hire driver and 18 private hire vehicle licences with City of Wolverhampton Council.
32. Mr Iqbal holds a private hire driver's licence and 16 private hire vehicle licences with City of York Council.

Criminal record checks

33. The applicant has undertaken the relevant criminal records check and submitted the correct documentation required to determine the application. Officers are satisfied that there are no issues of concern.

Complaints

34. Annex 11 gives details of the complaints received by the Council's Public Protection team which are linked via name to York Cars over the last two years. It is observed that most of the complaints relate to the parking of York Cars vehicles at or around the garage location at Outgang Lane, presumably whilst being repaired, serviced etc at the garage. It is fair to say that officers consider parking to be problematic at the location with vehicles – including York Cars vehicles – seen parked on the pavement, on verges etc. If Members share concerns about parking, it may be that they consider an extra condition is appropriate to address any parking issues. It should be noted that Mr Iqbal is not a Director or Shareholder of Gladstone Garage and may therefore be unable to control parking by their customers. Such a condition has been added to the recommended conditions at Annex 8b.

Any other matters

35. Officers are satisfied that there are no material breaches to the conditions in respect of the current operator's licence. Checks show that there have been three instances of drivers used in contravention of the existing condition (a), however Mr Iqbal was unaware of the breaches and officers are satisfied that he had taken reasonable endeavours to prevent those breaches occurring. Officers can confirm that one of the drivers is no longer working for York Cars and the other two drivers have subsequently passed the York Knowledge and Safeguarding test (these would therefore be permitted to drive under the new, proposed conditions).
36. Members will also need to have in mind that, as mentioned above, the licences to all operators are currently being issued for one year, rather than five.

### Consultation

37. There is no requirement within the 1976 Act for a consultation to take place in relation to application for the grant of private hire vehicle, driver or operator licences. Therefore, a consultation has not taken place in relation to this application.

### **Options.**

38. By virtue of paragraphs 55, and 57 of the Local Government (Miscellaneous Provisions) Act 1976, the Committee have the following options available to them in making their decision:
39. Option 1: Grant a private hire operator's licence as requested, with the standard at Annex 6 and or the agreed additional conditions attached at Annex 7 for a period of one year.
40. Option 2: Grant the private hire operator's licence with the standard at Annex 6 and any combination of additional conditions / modified imposed by the licensing committee for a period of one year. (Conditions are Annex 7 and or Annex 8a and or Annex 8b or any other conditions which members consider to be reasonably necessary)
41. Option 3: Refuse the application providing the grounds for refusal.

### **Analysis.**

42. Option 1 and 2 - There is a right to appeal to the Magistrates' Court against the imposition of conditions on a licence within 21 days.



43. Option 3 - In the event that the application is refused the applicant has the right of appeal to the Magistrates' Court within 21 days.

### **Council Plan.**

44. The Council's Plan is to provide safe communities and culture for all, and a good quality of life for everyone. The approved City of York Council Policy will support the Council's Plan for a prosperous city for all and a council that listens to residents.

### **Implications.**

45. The implications arising directly from this report are:
- **Financial** – There are no direct financial implications.
  - **Human Resources (HR)** – There are no HR implications.
  - **Equalities** – The provision of a safe and efficient taxi/private hire service is of particular importance to vulnerable members of the community including young persons (some of whom rely on taxis to get to school) and people with a disability.
  - **Legal** – The Local Government (Miscellaneous Provisions) Act 1976 provides the legislative framework for the licensing of private hire operators. Section 55 of the Act deals with the licensing of operators. Whilst this Act expressly refers to 'district council' the provisions within this legislation are in force in relation to the council as a unitary authority. It provides that:  
“(1) Subject to the provisions of this Part of this Act, a district council shall, on receipt of an application from any person for the grant to that person of a licence to operate private hire vehicles grant to that person an operator's licence:  
Provided that a district council shall not grant a licence unless they are satisfied –  
(a) that the applicant is a fit and proper person to hold an operator's licence; and  
(b) if the applicant is an individual, that the applicant is not disqualified by reason of the applicant's immigration status from operating a private hire vehicle.  
  
(1A) In determining for the purposes of subsection (1) whether an applicant is disqualified by reason of the applicant's immigration

status from operating a private hire vehicle, a district council must have regard to any guidance issued by the Secretary of State.”

Section 55(2) provides that: “Subject to section 55ZA, every licence granted under this section shall remain in force for five years or for such lesser period, specified in the licence, as the district council think appropriate in the circumstances of the case.”

Section 55(3) provides that “A district council may attach to the grant of a licence under this section such conditions as they may consider reasonably necessary”.

The applicant has the right to appeal the refusal to grant an operator’s licence and any conditions imposed to the Magistrates’ Court.

In addition to the legislative framework the council has a Taxi Licensing Policy which guides the licensing authority’s decision making in relation to applications.

Members should also take into consideration the Department of Transport’s ‘Statutory Taxi & Private Hire Vehicle Standards’ when considering whether a person is ‘fit and proper’ to hold a licence.

The Licensing authority has a duty to ensure that any person to whom it grants an operator’s licence is a ‘fit and proper’ person to be a licensee.

- **Crime and Disorder** – There are no crime and disorder implications.
- **Information Technology (IT)** – There are no IT implications.
- **Property** – There are no property implications.
- **Other** – There are no other implications.

### **Risk Management.**

46. All Members are aware that any decision which is unreasonable or unlawful could be open to legal challenge resulting in loss of reputation and potential financial penalty.
47. The report details the options available to the panel in determining the application and recommends that a decision be reached. Provided the decision complies with the proper grounds for considering the

application as set out within this report, there are no known risks involved with this recommendation.

## Contact Details

<b>Author:</b>	<b>Chief Officer Responsible for the report:</b>		
David Cowley Taxi Licensing Manager Ext 2422	James Gilchrist Director Environment, Transport & Planning		
	<b>Report Approved</b>	√	<b>Date</b> 05.06.2023

<b>Wards Affected:</b> Osbaldwick and Derwent Ward
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## Background Papers

Taxi Licensing Policy –

<https://www.york.gov.uk/downloads/download/54/taxi-licensing-policy>

## Annexes

- Annex 1** - Copy of application for Private Hire Operators Licence.
- Annex 2** - Map showing location of premises.
- Annex 3** - Legislation extracts.
- Annex 4** - IOL Suggested operator fit and proper test.
- Annex 5** - DFT extract.
- Annex 6** - A copy of City of York Council's Standard Conditions for
- Annex 7** - A copy of the agreed additional conditions Private Hire Operators.
- Annex 8a** - A copy of the modified additional conditions.
- Annex 8b** - A copy of the suggested parking condition.
- Annex 9** - Section 57 Questions and answers.
- Annex 10** - Copy of current planning permission.
- Annex 11** - Complaint logged with Public Protection.

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## APPLICATION FOR THE INITIAL GRANT OF A PRIVATE HIRE VEHICLE OPERATOR'S LICENCE

### WARNING

It is an offence for an applicant knowingly or recklessly to make a false statement or to omit any material information in order to obtain a licence. Such action will reflect on the suitability of the applicant to hold such a licence.

Please complete all sections

### Full Details of Applicant

Title: Mr/Mrs/Miss/Ms/Other Name: MOHAMMED IQBAL

Address: [REDACTED]

Postcode: [REDACTED]

Telephone no: ..... Mobile no: [REDACTED]

Email address: [REDACTED]

Date of birth: [REDACTED] Place of birth: [REDACTED]

National Insurance No: [REDACTED] Do you have the legal right to work in this country? YES/NO

If the applicant proposes to operate the vehicle(s) in partnership with any other persons, please state the name and address of each partner.\*

Title: Mr/Mrs/Miss/Ms/Other Name: .....

Address: .....

Postcode: .....

Telephone no: ..... Mobile no: .....

Email address: .....

Date of birth: ..... Place of birth: .....

National Insurance No: ..... Do you have the legal right to work in this country? YES/NO

If required please continue on a separate sheet\*

Has any applicant had an application to any Local Authority for the grant or renewal of a Private Hire Operator/Driver or Hackney Carriage Driver Licence **refused**, or had a licence **revoked** or **suspended**?

YES / ~~NO~~

If yes please give details:

Name of Local Authority: YORK

Dates: NOV 2020 Type of Licence: OPERATORS

Decision & Reasons: REVOKED - obtained successfully on appeal.

Registered Company Details

Is the application being made in respect of a registered company? YES / NO

Has any director or secretary previously applied for any operator licence? YES / NO

If Yes please give details

.....

Registered Company Name: .....

Registered Company Address: .....

..... Postcode: .....

Telephone no: ..... Email address: .....

Director's name and address: .....

..... Postcode: .....

Secretary's name and address: .....

..... Postcode: .....

Has there been any revocation or suspension of any operator licence previously held? YES / NO

If Yes, please give details

.....

Has the Director or Secretary of the company ever received a conviction? YES / NO

If Yes, please give details\*

Company Name	Trade of Business	Date	Court	Offence	Penalty

If required please continue on a separate sheet\*

Business Premises

Name of Private Hire Company: YORKCARS

Name which will be displayed on vehicle door signage: YORKCARS

Business/Operating Address: UNIT 1, HERITAGE PARK, OUTGANG LANE

YORK Postcode: YO19 5UP

Telephone no: [REDACTED] Email address: .....

(This is the telephone no. at the operating address and cannot be a mobile telephone no.)

Have you obtained planning permission to operate Private Hire Vehicles from this address? YES NO

If Yes, please state the planning application no: 20/00892/FUL

If No, you cannot continue until you have this in place or a letter confirming that permission is not required.

Does any person connected with this application hold either of these licences?

Hackney Carriage ~~YES~~ / **NO** Private Hire **YES** / ~~NO~~

If yes, please give brief details:

Issuing Authority: YORK Type of Licence: PRIVATE HIRE

Date of Issue: 01/11/2022 Date of Expiry: 31/10/2025

Issuing Authority: City of Wolverhampton Type of Licence: PRIVATE HIRE

Date of Issue: 10.11.2022 Date of Expiry: 09.11.2025

Issuing Authority: ..... Type of Licence: .....

Date of Issue: ..... Date of Expiry: .....

If required please continue on a separate sheet\*

You are required to declare every offence for which you have been convicted or received a formal caution from the Police, whether or not it is spent within the terms of the Rehabilitation of Offenders Act 1974.

Have you or any person mentioned in this application ever been convicted in any court for any offence or offences including driving offences and fixed penalty offences or received a formal caution? **YES** / **NO**

If YES, please declare below all convictions and cautions (continue on separate sheet if necessary)

Person	Date	Court	Offence	Penalty

If required please continue on a separate sheet\*

You may wish to explain any mitigating circumstances which gave rise to the conviction. You are invited to do so in the space below.

.....

.....

.....

Please state number of vehicles to operate from this company:

(Please indicate number of vehicles applicable by ticking the appropriate box)

- 1 to 10 vehicles  (Please specify exact number between 1 and 10)
- 11 to 50 vehicles
- 51 to 90 vehicles
- 91+ vehicles

**DECLARATION**

In connection with the Council granting me a Private Hire Vehicle Operator's Licence, I undertake that:-

- a) I will comply with all other conditions, regulations and byelaws, copies of which I have received and read.
- b) I have read and understand the implications of the warning regarding the making of a false declaration in relation to this application and confirm that to the best of my knowledge the particulars I have provided with this application are correct.

Signed: ..... [Redacted] ..... Date: ..... [Redacted] .....

Name: MOHAMMED IQBAL .....

Contact Name (where not previously given) and address for correspondence associated with this application:

.....

..... Postcode: .....

Telephone no: ..... Email address: .....

\*Any additional provided must be attached to this application and signed and dated by the applicant.

Please return the completed form to: Taxi Licensing  
 City of York Council  
 Eco Depot  
 Hazel Court  
 York  
 YO10 3DS

Our email address is [licensing@york.gov.uk](mailto:licensing@york.gov.uk) Our telephone number is (01904) 552422

**The licence fee must be paid when you return the application form.**

This authority requires the requested information in order to process your application for a licence. It has a duty to protect and safeguard the public and therefore may share the information you have provided on this form with other service areas within the Council, Government Departments, law enforcement agencies and partners for these purposes. We take your privacy seriously. For details of the information we collect and how we use it, please see the Public Protection Privacy Policy on our website [www.york.gov.uk](http://www.york.gov.uk).

This authority is under a duty to protect the public funds it administers. We may share information internally and externally with other organisations responsible for auditing or administering public funds, or where undertaking a public function, in order to prevent and detect fraud. We may also disclose information to a Specified Anti-Fraud Organisation for the purpose of preventing fraud under Section 68 of the Serious Crime Act 2007.

**OFFICE USE ONLY**

DATE RECEIVED IN OFFICE:

PRIVATE HIRE OPERATOR'S LICENCE NO.

FOR HOW MANY VEHICLES:

PERIOD OF LICENCE:- FROM: TO:

DATE ISSUED: SIGNED:

RECEIPT NO. FEE PAID: DATE PAID:



Annex 2 - Map showing location of premises.



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## **Annex 3 - Legislation extracts.**

### **55 Licensing of operators of private hire vehicles.**

- (1) Subject to the provisions of this Part of this Act, a district council shall, on receipt of an application from any person for the grant to that person of a licence to operate private hire vehicles grant to that person an operator's licence:

Provided that a district council shall not grant a licence unless they are satisfied

- (a) that the applicant is a fit and proper person to hold an operator's licence; and
  - (b) if the applicant is an individual, that the applicant is not disqualified by reason of the applicant's immigration status from operating a private hire vehicle.
- (1A) In determining for the purposes of subsection (1) whether an applicant is disqualified by reason of the applicant's immigration status from operating a private hire vehicle, a district council must have regard to any guidance issued by the Secretary of State.
- (2) Subject to section 55ZA, every licence granted under this section shall remain in force for five years or for such lesser period, specified in the licence, as the district council think appropriate in the circumstances of the case.
- (3) A district council may attach to the grant of a licence under this section such conditions as they may consider reasonably necessary.
- (4) Any applicant aggrieved by the refusal of a district council to grant an operator's licence under this section, or by any conditions attached to the grant of such a licence, may appeal to a magistrates' court

### **55ZA Operators' licences for persons subject to immigration control**

- (1) Subsection (2) applies if—
- (a) a licence under section 55 is to be granted to a person who has been granted leave to enter or remain in the United Kingdom for a limited period ("the leave period");
  - (b) the person's leave has not been extended by virtue of section 3C of the Immigration Act 1971 (continuation of leave pending variation decision); and
  - (c) apart from subsection (2), the period for which the licence would have been in force would have ended after the end of the leave period.
- (2) The district council which grants the licence must specify a period in the licence as the period for which it remains in force; and that period must end at or before the end of the leave period.
- (3) Subsection (4) applies if—

- (a) a licence under section 55 is to be granted to a person who has been granted leave to enter or remain in the United Kingdom for a limited period; and
- (b) the person's leave has been extended by virtue of section 3C of the Immigration Act 1971 (continuation of leave pending variation decision).
- (4) The district council which grants the licence must specify a period in the licence as the period for which it remains in force; and that period must not exceed six months.
- (5) A licence under section 55 ceases to be in force if the person to whom it was granted becomes disqualified by reason of the person's immigration status from operating a private hire vehicle.
- (6) If a licence granted in accordance with subsection (2) or (4) expires, the person to whom it was granted must, within the period of 7 days beginning with the day after that on which it expired, return the licence to the district council which granted the licence.
- (7) If subsection (5) applies to a licence, the person to whom it was granted must, within the period of 7 days beginning with the day after the day on which the person first became disqualified, return it to the district council which granted the licence.
- (8) A person who, without reasonable excuse, contravenes subsection (6) or (7) is guilty of an offence and liable on summary conviction—
  - (a) to a fine not exceeding level 3 on the standard scale; and
  - (b) in the case of a continuing offence, to a fine not exceeding ten pounds for each day during which an offence continues after conviction.
- (9) The Secretary of State may by regulations made by statutory instrument amend the amount for the time being specified in subsection (8)(b).
- (10) Regulations under subsection (9) may make transitional, transitory or saving provision.
- (11) A statutory instrument containing regulations under subsection (9) may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.

**55A Sub-contracting by operators**

- (1) A person licensed under section 55 who has in a controlled district accepted a booking for a private hire vehicle may arrange for another person to provide a vehicle to carry out the booking if—
  - (a) the other person is licensed under section 55 in respect of the same controlled district and the sub-contracted booking is accepted in that district;
  - (b) the other person is licensed under section 55 in respect of another controlled district and the sub-contracted booking is accepted in that district;

- (c) the other person is a London PHV operator and the sub-contracted booking is accepted at an operating centre in London; or
- (d) the other person accepts the sub-contracted booking in Scotland.
- (2) It is immaterial for the purposes of subsection (1) whether or not sub-contracting is permitted by the contract between the person licensed under section 55 who accepted the booking and the person who made the booking.
- (3) Where a person licensed under section 55 in respect of a controlled district is also licensed under that section in respect of another controlled district, subsection (1) (so far as relating to paragraph (b) of that subsection) and section 55B(1) and (2) apply as if each licence were held by a separate person.
- (4) )Where a person licensed under section 55 in respect of a controlled district is also a London PHV operator, subsection (1) (so far as relating to paragraph (c) of that subsection) and section 55B(1) and (2) apply as if the person holding the licence under section 55 and the London PHV operator were separate persons.
- (5) Where a person licensed under section 55 in respect of a controlled district also makes provision in the course of a business for the invitation or acceptance of bookings for a private hire car or taxi in Scotland, subsection (1) (so far as relating to paragraph (d) of that subsection) and section 55B(1) and (2) apply as if the person holding the licence under section 55 and the person making the provision in Scotland were separate persons.

In this subsection, “private hire car” and “taxi” have the same meaning as in sections 10 to 22 of the Civic Government (Scotland) Act 1982.

- (6) In this section, “London PHV operator” and “operating centre” have the same meaning as in the Private Hire Vehicles (London) Act 1998.

#### **55B Sub-contracting by operators: criminal liability**

- (1) In this section—
  - “the first operator” means a person licensed under section 55 who has in a controlled district accepted a booking for a private hire vehicle and then made arrangements for another person to provide a vehicle to carry out the booking in accordance with section 55A(1);
  - “the second operator” means the person with whom the first operator made the arrangements (and, accordingly, the person who accepted the sub-contracted booking).
- (2) The first operator is not to be treated for the purposes of section 46(1)(e) as operating a private hire vehicle by virtue of having invited or accepted the booking.
- (3) The first operator is guilty of an offence if—

- (a) the second operator is a person mentioned in section 55A(1)(a) or (b),
- (b) the second operator contravenes section 46(1)(e) in respect of the sub-contracted booking, and
- (c) the first operator knew that the second operator would contravene section 46(1)(e) in respect of the booking.

The Institute of Licensing and James Button provide a suggested private hire operator test which is:-

“Would I be comfortable providing sensitive information such as holiday plans, Movements of my family or other information to this person, and feel safe in the Knowledge that such information will not be used or passed on for criminal or Unacceptable purposes?”

(Para 12.35 “Button on Taxis”).

“Button on Taxis: Licensing Law and Practice” (4th Ed Bloomsbury Professional 2017)

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Department  
for Transport

# Statutory Taxi & Private Hire Vehicle Standards

## 8. Private Hire Vehicle Operator Licensing

8.1 As with driver licensing, the objective in licensing private hire vehicle operators is to protect the public, who may be using operators' premises and trusting that the drivers and vehicles dispatched are above all else safe. It is important therefore that licensing authorities are assured that those that are granted a private hire vehicle operator also pose no threat to the public and have no links to serious criminal activity. Although private hire vehicle operators may not have direct contact with passengers, they are still entrusted to ensure that the vehicles and drivers used to carry passengers are appropriately licensed and so maintain the safety benefits of the driver licensing regime.

### Criminality checks for private hire vehicle operators

8.2 Enhanced DBS and barred list checks are not available for private hire vehicle operator licensing. **Licensing authorities should request a basic disclosure from the DBS and that a check is undertaken annually.** Any individual may apply for a basic check and the certificate will disclose any unspent convictions recorded on the Police National Computer (PNC). Licensing authorities should consider whether an applicant or licence holder with a conviction for offences provided in the annex to this document (Annex – Assessment of previous convictions), other than those relating to driving, meet the 'fit and proper' threshold.

8.3 However, it is important that authorities acknowledge that in many cases individuals that license as a private hire vehicle operator may already be licensed as a driver. An authority which undertakes the biannual DBS checks recommended for its drivers should not require those seeking a private hire vehicle operator licence to provide a basic DBS check as part of the application process; a basic DBS would not provide any information in addition to that disclosed under the enhanced DBS and barred lists check used for the driver assessment. In these circumstances, the authority should instead rely on the fact that the applicant is considered as fit and proper to hold a driver licence when considering their suitability to hold a vehicle licence. Should the individual cease to hold a driver licence a basic certificate should be required immediately

8.4 Refusal to license an individual as a driver or to suspend or revoke a driver licence does not automatically mean that that individual cannot be issued or continue to hold a private hire vehicle operator licence; this decision must be independent of a driver licence refusal and based on the appropriate information i.e. it should not consider information that would only be available via an enhanced DBS check but instead that which would be disclosed on a basic check. DBS certificate information can only be used for the specific purpose for which it was requested and for which the applicant's full consent has been given.

8.5 A private hire vehicle operator licence may be applied for by a company or partnership; licensing authorities should apply the 'fit and proper' test to each of the directors or partners in that company or partnership. For this to be effective

private hire vehicle operators should be required to advise the licensing authority of any change in directors or partners.

- 8.6 As explained earlier in the context of driver licensing, the DBS cannot access criminal records held overseas. Further information on assessing the suitability of those that have spent extended periods in overseas is provided in paragraphs 4.34 - 4.36.

### Booking and dispatch staff

- 8.7 Private hire vehicle drivers are not the only direct contact that private hire vehicle users have with private hire vehicle operators' staff, for example a person taking bookings (be it by phone or in person). A vehicle dispatcher decides which driver to send to a user, a position that could be exploited by those seeking to exploit children and vulnerable adults. It is therefore appropriate that all staff that have contact with private hire vehicle users and the dispatching of vehicles should not present an undue risk to the public or the safeguarding of children and vulnerable adults.
- 8.8 Licensing authorities should be satisfied that private hire vehicle operators can demonstrate that all staff that have contact with the public and/or oversee the dispatching of vehicles do not pose a risk to the public. **Licensing authorities should, as a condition of granting an operator licence, require a register of all staff that will take bookings or dispatch vehicles is kept.**
- 8.9 Operators should be required to evidence that they have had sight of a Basic DBS check on all individuals listed on their register of booking and dispatch staff and to ensure that Basic DBS checks are conducted on any individuals added to the register and that this is compatible with their policy on employing ex-offenders. DBS certificates provided by the individual should be recently issued when viewed, alternatively the operator could use a [responsible organisation](#) to request the check on their behalf. When individuals start taking bookings and dispatching vehicles for an operator they should be required, as part of their employment contract, to advise the operator of any convictions while they are employed in this role.
- 8.10 The register should be a 'living document' that maintains records of all those in these roles for the same duration as booking records are required to be kept, this will enable cross-referencing between the two records. A record that the operator has had sight of a basic DBS check certificate (although the certificate itself should not be retained) should be retained for the duration that the individual remains on the register. Should an employee cease to be on the register and later re-entered, a new basic DBS certificate should be requested and sight of this recorded.
- 8.11 Operators may outsource booking and dispatch functions but they cannot pass on the obligation to protect children and vulnerable adults. Operators should be required to evidence that comparable protections are applied by the company to which they outsource these functions.

8.12 Licensing authorities should also require operators or applicants for a licence to provide their policy on employing ex-offenders in roles that would be on the register as above. As with the threshold to obtaining a private hire vehicle operators' licence, those with a conviction for offences provided in the annex to this document (Annex – Assessment of previous convictions), other than those relating to driving, may not be suitable to decide who is sent to carry a child or vulnerable adult unaccompanied in a car.

## Record keeping

8.13 Section 56 of the [Local Government \(Miscellaneous Provisions\) Act 1976](#) requires private hire vehicle operators to keep records of the particulars of every booking invited or accepted, whether it is from the passenger or at the request of another operator. **Licensing authorities should as a minimum require private hire vehicle operators to record the following information for each booking:**

- the name of the passenger;
- the time of the request;
- the pick-up point;
- the destination;
- the name of the driver;
- the driver's licence number;
- the vehicle registration number of the vehicle;
- the name of any individual that responded to the booking request;
- the name of any individual that dispatched the vehicle.

8.14 This information will enable the passenger to be traced if this becomes necessary and should improve driver security and facilitate enforcement. It is suggested that booking records should be retained for a minimum of six months.

8.15 Private hire vehicle operators have a duty under data protection legislation to protect the information they record. The Information Commissioner's Office provides comprehensive on-line guidance on registering as a data controller and how to meet their obligations.

## Use of passenger carrying vehicles (PCV) licensed drivers

8.16 PCV licensed drivers are subject to different checks from taxi and private hire vehicle licensed drivers as the work normally undertaken, i.e. driving a bus, does not present the same risk to passengers. Members of the public are entitled to expect when making a booking with a private hire vehicle operator that they will receive a private hire vehicle licensed vehicle and driver. **The use of a driver who holds a PCV licence and the use of a public service vehicle (PSV) such**

**as a minibus to undertake a private hire vehicle booking should not be permitted as a condition of the private hire vehicle operator's licence without the informed consent of the booker.**

- 8.17 Where a private hire vehicle is unsuitable, for example where a larger vehicle is needed because more than eight passenger seats required or to accommodate luggage, the booker should be informed that a PSV is necessary, and that a PCV licenced driver will be used who is subject to different checks and not required to have an enhanced DBS check.

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**Appendix 11****Private Hire Operators' Licence Conditions**

1. All applicants are required to complete an application form and are reminded that it is an offence to knowingly or recklessly make any false statement or omit relevant information.
2. The Booking Office premises of a Private Hire Operator shall be approved by the Council and shall conform to all Planning Regulations and other legal requirements in respect of business premises. Details must be provided of where vehicles will be parked when waiting for bookings. In the event that it is found that the Booking Office is operating without all necessary planning consents or in breach of planning conditions, the Private Hire Operator's licence will be deemed suspended until planning consent is obtained.
3. The current Private Hire Operators licence must be displayed at the business premises to which the licence relates in a prominent position at all times in view of the general public with the exception of such times as the licence is presented to the Council for amendment.
4. The licensed Operators shall have in force a Public Liability Insurance policy providing a minimum of £2,000,000 indemnity in respect of any one incident where there is public access to a booking office. This policy will be produced to the Council annually.
5. The licensed Operators, who have employees, shall have in force an Employers Liability Insurance policy complying with the Employers Liability (Compulsory Insurance) Act 1969 covering death or personal injury arising out of any incident during the course of a person's employment. This policy will be produced to the Council annually.
6. During the currency of the licence, the Operator shall notify the Council in writing within 7 days of any temporary change of residence which is for a period in excess of 21 days.
7. The licensed Operator shall inform the Council within 14 days of any change of the partners or Directors of the company, or any change on the Secretaryship or Chairmanship thereof.
8. Each Operator, when disposing of any business interest, shall within 14 days give notice in writing to the Council that the business registered in his/her name has terminated.
9. The licensed Operator must notify the Council and nominate a responsible person to take responsibility on an interim basis if they are absent from the business for 15 days or more.
10. The licensed Operator will ensure that the Council has his/her most up to date contact details, including a mobile telephone number and email address. There should also be a generic email address for the company.
11. The licensed Operator shall keep a record for a period of not less than 36 months, of all the hackney carriage/private hire vehicle licence number, plate number, registration number and make and model of all hackney carriages/private hire vehicles operating from his/her office. Such records shall be sent to the Council annually and be available at all reasonable times for inspection by the Council.

12. The licensed Operator shall keep a record for a period of not less than 36 months, of all the hackney carriage/private hire driver's licence number, badge number, personal identity code name or number and name and address of each driver operating from his/her office. Such records shall be sent to the Council annually and be available at all reasonable times for inspection by the Council.
13. The licensed Operator shall make sure that hackney carriage/private hire vehicles and driver's operating from his/her office have had their licence renewed by the Council.
14. The licensed Operator shall display in a prominent position visible to customers visiting his premises at his place of business a list of fares and booking fees chargeable by the Operator. The Council shall be supplied with an up to date list of fares within 14 days of any changes made.
15. The licensed Operator will ensure that the licence issued by the Department of Trade and Industry for all radio equipment used is current and valid. All equipment must only be used on the frequencies stipulated in the D.T.I. licence and the licensed Operator must allow the Council access to inspect all equipment and D.T.I. licenses.
16. The licensed Operator shall keep and maintain at all times for a period of not less than six months, a record of hiring showing the particulars of every booking of a hackney carriage/private hire vehicle, including any booking accepted at the request of another Operator.

The record must be kept in the form of a log sheet or computer database detailing in particular:-

- a) The date and time of each booking
- b) The name and address of the hirer (if known)
- c) The dates, time and place of the commencement of each hiring
- d) The destination
- \*e) The vehicle licence number and the name of the driver
- f) For booking transferred to another operator, details of that operator and information detailed in point 'e' above

(\* This information may be given by reference to an incorporated code)

All records shall be maintained and kept up to date at all times, and shall be available for inspection at all reasonable times, without notice, by an Authorised Officer, the Police or DVSA. For the purpose of further investigation, records may be removed from the premises if so required or copied.

17. The licensed Operator shall keep a register of complaints by the public for a period of not less than 12 months.
18. Upon receiving a complaint or allegation regarding any person licensed by the Council in relation to the following matters:
  - a) sexual misconduct, sexual harassment or inappropriate sexual attention



- b) racist behaviour
- c) violence
- d) dishonesty
- e) breaches of equality

the licensed Operator shall report it immediately to the Council when the taxi licensing office is open.

19. The licensed Operator is not permitted to accept bookings forwarded by their private hire drivers.
20. Private hire operators must provide the Council with a current table of fares, including mileage fare chart.
21. If used, private hire operators must make sure all meters and PDA systems are calibrated to the correct fare scale.
22. The licensed Operator shall provide a prompt, efficient and reliable service to members of the public at all times, ensuring that when a private hire vehicle has been hired to be in attendance at an appropriate time and place, that vehicles shall, unless delayed, attend punctually at that time and place.
23. The licensed Operator remains accountable for service delivery even upon the transfer of a booking to another licensed Operator.
24. The maximum number of vehicles that may operate from the licensed Private Hire Booking Office are detailed on this licence, this number will not be exceeded without prior written notification to the Council.

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**C: CONDITIONS**

1. The licence shall be subject to the following additional conditions:
  - (a) Not to use any driver licensed by the City of Wolverhampton (“Wolverhampton-licensed drivers”) onto the 34 Cars Ltd platform who is known to have taken and failed the York Knowledge and Safeguarding Test within the previous 3 years, unless the driver has subsequently passed the test.
  - (b) To require Wolverhampton-licensed drivers who wish to be recruited onto the 34 Cars Ltd platform to state [1] if they have previously taken and failed the York knowledge and safeguarding test within the previous 3 years [2] the current live points on their DVLA licence. Drivers’ responses to be notified to the City of York Council.
  - (c) To require Wolverhampton-licensed drivers who wish to be on-boarded to the 34 Cars Ltd platform to sign an appropriate form (in accordance with the requirements of the GDPR and Data Protection Act 2018) authorising information as to their having taken, or otherwise, the City of York Knowledge and Safeguarding Test, and current live points of their DVLA licence as well the result of any such test, to be given to Mr. Iqbal and/or York Cars and/or their representatives.
  - (d) To require that before fulfilling a sub-contracted booking from York Cars, each Wolverhampton-licensed driver must complete topographical training, namely 2-3 hours of in-house training consisting of classroom or in-car training, including the York Pedestrian Zone, city centre roads and routes, and important venues such as hospitals, the railway station, tourist attractions, etc.
  - (e) To require that before fulfilling a sub-contracted booking from York Cars, each Wolverhampton-licensed driver must take and pass a driving assessment administered by a DVSA accredited assessor, such as The Blue Lamp Trust, Green Penny or any such other organisation as may be authorised by or agreed with the City of York Council to undertake the said driving assessment.
  - (f) To keep records of topographical training and driving assessment for each Wolverhampton-licensed driver. The said records (including driving assessment certificate) to be kept throughout the period the driver works with the company and for 6 months thereafter. To produce such records on request of an authorised officer of the City of York Council.

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**Annex 8a** - A copy of the additional conditions.

The licence shall be subject to the following additional conditions:

- (a) Not to use any driver licensed by any other authority onto the operators platform who is known to have taken and failed the York Knowledge and Safeguarding Test within the previous 3 years, unless the driver has booked to undertake the York Safeguarding and Knowledge test or has subsequently passed.
- (b) To require any other authority licensed drivers who wish to be recruited onto the operator's platform to state
  - [1] if they have previously taken and failed the York knowledge and safeguarding test within the previous 3 years
  - [2] the current live points on their DVLA licence. Drivers' responses to be notified to the City of York Council.
- (c) To require any other authority licensed drivers who wish to be on-boarded to the operators platform to sign an appropriate form (in accordance with the requirements of the GDPR and Data Protection Act 2018) authorising information as to their having taken, or otherwise, the City of York Knowledge and Safeguarding Test, and current live points of their DVLA licence as well the result of any such test, to be given to the operator and/or their representatives.
- (d) To require that before fulfilling a sub-contracted booking from the operator, each other authority licensed driver must complete topographical training, namely 2-3 hours of in-house training consisting of classroom or in-car training, including the York Pedestrian Zone, city centre roads and routes, and important venues such as hospitals, the railway station, tourist attractions, etc.
- (e) To require that before fulfilling a sub-contracted booking from the operator, each other authority licensed driver must take and pass a driving assessment administered by a DVSA accredited assessor, such as The Blue Lamp Trust, Green Penny or any such other organisation as may be authorised by or agreed with the City of York Council to undertake the said driving assessment.
- (f) To keep records of topographical training and driving assessment for each other authority licensed driver. The said records (including driving assessment certificate) to be kept throughout the period the

driver works with the company and for 6 months thereafter. To produce such records on request of an authorised officer of the City of York Council.

**Annex 8b** - A copy of the additional condition parking.

**Suggested Parking Condition.**

The operator will ensure that no York Cars vehicles (licensed by any authority) will be parked unlawfully at the private hire operating premise on Outgang Lane or the surrounding streets including being parked on the pavement, verges or junctions.

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Questions and answers Mr Iqbal (York Cars) Replied 9<sup>th</sup> March 2023.

Section 57 of the Local Government Miscellaneous Provisions Act 1976.

- Q1, As per condition two of the CYC Operator Conditions, can you confirm details of where vehicles will be parked when waiting for bookings?.
- R1, Drivers will not be allowed to return to the office to wait between bookings given the planning conditions. Driver's will park unobtrusively either in the locality where they have dropped off their previous passenger or in another area of their choosing in accordance with their licensing conditions.
- Q2, Can you confirm the details your business relationship to Gladstone Garage?.
- R2, Our client is neither a director nor a shareholder of Gladstone Tyre and Autocare Ltd.
- Q3, Can you confirm details of any other driver / vehicle / operator licences held with any other authorities?.
- R3, Our client has a driver's licence with Wolverhampton MBC. He has 18 private hire vehicle licences. He also has a private hire operator licence with Wolverhampton MBC and Ashfield District Council.
- Q4, Can you confirm if you have any applications pending for a driver / vehicle / operator licences with any other authorities?.
- R4, Our client has applied for a private hire operator licence with Leeds City Council and Bradford MBC.

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**Approve Planning Permission**

**TOWN AND COUNTRY PLANNING ACT 1990**

**To:**

[REDACTED]  
Unit 1 The Joinery Works  
Heritage Park  
Outgang Lane  
Osbalwick  
York  
YO19 5UP

**Application at:** Hare & Ransome Limited Unit 1 The Joinery Works Heritage Park Outgang Lane Osbalwick  
**For:** Change of use of first floor from former builders yard offices to taxi business  
**By:** [REDACTED]  
**Application Ref No:** 20/00892/FUL  
**Application Received on:** 26 May 2020

**CONDITIONS OF APPROVAL:**

1 The development shall be begun not later than the expiration of three years from the date of this permission.

Reason: To ensure compliance with Sections 91 to 93 and Section 56 of the Town and Country Planning Act 1990 as amended by section 51 of the Compulsory Purchase Act 2004.

2 The development hereby permitted shall be carried out in accordance with the following plans:-

Proposed ground floor plan received by the Local Planning Authority on 1 September 2020.

Proposed first floor plan received by the Local Planning Authority on 1 September 2020.

Proposed site plan received by the Local Planning Authority on 1 September 2020.

Reason: For the avoidance of doubt and to ensure that the development is carried out only as approved by the Local Planning Authority.

3 The taxi office shall be conducted as a control room only and no facilities are to be provided on site for drivers waiting for fares or between shifts, nor shall the premises and car park be used to pick-up or drop-off customers or be used as a waiting area for customers.

Reason: To safeguard the amenity of the adjoining premises and the area generally.

4 Group training shall only take place at the site on a maximum of two days per month and shall be attended by a maximum of 10 people at any one time.

Reason: Any proposal to increase the intensity of training activities would need to be considered in the light of local highway and parking conditions.

5 The area on the approved plans for the parking and manoeuvring of 5 vehicles for the taxi use shall be retained solely for such purposes at all times that the Taxi Office is operational.

Reason: In the interests of highway safety.

6 Prior to the occupation of the development commencing details of new secure cycle parking area shall be submitted to and approved in writing by the Local Planning Authority. The building shall not be occupied until the cycle parking areas have been provided within the site in accordance with such approved details, and these areas shall not be used for any purpose other than the parking of cycles.

Reason: To promote use of cycles thereby reducing congestion on the adjacent roads and in the interests of the amenity of neighbours.

Date: 18 September 2020



M. Slater  
Assistant Director for Planning and Public  
Protection

**FOR RIGHTS OF APPEAL, SEE OVERLEAF**

## **Notes to Applicant**

### **1. Statement of the Council's Positive and Proactive Approach**

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraph 38) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve an acceptable outcome:

- Conditions included limiting the site to a call-centre and occasional staff training area.

### **2. For Information - Fire escape and sanitation**

This planning permission for a change of use to a taxi business does not grant or infer permission for the recent installation of the fire escape and planning permission for a change of use of the business does not override the need to comply with any separate legislation as appropriate.

### **Appeals to the Secretary of State**

- . If you are aggrieved by the decision of the City Council to attach conditions to the grant of planning permission, then you can appeal to the Secretary of State for the Environment under Section 78 of the Town and Country Planning Act 1990.
- . If you want to appeal, then you must do so within SIX months of the date of this. You must use a form which you can get from The Planning Inspectorate, at Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN (tel: 0303 444 5433) or which can be downloaded from their web site (<https://www.gov.uk/appeal-planning-inspectorate>).
- . The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- . The Secretary of State need not consider an appeal if it seems to him that the City Council could not have granted planning permission for the proposed development, or could not have granted it without the conditions it imposed, having regard to the statutory requirements, to the provisions of the Development Order and to any directions given under the Order.
- . In practice, the Secretary of State does not refuse to consider appeals solely because the City Council based its decision on a direction given by him.

### **Purchase Notices**

- . If either the City Council or the Secretary of State for the Environment refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state, nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- . In these circumstances, the owner may serve a purchase notice on the City Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

### **Compensation**

- . In certain circumstances, compensation may be claimed from the City Council if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to him.
- . These circumstances are set out in Section 120 and related provisions of the Town and Country Planning Act 1990.

### **Note**

This permission does not absolve you from the need to obtain approval under the Building Regulations, or to obtain approval under any other Bye-Laws, Local Acts, Orders, Regulations and statutory provision in force, and no part of the proposed development should be commenced until such further approval has been obtained.

## Complaints recorded on Public Protection.

Ref No:	Date:	Details	Type	Outcome
229279	18/07/2022	Concerns re-drivers from out of area	Operator Related	Information recorded
232049	21/12/2022	Parking on verge-Gladstone Garage	Operator Related	Operator advised
232049	13/01/2023	Parking on verge-Gladstone Garage	Operator Related	Operator advised
232049	24/01/2023	Parking on verge-Gladstone Garage	Operator Related	Operator advised
233037	20/02/2023	Ashfield Licensed Vehicles	Operator Related	Information recorded

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