
Meeting	Gambling, Licensing & Regulatory Committee
Date	7 November 2016
Present	Councillors Douglas (Chair), Boyce (Vice-Chair), Aspden, Crisp, Funnell, Gillies, Hayes, Mercer, D Myers, Orrell and Richardson
In attendance	Councillor Warters
Apologies	Councillors D'Agorne, Gunnell, Hunter and Mason

Part A - Matters Dealt with Under Delegated Powers

13. Declarations of Interest

Members were asked to declare any personal interests not included on the Register of Interests, any prejudicial interests or any disclosable pecuniary interests which they may have in respect of business on the agenda. Councillor Funnell declared a personal interest in respect of agenda item 4 – City of York Council Community Governance Review, as a City of York Council representative on Derwenthorpe Partnership Forum.

14. Minutes

Resolved: That the minutes of the meeting held on 13 September 2016 be approved as a correct record and then signed by the Chair.

15. Public Participation

It was reported that there had been three registrations to speak at the meeting under the Council's Public Participation Scheme and that one Member of Council had also registered to speak.

Mr Saf Din, representative of the taxi trade, spoke in respect of taxi licensing issues. He asked the following questions:

- What part of the Taxi Licensing Policy was changed to allow Uber to operate?

- Why had the policy been changed?
- What consultation had taken place on the change?

Mr Din also requested feedback on the findings following the taxi licensing enforcement that had taken place.

Mr Din raised concerns regarding the public liability insurance implications in respect of cross boundary work and the difficulties in ascertaining whether drivers had the necessary insurance cover in place. Members' attention was also drawn to the Emissions Policy and the impact of increasing the number of vehicles coming into the city.

Mr Din requested that consideration be given to marshals being in place on Friday and Saturday nights at the three busiest ranks in the city – St Saviourgate, Duncombe Place and Rougier Street.

Mr Gary Graham, York Hackney Carriage Driver, sought clarification as to which part of the Taxi Licensing Policy had been changed to allow Uber into York. He expressed his concerns that the consultation that had taken place had not been transparent, as taxi drivers had not been aware of the implications of the proposed change. Mr Graham requested that further consultation be carried out on the changes that had been made to the policy. He also raised concern regarding the insurance of out of town licensed vehicles and stated that he did not believe that their insurance covered hire and reward in York.

The Chair informed Mr Din and Mr Graham that they would receive a written response to the questions they had raised. Copies of the response would also be circulated to Members of the committee.

Councillor Warters spoke in respect of agenda item 4 – City of York Council Community Governance Review. He explained the reasons why Osbaldwick Parish Council had requested that the development of Derwenthorpe be removed from the parish area, including the historical background. He also drew attention to the precept implications for Murton Parish Council. Councillor Warters stated that the Derwenthorpe development had been established as a model village and that parish councils should have no role to play in such estates and their residents should not be paying precepts. Councillor Warters stated that Osbaldwick Parish Council had no desire to remove

Meadlands from the parish area and that the Meadlands Residents Association had not been consulted on such a proposal. Councillor Warters requested that Members deferred consultation on the options detailed in 3.12 of the report but carried out full consultation on the options detailed in 4.1 and 4.2 of the report. Consultation should also take place with Murton Parish Council.

Ms Virginia Shaw spoke in respect of agenda item 4 – City of York Council Community Governance Review. She stated that residents in Derwenthorpe paid a monthly management fee which was considerably more than the £8.60 per annum parish precept. She stated that it was not the case that the parish council did not provide services or infrastructure for residents of Derwenthorpe and gave the example of the play equipment. Ms Shaw stated that it had been envisaged that the Derwenthorpe estate would be integrated and not be isolated from the other community. She stated that she supported the option to consult on no change and on consulting to ward the parish.

The Chair stated that the comments of Councillor Warters and Ms Shaw would be considered under the relevant agenda item.

16. City of York Council Community Governance Review

[See also Part B minute]

Members considered a report that presented proposals in respect of the governance arrangements for three parish councils and which sought approval to further direct consultation:

Request from the Osbaldwick Parish Council to remove the development of Derwenthorpe from the Parish area

Members considered a request from Osbaldwick Parish Council to have the development known as the Derwenthorpe Estate removed from the parish. The Parish Council believed that this would represent a return to a more traditional boundary of the parish. The Parish Council had also stated that the Derwenthorpe Estate was a private estate for which the Parish Council provided no services or infrastructure. Members noted that this proposal was not universally popular and that it was the view of officers that any proposal to remove Derwenthorpe

should be accompanied by a proposal to remove Meadlands for the reasons detailed in the report, including the fact that it was geographically isolated from Osbaldwick.

Officers stated that they had visited the parish and, as there was no clear evidence why the Derwenthorpe estate should be removed from the parish area, it was important to ascertain the views of residents.

Members gave consideration to a recommendation from officers that residents of the parish be consulted on the following three options:

- Consult on no change.
- Consult to ward the parish. This would involve creating three wards. A northern ward could include Meadlands and Derwenthorpe, a central ward would cover the older settlement and a southern ward close to Hull Road. The precise boundaries would be drawn with a view to ensuring, as far as possible, that each ward has a similar number of parish councillors.
- Consult to remove Derwenthorpe and Meadlands Estates from the parish, with a sub option of creating a new Parish Council for those areas.

Members agreed that the consultation should include the wording “and/or” in respect of options concerning Meadlands.

Members noted that if agreement was given for consultation to take place on the proposals, each household in the parish would receive a leaflet setting out the options and reasons for the survey and information would be available on the website. Public consultation meetings would be held as well as meetings with residents associations and other interested parties. The findings would be reported back to the committee. Members sought clarification as to whether there would be any benefit in deferring the consultation. Officers explained that the consultation period could be as long as Members thought appropriate.

Members agreed on the importance of ensuring that there was full consultation on the options and were keen to ensure that any changes were not divisive and supported community cohesion.

Request from Osbaldwick Parish to include streets around Broughton Way on the south west of the parish and streets around Tranby Avenue on the South East of the parish.

Members gave consideration to a further request from Osbaldwick Parish Council to include a number of streets that border the parish, where the Parish Council believed that residents identify as part of the Osbaldwick parish community. These were:

- On the South West boundary the streets of Broughton Way, Seaton Close, Elwick Grove, Whitton Place, Sadberge Close, Wolviston Avenue and Carlton Avenue as suggested as being incorporated to the parish, as marked as Area C on Annex B of the report.
- On the South East boundary the start of Tranby Avenue from properties 1 to 17 and 2 to 24, along with Cavendish Grove be incorporated to the parish, as marked as Area D on Annex B of the report.

Members noted the views of officers on the proposals, as detailed in paragraphs 4.2 to 4.6 of the report.

Members noted the officer recommendation that consultation take place with residents, ward councillors and Murton Parish on the incorporation of the properties indicated in Area A and Area B of Annex D to the report.

Outstanding requests

Members noted that officers were still working with relevant parties on requests to create a Parish Council in Guildhall, and for changes to Rawcliffe, Haxby and Wheldrake Parish Councils. An update on progress with these requests was included at Annex A of the report. A further update would be presented to the committee at a later date.

Resolved: That officers be asked to commence public consultation on the options for future arrangements for Osbaldwick Parish as set out in the report subject to the wording being amended to read “and/or” in respect of those options referring to Meadlands.

Reason: To allow better local representation for the electors of the parishes.

17. Street Trading Consent Sites

Members considered a report which sought their approval for the introduction of two new street trading consent sites, on St Helens Square and Station Road (adjacent to the cholera burial ground), and the trading activities which would be allowed there.

Members considered the following options:

Option 1: Approve the introduction of two new street trading sites on St Helens Square and Station Road and their trading activities, seeking the views of officers in Network Management and Make it York in relation to exact trading location.

Option 2: Approve alternative locations for new street trading sites and/or alternative trading activities, seeking the views of officers in Network Management and Make it York in relation to exact trading location.

Option 3: Refuse to allow any additional street trading sites.

Officers gave details of the proposed activities and the feedback received in response to the informal consultation that had taken place. They drew Members' attention to the activities that were not classed as street trading and were therefore exempt from the requirement to obtain a street trading consent, as detailed in paragraph 6 of the report. Officers explained that Network Management had suggested that Davygate be considered as an alternative to St Helens Square but, this was not thought an appropriate site because the narrowness of the pavement area would increase congestion.

Members noted that St Helens Square had not previously been considered as a suitable location for street traders, which was thought to be because of its proximity to the Mansion House and Guildhall. Members expressed concerns regarding the suitability of St Helens Square for street trading, including the special characteristics of the square, the considerable footfall in the area and the impact on local businesses.

Resolved: (i) That Station Road be approved as a new street trading site, seeking the views of officers in Network Management and Make it York in relation to exact trading location.

(ii) That St Helens Square not be approved as a new street trading site.

Reasons: (i) To support the introduction of new small businesses into the area and generate cost recover revenue for the authority.

(ii) Members do not consider the site to be appropriate for street trading in view of its special characteristics and the impact that trading could have in terms of footfall congestion.

Part B - Matters Referred to Council

18. City of York Council Community Governance Review

[See also Part A minute]

Members considered a report that presented proposals in respect of the governance arrangements for parish councils and which sought approval to further direct consultation:

Request from Heslington Parish Council to have the two parish wards removed

Members noted that the Local Government Boundary Commission (LGBCE) for England review of the city council's wards had resulted in the creation of the Fulford and Heslington Ward and the expansion of the Hull Road Ward to include the University of York. This had left the parish of Heslington split between those two council wards. In line with common practice for the LGBCE in this situation, two parish wards had been created, as shown on the map at Annex C of the report. The two parish wards were of uneven size and the feelings of the parish were that the two wards did not provide effective representation and governance.

Members noted that the step of de-warding the council would require the approval of the LGBCE, which had confirmed that it had no objection. Members also noted the issues that the city council was legally obliged to consider when deciding whether to recommend that a parish should, or should not be or continue

to be divided into wards. It was the view of officers that the current arrangement was impracticable and it would be desirable to dispense with separate representation for different areas of the parish.

Members also noted the views of officers, as detailed in the report, and the requirements that had to be taken into account whenever a review of an existing parish was undertaken by the city council (as detailed in paragraphs 5.10 to 5.12 of the report). It was noted that the recommendation of officers was that the status quo be preserved in the absence of any public demand or obvious reason for change.

Request from Kexby Parish Council for change of name

Members noted that the Parish of Kexby had submitted a request for the name of the parish to be changed to Kexby and Scoreby Parish Council. It was intended that the name change would reflect a more historic link of the parish with the area that it covered.

- Recommended:
- (i) That Heslington Parish Council should no longer be divided into wards and there be a single parish area represented by nine councillors.
 - (ii) That Council formally confirms that Heslington Parish should not be abolished, that its area and name should be unchanged and that it should continue to have a Parish Council.
 - (iii) That the name of Kexby Parish Council be changed to Kexby and Scoreby Parish Council.

Reason: To allow better local representation for the electors of the parishes.

Councillor Douglas, Chair
[The meeting started at 4.00 pm and finished at 5.00 pm].