

Meeting	Gambling, Licensing & Regulatory Committee
Date	11 July 2016
Present	Councillors Douglas (Chair), Boyce (Vice-Chair), Aspden (minute 4 and 6 only), Gillies, Hayes, Crisp, Funnell, Mason (minute 4 only), Mercer, D Myers and Richardson
Apologies	Councillors Hunter, D'Agorne, Gunnell and Orrell

Part B - Matters Referred to Council

5. Hackney Carriage and Private Hire - Delegation of Enforcement Powers

Members considered a report which sought their support to amend the scheme of delegation in relation to enforcement powers under the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976, and recommend to Full Council the approval of these amendments.

Members noted that Licensing Officers had been working with the licensing services of the Combined Authority (West Yorkshire Authorities and City of York Council) to establish some common licensing standards and processes. Members' attention was also drawn to the relevant provisions relating to taxi licensing in the Deregulation Act 2015 which came into force on 1 October 2015 and which allowed for a licensed private hire operator to sub-contract a private hire journey from within one licensed authority area to another licensed operator who may be based anywhere in England and Wales. Members noted that private hire sub-contracting presented significant difficulties for the Council in conducting its enforcement activities, and potentially to the public in terms of service standards and safety, as detailed in paragraph 15 of the report. Officers were informed that the issue was particularly evident on race days.

The proposed cross authority delegation of taxi and private hire licensing enforcement functions was intended to tackle these concerns. Initially it was proposed that the cross authority

delegations would only apply to the West Yorkshire authorities although, if this proved to be successful, discussions could be entered into with North Yorkshire to ascertain if they wished to consider the same arrangement.

Members noted that the current functions delegated to licensing officers in City of York Council were set out in the Council's Delegation Scheme under Section 3 of the Constitution. The proposal was for City of York Council Licensing Officers to retain the sub-delegation of these functions but the same functions would also be delegated to the West Yorkshire authorities. Only the enforcement functions would be delegated and each authority would retain the ability to grant and renew licenses. Other authorities' enforcement powers would be delegated to City of York Council. Officers clarified that it would be the home authority that would take the enforcement action and which would incur the associated costs. The authority within which the alleged offence had taken place would provide the relevant evidence to the home authority.

Members queried whether there was parity in the standards required by the West Yorkshire authorities. Officers stated that there had been some differences in vehicle standards and a common set of standards had been agreed to enable a shared checklist to be drafted. Members were informed that the West Yorkshire authorities had already agreed to their participation in the scheme.

Members considered the following options:

- Option 1: Support the amendments to the scheme of delegation in relation to hackney carriage and private hire enforcement powers.
- Option 2: Refuse the request to amend the scheme of delegation

Recommended: That the amendments to the scheme of delegation in relation to hackney carriage and private hire enforcement powers be approved.

Reason: This will allow the Council to delegate hackney carriage and private hire enforcement powers to other licensing authorities in West Yorkshire, as well as being retained by City of York Council as licensing authority.

6. **Statement of Licensing Policy - Review of the Saturation and Cumulative Impact Zone**

Members considered a report which sought their approval to recommend to Full Council an amendment to the Special Policy within the Statement of Licensing Policy which related to the Saturation and Cumulative Impact. The proposed amendment had been made at the request of North Yorkshire Police. Officers gave details of the consultation that had been carried out and drew attention to the responses that had been received.

Members noted that the proposed amendment related to the wording of points 5, 6 and 7 of the existing policy as it was believed that variations had as much impact within the Special Policy Area as the grant of a new licence and/or certificate. The proposed change would read:

“5. The following variations are considered to be material:

- Change in style of operation
- Physical extension of the premises that increases capacity
- Extension of hours of operation

Therefore, there will be a presumption to refuse such applications, where relevant representations are received unless the applicant can rebut the presumption that the granting of such a variation would undermine the licensing objectives.”

Members considered the following options:

- Option 1: Recommend to Full Council that the Special Policy on Saturation and Cumulative Impact is amended, as detailed in paragraph 14 of the report.
- Option 2: Recommend to Full Council that the Special Policy on Saturation and Cumulative Impact is amended with alternative wording agreed by Members.
- Option 3: Take no further action

Members expressed their support for the proposed change.

Recommended: That the Special Policy relating to Saturation and Cumulative Impact, as detailed above, be approved.

Reason: To assist with the effective implementation of the Licensing Act 2003 in the city and contribute to the reduction of alcohol related crime and disorder in the city centre.

Councillor Douglas, Chair
[The meeting started at 4.00 pm and finished at 4.35 pm].