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Meeting	Licensing and Regulatory Committee
Date	27 November 2019
Present	Councillors Mason (Chair), Barker, Cuthbertson, Galvin, Hook, Hunter, Melly, Norman, Orrell, Pearson And Warters
Apologies	Councillors Wells, Fitzpatrick, D Myers And D Taylor

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### **23. DECLARATIONS OF INTEREST**

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.

### **24. MINUTES**

Resolved: That the minutes of the meeting held on 9 October 2019 be approved, and then signed by the Chair as a correct record.

### **25. PUBLIC PARTICIPATION**

It was reported that there had been three registrations to speak at the meeting under the Council's Public Participation Scheme.

Gene Nutt, a member of the United Trade York and Rank Marshall at York station, spoke on taxi licensing matters. He noted that there had been Uber drivers collecting customers in the station, under the portico, and that a number of Uber drivers were aggressive. He reported that he had been assaulted by an Uber driver, and that driver had since had his licence revoked. He asked how much more threatening behaviour and assaults York taxi drivers had to put up with from Uber drivers.

Wendy Loveday, a member of the United Trade York, spoke on taxi licensing matters. She reported that Transport for London (TfL) had revoked Uber's licence on public safety grounds. She

noted that the Uber app had allowed unlicensed drivers to operate and she questioned what the statistic for this would be nationally. She stated that Uber lied and advertised that they operated in York when they were not licensed in York and they were a threat to public safety. She asked that the West Yorkshire authorities ban Uber from operating in their areas.

Gwen Swinburn spoke on the general remit of the committee. She thanked the committee for the forward plan, including the performance management measures. She highlighted that the operators of the music festival at Clifton Park in June 2020 had not applied for a licence and she asked for the process for this to be clarified. Regarding taxi enforcement, she noted that there was a surplus in the taxi account for new resources to be applied to enable the service to be more proactive. This included the recruitment of staff and she requested an update on those commitments. She thanked the Chair for adding an Uber update as an urgent item and she asked if the item could be added to the work plan.

## **26. TAXI LICENSING POLICY / VEHICLE LICENCE CONDITIONS - EXECUTIVE VEHICLES**

Members considered a report which sought their recommendation to the Executive Member for Housing and Safer Neighbourhoods for an amendment to the Taxi Licensing Policy (the Policy) with regards to Executive Vehicles, following a request from a vehicle licence proprietor and the operator of Executive Vehicles. The proprietor had Exemption Notices in line with the Council's Policy so that their executive vehicles did not have to display vehicle licence plates and signage. The proprietor was now seeking an amendment to the Policy so that such executive vehicles were also exempt from the requirements of private hire vehicle licence condition 19. Appendix 1 'Private Hire Vehicle Licence Conditions' of the Policy were attached at Annex 1 of the report.

The Licensing Manager was in attendance to present the report. She explained the background, current policy and consultation undertaken (for which there had been no responses). She explained the policy position with regards to the West Yorkshire authorities who allowed manufactured tint on vehicle windows. She then outlined the options available to Members. In response to questions raised she noted that she could check

what the definition of opaque was, She was asked and advised that the option of whether to only allow manufacturers tint was open to Members. She was also asked and clarified what work could be undertaken as part of contract work. She also clarified that cash could not be taken at the end of the hire and if a complaint was made about the acceptance of cash, this would be investigated proportionately.

Members considered Appendix 2 of the Taxi Licensing Policy and agreed the following amendments to be recommended to the Executive Member for Housing and Safer Neighbourhoods during her consideration of the policy:

Point 3

This policy sets out the requirements of the council with regards to the operators of private hire vehicles who wish to apply for or already hold an exemption with regards to the displaying of windows, licence plates and signage.

Point 8

Condition 19 of the Private Hire Vehicle Licence Conditions does not apply, the light transmittance of windows can be:

- i) All licensed vehicles shall be fitted with windscreen glass that has a light transmittance of 75% and windows to either side of the drivers head shall have a light transmittance of not less than 70%.
- ii) All other windows within licensed executive vehicles can be of any manufacturer's tint providing it is not opaque.

Point 12 (n)

The driver will not take the fare at the end of the hire.

It was then

Resolved: That Members approve Option 1 to take into consideration the request made by the operator of executive vehicles, as well as the policy positions in place for the West Yorkshire Authorities and recommend to the Executive Member of Housing and Safer Neighbourhoods the approval of the amendments to Appendix 2 of the Taxi Licensing Policy in relation to Private Hire Vehicle Licence Plate & Signage Exemption Policy, as detailed at Annex 3 of the report and the above amendments to points 3, 8 and 12.

Reason: The Council has already established a Policy with regards to executive vehicles which stipulates the vehicles use and therefore allows the exemption from displaying signage and licence plates.

## **27. VEHICLE LICENCE CONDITIONS - WHEELCHAIR ACCESSIBLE VEHICLES**

Members considered a report which sought their approval to amend a vehicle licence condition, for both hackney carriage and private hire vehicles, relating to light transmittance of the tailgate (boot) window, following a request from a vehicle licence proprietor. The request related to wheelchair accessible vehicles (WAV) only.

The Licensing Manager gave an overview of the report noting the options available to Members. She noted that other authorities were not consulted as they all had different policies.

Resolved: That Members approve Option 1 to take into consideration the request made by the vehicle licence proprietor, and amend the vehicle licence condition (19) as detailed at paragraph 7 of the report, as this would mean more vehicles were available to become wheelchair accessible vehicles.

Reason: More vehicles will be available as wheelchair accessible vehicles without requiring modifications to tailgate (boot) windows.

## **28. LICENSING UPDATE**

Members considered a report which updated them on the work undertaken by the Licensing Section since 1 April 2018. Annex 1 gave an overview of some of the applications received and processed by the Section since 1 April 2018 and Annex 2 gave an overview of some of the other work undertaken by the Section.

The Licensing Manager outlined the report, highlighting the licensing functions undertaken by the Licensing Section. In response to Member questions she noted that:

- In relation to the licensing of Exotic, Dangerous and Wild Animals, a gentleman had an F1 cat.
- Applications for Temporary Event Notices (TENs) were the responsibility of the operator
- The function of the section for Film Classification was related to when a film hadn't been given a classification, an application could be made to the Licensing Authority to make the classification.
- The responsibility for the licensing of cat and dog boarding facilities came into effect with the The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018.
- The Licensing Section had been involved with the police in a number of joint operations.

Resolved: That Members be updated on the work undertaken by the Licensing Section since 1 April 2018.

Reason: In order to be updated on the work of the Licensing Section.

## 29. **WORK PLAN 2019-20**

Members considered the committee's work plan for the current municipal year. It was agreed that there would be an Out of Town Taxi update at the next meeting.

Resolved: That the work plan at page 39 of the agenda pack be approved with the addition of an Out of Town Taxi update at the next meeting.

Reason: To ensure that the committee has a planned schedule of work for the year.

## 30. **URGENT BUSINESS**

The Chair advised Members that he considered the following items urgent under the Local Government Act 1972 as they were in the public interest.

### **Uber update**

The Licensing Manager reported that TfL had refused to renew Ubers operator's licence. She believed that it was Uber's

intention to appeal the decision. She explained that Uber could continue to operate legally until their appeal had had been heard and noted that their appeal would be heard at Magistrates Court. She added that this did not impact York. In answer to Member questions she explained that:

- The council was putting in a bid to put funding into enforcement.
- With regard to assaults at the railway station involving taxi drivers, the council had no jurisdiction as the station was on private land and came under the responsibility of British Transport Police. She noted that the licensing section would be meeting with British Transport Police.
- If the West Yorkshire authorities determined that they would no longer licence Uber this would mean that vehicles licensed in those authorities could not work in York.

The Chair noted that he had requested a report on taxi complaints at a future meeting.

### **York Festival Update**

The Licensing Manager explained that the operators of the festival would have to apply for a premises licence. She explained the application process noting that if representations were received within the 28 day period, the application would be determined by the Sub-Committee at a Licensing Hearing. She was asked and noted that the sports club on the site of the festival had an outdoor licence until 9.00pm, and they could either apply to vary their licence or request that the event organiser applied for their own premises licence. She added that she believed that the organiser would be applying for their own licence.

Cllr A Mason, Chair

[The meeting started at 5.30 pm and finished at 6.30 pm].