

**Notice of meeting of
Licensing & Regulatory Committee**

To: Councillors Nimmo (Chair), Bartlett (Vice-Chair), Horton, Watson B and Waudby I

Date: Friday, 2 June 2006

Time: 2.00 pm

Venue: Guildhall

AGENDA

1. Declarations of Interest

At this point, Members are asked to declare any personal or prejudicial interests they may have in the business on this agenda.

2. Minutes

(Pages 1 -
4)

To approve and sign the minutes of the meeting held on 3rd March 2006.

3. Public Participation

At this point in the meeting, Members of the public who have registered their wish to speak regarding an item on the agenda or an issue within the Committee's remit can do so. The deadline for registering is 10.00 am on Thursday 1st June 2006.

4. Electoral Arrangements - Parish of Clifton Without (Pages 5 -
8)

This report outlines Clifton Without Parish Council's request that the number of parish councillors elected to the parish council be reduced from fifteen members to ten members.

5. Any other business which the Chair decides is urgent under the Local Government Act 1972.

Democracy Officer:

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For more information about any of the following please contact the Democracy Officer responsible for servicing this meeting on the details above.

- Registering to speak
- Business of the meeting
- Any special arrangements
- Copies of reports

City of York Council

Committee Minutes

MEETING	LICENSING AND REGULATORY COMMITTEE
DATE	3 MARCH 2006
PRESENT:	COUNCILLORS NIMMO (Chair), HORTON, B WATSON and I WAUDBY

PART A – MATTERS DEALT WITH UNDER DELEGATED POWERS**8. DECLARATIONS OF INTEREST**

The Chair invited Members to declare at this point any personal or prejudicial interests, which they had, in any of the business on the agenda.

No Members declared any interests.

9. MINUTES

RESOLVED: That the minutes of the meeting held on 6 January 2006 be approved and signed as a correct record.

10. PUBLIC PARTICIPATION

It was reported that there had been no registrations to speak under the Council's Public Participation Scheme.

11. HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS LICENCE VETTING PROCEDURE

Members considered the report, which sought approval to proposed changes to policy in relation to two aspects of the procedure undertaken by the Taxi Licensing Unit when establishing whether an applicant for a hackney carriage or private hire drivers licence was a fit and proper person to hold such a licence.

Officers referred to the enhanced disclosure checks that were currently undertaken with the Criminal Records Bureau and confirmed that, since the establishment of the CRB, no review checks were being made on existing drivers. The CRB disclosures undertaken only gave details of criminal convictions accrued in the UK, which meant that for an applicant

who had spent a period of time residing overseas their record check would be incomplete.

Officers referred to two recent incidents, which had given cause for concern where applicants were unable to provide the necessary information. Officers confirmed that the safety of the public when using hackney carriage and private hire vehicle was their prime concern as over 40,000 journeys were made in such vehicles each week.

Members questioned who would bear the costs involved in undertaking the review of the existing drivers criminal records.

Councillor B Watson requested recording that he had grave reservations regarding the procedure for applicants to provide a Certificate of Good Conduct, which he felt, was open to abuse. He voted against the inclusion of this section in the resolution.

RESOLVED: (i) That where a CRB disclosure does not provide a history of an applicants criminal convictions from the age of 18 years, the following additional testimonies as to their suitability be submitted along with their licence application:

- a) Where an applicant has resided outside the United Kingdom a Certificate of Good Conduct from the country or countries in which they have previously resided since the age of 18 years be provided in English.
- b) Should an applicant be unable to provide a Certificate of Good Conduct they must provide a separate signed declaration detailing the attempts made to obtain such a certificate. The declaration must also state whether they have been found guilty or have been convicted or charged with any offence against the law in any country. This declaration should be signed in the presence of a solicitor and duly countersigned and the form stamped by the solicitor.

(ii) That in the case of all existing drivers a criminal records review be undertaken every 3 years, the costs of obtaining the disclosure to be borne by the licence holder.

REASON: To ensure the safety of the public using hackney carriage and private hire vehicles in York.

12. ALCOHOL MISUSE ENFORCEMENT CAMPAIGN/IMPLEMENTATION OF LICENSING ACT 2003

Members were requested to withdraw this item from the meeting, as the report had been included in error on the agenda for this meeting rather than on the Licensing Act 2003 Committee.

Officers confirmed that this report would be brought back with updated information to the next meeting of the Licensing Act 2003 Committee.

RESOLVED: That this report be withdrawn from the meeting and following updating referred for consideration by the Licensing Act 2003 Committee at their next meeting to be held on 7 April 2006

REASON: To ensure that the delegation scheme for the Licensing and Regulatory Committee is adhered to.

13. LICENSING INITIATIVE – BEST BAR NONE

Members considered the report, which sought approval for the proposed introduction of a National Accredited Scheme for promoting responsible trade management and reducing drink related disorder in the city.

Officers updated and circulated copies of the national guide entitled 'Tackling Alcohol-Fuelled Disorder in Town and City Centre', prepared by the ACPO and the LGA, for members information.

It was reported the Best Bar None awards scheme had been developed by the Manchester City Centre Safe project and that the object of the scheme was to provide an incentive for licensed premises owners to improve standards through high profile awards. Officers confirmed that cities that had already adopted this scheme had seen an improvement in drink related disorder.

In answer to members questions officers confirmed that accredited premises could lose their accreditation from one year to the next and that the accreditation was being undertaken by a team of examiners made up from local authority licensing officers, the Fire Brigade and officers from other local authorities.

RESOLVED: That approval be given to the introduction of the Best Bar None Scheme to be launched at the annual licensing meeting on 7 March 2006.

REASON: To establish a benchmark of good practice for licensed premises in the city.

G NIMMO
CHAIR

The meeting started at 2.00 pm and finished at 2.35 pm.



Licensing and Regulatory Committee

2nd June 2006

Report of the Head of Civic Democratic and Legal Services

Electoral Arrangements - Parish of Clifton Without

Summary

- 1 The Clifton Without Parish Council has requested that the number of parish councillors elected to the parish council be reduced from fifteen members to ten members.

Background

- 2 The Clifton Without Parish Council have found for a number of years they are unable to recruit fifteen parish councillors.
- 3 The Parish Council has written to the City Council and formally requested that steps are taken to reduce the number of parish councillors on the parish council from fifteen to ten.
- 4 Section 16 of the Local Government Act 1972 provides that there must be a minimum of five councillors for a parish council and gives authority to a district council to fix from time to time the number of parish councillors within a parish.
- 5 Under the Local Government Act 1997 Section 17 (2)(3) a district council may conduct a review of the electoral arrangements for the council of a parish and may decide that changes may be made.

Consultation

- 6 If Members agree to conducting a review of the electoral arrangements for the Parish of Clifton Without consultation will be carried out with:
 - a) Ward Members for the Skelton, Rawcliffe and Clifton Without ward in which the parish lies; and
 - b) The Yorkshire Local Councils Association

Options

- 7 Option One – Members may agree to conduct a review of the electoral arrangements for the Parish of Clifton Without

Option two – Members may refuse to conduct a review of the electoral arrangements for the Parish of Clifton Without

Analysis

- 8 In accordance with the Local Government Act 1997 Section 17(2)(3) a district council may conduct a review of the electoral arrangements for the council of a parish and may decide that changes may be made.

If Members agree to Option One consultation will take place with relevant bodies to ensure the reduction in the number of parish councillors would be beneficial to the democratic process

If members agree to Option Two this may well be detrimental to the future democratic process in the Parish of Clifton Without by deterring elections to be held to the office of parish councillor

Corporate Objectives

- 9 Corporate Objective 6: The reduction in the number of parish councillors in this instance may well promote an effective parish council and assist this corporate objective.

10 Implications

- **Financial** – There are no financial implications
- **Human Resources (HR)** – There are no HR implications
- **Equalities** – There are no equalities implications
- **Legal** – There are no legal implications
- **Crime and Disorder** – There are no crime and disorder implications
- **Information Technology (IT)** – There are no IT implications

11 Risk Management

There are no known risks associated with the recommendation

Recommendation

- 12 Members are asked to consider Option One and In accordance with the Local Government Act 1997 Section 17(2) Members are requested to resolve that a review of the electoral arrangements be carried out for the Parish of Clifton Without by consulting with :

- i) Ward Members for the Skelton, Rawcliffe and Clifton Without Ward in which the parish lies
- ii) The Yorkshire Local Councils Association

and that recommendations are reported to a future meeting of the committee.

Reason: Consultation to take place with relevant bodies to ensure the reduction in the number of parish councillors would be beneficial to the democratic process

Contact Details

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Chief Officer Responsible for the report:

Suzan Hemingway
Head of Civic Democratic and Legal Services

Co-Author's Name

Title

Dept Name

Tel No.

Report Approved Yes

Date 15th June 2006

Chief Officer's name

Title

Report Approved tick

Date *Insert Date*

Wards Affected: Skelton Rawcliffe and Clifton Without

All

For further information please contact the author of the report

Background Papers

Local Government Act 1972

Local Government and Rating Act 1997

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