

Meeting	Gambling, Licensing & Regulatory Committee
Date	25 April 2016
Present	Councillors Douglas (Chair), Boyce (Vice-Chair), Aspden, Gillies, Hayes, Looker, Mason, Mercer and Richardson
Apologies	Councillors Flinders, Hunter, D Myers, Orrell, Shepherd and Taylor

---

## **25. 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 Gillies declared a personal non-prejudicial interest in agenda item 5 – Taxi Licensing Policy, as his daughter and son-in-law both held private hire licences.

## **26. Minutes**

Resolved: That the minutes of the meeting held on 8 February 2016 be approved and signed as a correct record.

## **27. Public Participation**

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

Alan Davies, Chairman of the Independent Taxi Association, stated that the Association represented over 60 hackney carriage owners and drivers in York. He raised the following concerns regarding the draft policy:

- The policy did not recognise that vehicles were sometimes designated as insurance write offs because the cost of repairs was uneconomical. The designation was not made on safety grounds.
- The Association was supportive of the council's voluntary taxi incentive scheme which had contributed to the

introduction of low emission taxis. The Association was, however, concerned at the proposals to only licence replacement vehicles which conformed to the specified limits. This would be discriminate against wheelchair vehicles and minibuses because they were diesel.

- The recent amendment whereby vehicle side plates were no longer required to state a landline telephone number had been introduced without any consultation and had not been considered by the committee.

William Brolly, Secretary of the Independent Taxi Association, expressed concern at the financial impact that the introduction of Euro 5 and Euro 6 requirements would have on wheelchair accessible vehicles and requested that these vehicles be exempt from the requirements.

Michael Dunn, from York Cars, raised the following issues:

- He stated that he welcomed the relaxation of the requirements in respect of tinted windows but he requested that this be further extended to include other windows in estate and hatchback vehicles.
- Concerns were expressed at the length of time taken for drivers to pass the knowledge test. This was having an impact on recruitment and on forward planning.
- He requested an amendment seeking Euro 5 emissions for both petrol and diesel vehicles from November 2016. He also proposed that, from November 2017, all replacement vehicles be under four years old and that all existing licensed vehicles be replaced once they become eight years old excluding wheelchair and zero emission vehicles.

Jim Kerr, representing Unite the Union – Taxi Section, stated that he endorsed the sentiments raised by the previous speakers and also wished to draw Members' attention to the following matters:

- Although he had initially supported the 3-year license he now believed that this arrangement had flaws and requested that the licenses be issued for one year. One issue for consideration was the safety issues if checks were not made each year. The new policy should also include arrangements for reimbursement where appropriate.

- Concerns were expressed regarding the alteration to the private hire operator licence condition which removed the need for a phone number.

Mark Wilson, Company Director Streamline Taxis, raised the following issues:

- There was a need to give further consideration to issues in respect of wheelchair accessible vehicles. To make their purchase cost-effective they were often bought when they were already four years old. Much had already been done to address issues in respect of emissions but a balance had to be struck.
- Members were asked to give further consideration to the arrangements in respect of DBS checks.
- A diagram was tabled which demonstrated how the proposed changes to the letter height used on vehicles would impact visually on Streamline vehicles.
- Greater clarification was required in respect of the wording regarding booking conditions.

Barry Page, Executive Officer YPHA, raised the following issues:

- The proposed policy could potentially damage livelihoods and increase unemployment. Whilst the importance of addressing issues in respect of emissions was acknowledged, the policy made no reference to the 900 drivers and their wellbeing.
- It was important that the consultation that had taken place had been meaningful and that it be reflected in the policy.

Bernie Flanagan, Private Hire Vehicle Licensing Proprietor and Driver for Fleetways Taxis, spoke on the following issues:

- Whilst supporting the reduction of emissions, further consideration needed to be given to the impact of the policy on wheelchair accessible and eight-seater vehicles. It was not clear whether the EIA had considered this issue. The proposed measures would result in there being fewer vehicles of this type. He requested that there be exemptions or an increase in the lead-in time. Although the incentive scheme had been successful it had been mainly applied in respect of the four-seater vehicles.
- A request was made for the knowledge test to be more flexible and for issues in respect of the length of the application process to be reviewed.

- Members' attention was drawn to the new technologies that were being introduced which would enable the public to book taxis in different ways. The safety of the public and the taxi drivers must continue to be protected.

## **28. Review of the Saturation and Cumulative Impact Zone within the 2003 Licensing Policy**

Members considered a report that sought Members' approval to formally consult on proposed changes to the Saturation and Cumulative Impact Zone (CIZ). This followed a request from North Yorkshire Police to amend the current Special Policy in relation to the CIZ to include the consideration of applications for material variations to premises licenses or club premises certificates that sought to extend the licensed hours.

The Deputy Chief Constable from North Yorkshire Police was in attendance. He stated that it was important that the city had a vibrant night-time economy but there was also a need to tackle alcohol related incidents. Details were given of some of the work that was taking place to address this issue.

Members' attention was drawn to a scenario whereby an applicant applied for a premises licence within the area covered by the Cumulative Impact Policy but, once granted, clause 7 of the policy currently enabled the applicant to vary the licence the following day and extend the operating hours without triggering the rebuttable presumption within the Cumulative Impact Policy. There were also concerns regarding applications which were submitted for restaurant licenses but once granted, the nature of the premises changed to become primarily bars. For these reasons North Yorkshire Police believed that the variation of style and operation and hours had as much impact within the Special Policy Area as the granting of a new licence and/or certificate.

Members expressed their support for consultation to take place on the proposed changes to the policy to address the current anomaly. They also commented on the difficulties that arose because of the different legislation in respect of planning and licensing applications. It was therefore useful if the Police commented on any concerns they had regarding an application at the planning stage as well as when a licence application had been submitted.

Officers detailed the proposed change to the wording of the current Special Policy in relation to the CIZ to apply the rebuttable presumption in the consideration of applications for all material variations to premises licences or club premises certificates that seek to extend the licensed hours or change the style of operation within the CIZ. This would necessitate bullet points 5, 6 and 7 under Section 7 of the Policy being deleted and replaced with:

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

and 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: authorise officers to consult on the proposals to amend the Cumulative Impact Zone as proposed by the Police
- Option 2: authorise officers to consult on alternative proposals to amend the Cumulative Impact Zone
- Option 3: Take no further action

Resolved: That Option 1 be approved and that officers be instructed to consult on the proposals to amend the Cumulative Impact Zone, based on evidence and supporting information provided.

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.

## **29. Taxi Licensing Policy**

Members considered a report that sought their approval of the Council's Taxi Licensing Policy. It advised of the consultation undertaken and the amendments made to the draft policy following the consultation.

The Environmental Protection Manager drew Members' attention to the impact of emissions on public health and wellbeing and gave details of the work that was being carried out to improve air quality in the city. He stressed the importance of adopting a taxi emissions policy to further this work.

Officers drew Members' attention to Annexes 1 and 2 of the report, which detailed the responses to the consultation and which commented on the points made by the consultees. They also sought to address issues that had been raised during the public participation item on the agenda.

It was noted that:

- The policy had been reworded in respect of write-offs
- Emissions Euro Standards – the policy had been amended in relation to wheelchair accessible vehicle, to permit Euro 5 diesel.
- In respect of private hire vehicle and operator licence condition wording for side plates, the Licensing Officer explained that the wording of the condition had been changed under officer delegated powers contained with the Council's Constitution.
- Tinted windows – the Licensing Officer explained that the Council had relaxed the condition in relation to rear windows, however, a different tint level requirement was in place for the windows that overlook the boot area for estate type vehicles.
- Referring to concerns that had been raised regarding the knowledge test, officers explained that the test had been reviewed and updated a few years ago due to the number of people who failed the test because it had been in two parts. There was now only one test comprising of 30 questions. The pass mark was 26. Since the change to the test had been introduced, more people passed the test on the first or second attempt. Guidance information was provided to all new applicants, which contained details of the knowledge test.
- Three-year drivers licenses – this was a requirement of the Deregulations Act 2015. The policy had been amended in relation to the wording of the paragraph relating to refund of fees.
- Details were given of the DBS checks process and why, for legal reasons, DBS checks could not be shared if they

had been completed under a different “workforce” requirement. The policy would be amended in relation to accept checks for other authorities if they had been carried out under the correct “workforce”, were within date, and/or drivers had signed up to the update service with the DBS.

- Clarification was given in respect of drivers ring in jobs. It was noted that this related to private hire drivers who, due to legal requirements, were not permitted to “ring in jobs” on behalf of customers. The customer was required to contact the operator.

Members considered the issue that had been raised in respect of side plates lettering size. They agreed that the sizes should be a minimum, with larger letters accepted.

Members also agreed that the wording of the policy should be amended to include drivers’ wellbeing.

Tribute was paid to the important contribution that the drivers made to the city and the work that they carried out.

Resolved: That, subject to the agreed amendments detailed above, the proposed policy be adopted.

Reason: To allow the Council to introduce a Taxi Licensing Policy.

Councillor Douglas, Chair

[The meeting started at 4.00 pm and finished at 5.50 pm].