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Meeting	Licensing and Regulatory Committee
Date	15 July 2019
Present	Councillors Mason (Chair), Wells (Vice-Chair), Barker, Fitzpatrick, Galvin, Hook, Hunter, Melly, D Myers, Norman, Orrell, Pearson, D Taylor and Warters
Apologies	Councillor Cuthbertson

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## 1. **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 that they may have in respect of business on the agenda. None were declared.

In response to a question from a Member, the Licensing Manager clarified that it the recommendation/best practice that a Ward Member should not sit on a Licensing Act 2003 hearing for an application in their Ward, it could be seen that the Member was biased.

## 2. **Minutes**

Resolved: That the minutes of the meeting held on 18 March be approved subject to the following amendments:

- The name of the Chair signing the minutes to change to Cllr Lisle
- On page 2, third paragraph to change to the 1976 Act
- Agreement on the resolution included in Agenda Item 5 (Update Report - Private Hire Licensing), to reflect that the Executive was asked to consider all evidence and make a decision on the future policy, in regard to the legality of out of town vehicles operating in York, given the two differing legal opinions.

### **3. Public Participation**

It was reported that there had been three registrations to speak at the meeting under the Council's Public Participation Scheme. All three speakers spoke on Agenda Items 5 and 6.

Michael Dunn spoke on behalf of York Cars Private Hire Association. He noted his concerns regarding the suitability tests for applicants as drivers in taxi and private hire licensing noting the high failure rate in the tests. He asked Members to consider whether the measures and the training in place directly or indirectly limit the number of taxi drivers and reduces the ability for taxi operators to compete.

Gwen Swinburn raised three administrative concerns relating to the lack of information on the Forward Plan and she suggested that a report on the expenditure on taxi fees be brought to the next committee meeting. She expressed concern regarding staff delegation in the report and suggested this should be kept within the remit of the committee. She further expressed concern regarding driver DBS checks and implementation.

Wendy Loveday spoke on behalf of York Private Hire Association. She welcomed new and returning Members to the Committee on behalf of the York United Trade, which represented around 90% of York hackney and private hire drivers. The York United Trade asked that for benefit of public safety she asked Members to approve Option 1 in agenda item 5 and Option 2 in agenda item 6. She thanked officers for their hard work noted that the new administration was supportive of the taxi trade in York. She was asked and clarified what taxi associations the United Trade represented.

### **4. Taxi Licensing Policy - Amendments in relation to Driver Training**

This report sought Members' recommendation to the Council's Executive for approval to amend the Taxi Licensing Policy in relation to driver training. The report advised the Committee of the consultation undertaken and the amendments made to the proposed policy following the consultation and asked for Officers (Licensing Manager level and above) to set the implementation date for the new training requirements once adequate training providers have been sourced.

The Licensing Manager outlined the report and options available to the Committee, noting that the main concern was public safety. In response to Member questions, she confirmed that:

- North Yorkshire licensing authorities were not included as they were not a part of the West Yorkshire and City of York licensing authorities group. It was noted that the Licensing Manager was the Chair of the North Yorkshire licensing practitioners meetings;
- Drivers would have to sit a local knowledge test if they were licensed through the York licensing authority;
- The liaison meetings with the taxi trade usually went well, consensus was not always reached on some items. At the meetings, information and updates were shared with the trade. The meeting held the previous week had gone well;
- The minutes of the liaison meetings were available on the council website. The Chair of the liaison meetings had requested that updates on licensing matters be brought to Committee;
- The driver applicant requirements do differ between different licensing authorities;
- The training would be monitored by Officers and the pass rates monitored across each authority; and
- The appointment of the training provider would be discussed with the council Workforce Development Unit. She explained the training support available to drivers.

Resolved:

- a) That Members approve Option 1 to take into consideration the responses received from the consultation and recommend to the Councils Executive to approve the new taxi licensing policy in relation to driver training. The implementation date will be set by officers once a training provider is in place. New driver applicants will be expected to undertake and pass the training prior to being licensed and existing drivers will be expected to attend refresher training at least once every three years. The training will be provided by a trainer approved and appointed by the West Yorkshire and City of York licensing authorities, each authority will appoint a trainer(s).

- b) That information of the fees and training provider be brought back to Committee.

Reason: This will allow the Council to make amendments to the Taxi Licensing Policy in relation to driver training requirements, aligning the Councils Policy with that of the West Yorkshire Authorities. This will ensure the travelling public within West Yorkshire and York can be confident that drivers licensed by each authority have been trained to the high standard which is consistent across the six authorities.

**5. Taxi Licensing Policy - Amendments in relation to determining the suitability of applicants and licensees as Drivers in Taxi and Private Hire Licensing**

This report sought Members' recommendation to the Council's Executive for approval to amend the Taxi Licensing Policy in relation to determining the suitability of applicants and licensees as drivers in taxi and private hire licensing. The report advised the Committee of the consultation undertaken and the amendments made to the proposed policy following the consultation. The report asked for the Licensing Manager, in consultation with the Licensing and Regulatory Committee Chair and Senior Officers (Licensing Manager level and above), to make any minor changes that may be necessary to the policy, so that it remained consistent with the standards applied by the West Yorkshire Authorities.

The Licensing Manager gave an overview of the report, noting that the policy included Institute of Licensing Guidance and proposed statutory guidance from the Department for Transport. She added that the implementation date was 1 October 2019. The Licensing Manager went on to clarify that with regard to individual convictions, consideration was on a case by case basis with each taken on its own merits. The decision and right of appeal process was explained to Members. The Licensing Manager was asked and explained that the definition of a 'minor' change to the policy included minor changes to the wording of the policy itself and any major changes would come back to the committee.

Resolved: That;

- a) Members approve Option 1 of the report to recommend to the Council's Executive to approve the new taxi licensing policy in relation to determining the suitability of applicants and licensees as drivers in taxi and private hire licensing.
- b) To recommend to the Council's Executive that any changes made to the new taxi licensing policy come back to the Committee for consideration.

Reason: This will allow the Council to make amendments to the Taxi Licensing Policy in relation to determining the suitability of applicants and licensees as drivers in taxi and private hire licensing, aligning the Council's Policy with that of the West Yorkshire Authorities. Adopting this policy will help to ensure that people across the six authority areas are transported safely and protected from harm to standards applied consistently across the area.

## **6. Renewal of Sex Establishment Licence for The Adult Shop**

Members considered a report which sought the determination of an application to renew a Sex Establishment Licence for a sex shop which has been made under the Local Government (Miscellaneous Provisions) Act 1982, Schedule 3 Control of Sex Establishments in respect of The Adult Shop, 70B Gillygate, York, YO31 7EQ.

The Licensing Manager outlined the report and added that the premises had operated without complaint.

By virtue of paragraphs 10, 12 and 13 of schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended), the Committee had the following options available to them in making their decision:

Option 1: Grant a renewal of the licence as requested.

Option 2: Renew the licence with modified/additional conditions imposed by the licensing committee.

Option 3: Refuse the application for renewal on one of the mandatory grounds or on one or more of the discretionary

grounds within paragraph 12 to Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended).

In reaching the decision the Committee noted that the shop had operated without complaint.

Resolved: That, in accordance with Option 1, Members grant a renewal of the licence as requested.

Reason: To consider renewal of the sex establishment licence as required by the legislation.

## **7. Draft Work Plan 2019-20**

Members considered the draft Work Plan 2019-20 and work planning for the new municipal year. During discussion regarding potential items for the work plan, it was agreed that an update on taxi fees would be given at the next meeting which would be held before the meeting of the Executive in September.

Resolved: That the work plan be updated to include an update on taxi fees at the next meeting in September.

Reason: To keep the Committee's work plan updated.

Cllr A Mason, Chair

[The meeting started at 5.30 pm and finished at 6.35 pm].