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Meeting	Licensing and Regulatory Committee
Date	26 April 2021
Present	Councillors Mason (Chair), Melly (Vice-Chair), Barker, D'Agorne, Galvin, Hook, Melly, D Myers, Norman, Orrell, Pearson, Wann, Warters and Wells
Apologies	Councillors S Barnes and Hunter

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#### **61. 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. None were declared. Cllr Melly noted that although she worked in hospitality this was not a conflict of interest.

The Chair welcomed Cllr Melly as Vice Chair of the Committee and thanked the outgoing Vice Chair, Cllr Wells. He also suggested that agenda item 5 [Update on interpretation of the law – ‘Out of town’ private hire licences] be deferred in order that a request be made to North Yorkshire Police to provide their legal advice in respect of out of town private hire licences.

#### **62. MINUTES**

Resolved: That the minutes of the meeting held on 22 February 2021 be approved as an accurate record and signed by the Chair at a later date.

#### **63. PUBLIC PARTICIPATION**

It was reported that there had been two registrations to speak on agenda item 6 [Update on Licensed Premises Reopening] at the meeting under the Council’s Public Participation Scheme. The Chair advised that pavement café licences did not come under the remit of the Committee as they were the remit of the Highways team.

Iain Mitchell, of York Sight Loss Council, expressed concern about the extension of café outdoor seating areas and the resulting risk of additional street furniture on blind and partially sighted residents as well as other disabled groups. He explained that there was non-compliance from patrons, which affected those groups, in particular, wheelchair users. He noted that this was made worse in Castlegate and Fossgate and asked about equal access to foot streets.

Anna Baldwin, of York Disability Rights Forum, explained the impact of the additional street furniture on blind and partially sighted people. She was surprised that no equalities issues had been included in the report and she specifically referred to Castlegate. She noted that there needed to be clear implementation of the café licences. She added that there to be compliance, and she suggested licensing the street.

#### **64. HACKNEY CARRIAGE FARES INCREASE REQUEST**

Members considered a report that asked them to determine a request from the Hackney Carriage Associations with regards to the maximum fares to be paid in respect of the hire of a City of York licensed hackney carriage vehicles. Copies of the fare chart (at June 2018), request for the fare increase and fare comparisons were included in the annexes to the report.

The Licensing Manager presented the report, explaining the annexes, tariffs and options available to Members in determining the request. She was asked and explained:

- That the Associations request to the Council to vary the fares, a 4% increase, was above inflation as it was taking into account the increase of 2.19% in 2019.
- The fare increases had always been in line with inflation and on that basis could be delegated to officers for determination. As this request was above inflation it had been brought to the committee.
- Mobility aids were exempted from additional charges.
- The charges for 5 or more passengers were for vehicles that seated up to 8 passengers.
- It was clarified that the fare increase requested for 5 or more passengers was greater than 4%.
- Regarding the fare charge measurements previously being metric, the taxi trade had put forward the imperial measurements.

- It was clarified that the proposed fare under tariff 3 for 1066 yards was £6.20 not £620 as stated in annex 3.

By virtue of Section 65 of the Local Government (Miscellaneous Provisions) Act 1976 (1976 Act)), the Committee had the following options available to them in making their decision:

Option 1 – ask officers to publish in a local newspaper the variation to the table of fares proposed by the Hackney Carriage Associations, giving a specified period of 14 days within which objections can be made.

Option 2 – determine an alternative variation to the table of fares, and ask officer to publish in a local newspaper the variation to the table of fares determined by Members, giving a specified period of 14 days within which objections can be made.

Option 3 - reject the request from the Hackney Carriage Associations to vary the table of fares.

Cllr Warters then moved and Cllr Melly seconded approval of option 1. Following a unanimous vote it was

Resolved: That, in accordance with Option 1, officers are asked to publish in a local newspaper and on the council's website and social media the variation to the table of fares proposed by the Hackney Carriage Associations, giving a specified period of 14 days within which objections can be made.

Reason: To determine the table of fares that will apply to charges in respect of the hire of City of York's licensed hackney carriage vehicles.

## **65. UPDATE ON INTERPRETATION OF THE LAW - 'OUT OF TOWN' PRIVATE HIRE LICENCES**

This report outlined the City of York Council's current position in relation to 'out of town' private hire operators and drivers, and was brought following the request from the Committee at their meeting on 22 February 2021.

Resolved: That the item be deferred.

Reason: In order that a request be made to North Yorkshire Police to provide their legal advice in respect of out of town private hire licences.

## **66. UPDATE ON LICENSED PREMISES REOPENING**

Members considered a report that updated them on the work undertaken by the Council and partner agencies with regards to licensed premises reopening. In addition to the information provided in the report, the Licensing Manager noted that Highways officers been out to discuss non-compliance. The Chair and Members thanked officers for their work in supporting premises reopening. In response to questions from Members the Licensing Manager noted that:

- If there were no changes to the Licensing Act, this would be communicated to premises regarding the provision of off sales from 30 September 2021. The licensing team would liaise with the council communications team on this.

[Cllr Barker left the meeting at 6.23pm]

The concerns of disabled residents was acknowledged and equalities impacts assessments were part of higher assessments. This had not been included in the report because there was no decision to be made. The Licensing Manager undertook to check with highways officers if an equalities impact assessment had been undertaken. The Head of Licensing advised that highways officers had made a number of visits to premises the previous week and noted that he would pass Members' comments back to them.

York BID had tried and was unable to procure disabled toilets for Parliament Street.

[Cllr Galvin left the meeting at 6.35pm]

The Licensing Manager undertook to pass on Members' thanks to colleagues in Public Protection.

Resolved: That the update on licensed premises reopening be noted.

Reason: In order to be kept up to date on the impact of the changing situation during the ending of lockdown and reopening of licenced premises.

It was noted that appeal dates for the York Cars private hire operators' licence was on 1 and 8 October 2020.

Cllr A Mason, Chair

[The meeting started at 5.30 pm and finished at 6.39 pm].