



**Notice of a public meeting of
Licensing and Regulatory Committee**

To: Councillors Mason (Chair), Wells (Vice-Chair), Barker, S Barnes, Galvin, Hook, Hunter, Melly, D Myers, Norman, Orrell, Pearson, Wann, Warters and D'Agorne

Date: Monday, 26 April 2021

Time: 5.30 pm

Venue: Remote Meeting

AGENDA

1. Declarations of Interest

At this point in the meeting, Members are 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 this agenda.

2. Minutes

(Pages 1 - 8)

To approve and sign the minutes of the meeting held on 22 February 2021.

3. Public Participation

At this point in the meeting members of the public who have registered to speak can do so. Members of the public may speak on agenda items or on matters within the remit of the committee.

Please note that our registration deadlines have changed to 2 working days before the meeting, in order to facilitate the management of public participation at remote meetings. The deadline for registering at this meeting is at 5.00pm on Thursday 22 April 2021.

To register to speak please visit www.york.gov.uk/AttendCouncilMeetings to fill out an online registration form. If you have any questions about the registration form or the meeting please contact the Democracy Officer for the meeting whose details can be found at the foot of the agenda.

Webcasting of Remote Public Meetings

Please note that, subject to available resources, this remote public meeting will be webcast including any registered public speakers who have given their permission. The remote public meeting can be viewed live and on demand at www.york.gov.uk/webcasts.

During coronavirus, we've made some changes to how we're running council meetings. See our coronavirus updates (www.york.gov.uk/COVIDDemocracy) for more information on meetings and decisions.

- 4. Hackney Carriage Fares Increase Request** (Pages 9 - 20)
This report asks Members 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. This request relates to a variation of the table of fares.
- 5. Update on interpretation of the law - 'Out of town' private hire licences** (Pages 21 - 26)
This report is for information only. It outlines the City of York Council's current position in relation to 'out of town' private hire operators and drivers, and is brought following the request from Members at the Licensing and Regulatory Committee meeting on 22 February 2021.
- 6. Update on Licensed Premises Reopening** (Pages 27 - 32)
This report is to update Members on the work undertaken by the Council and partner agencies with regards to licensed premises reopening.
- 7. Urgent Business**
Any other business which the Chair considers urgent under the Local Government Act 1972.

Democracy Officer:
Name: Angela Bielby
Contact Details:

- Telephone – (01904) 552599
- E-mail – a.bielby@york.gov.uk

For more information about any of the following please contact the Democracy Officer responsible for servicing this meeting:

- Registering to speak
- Business of the meeting
- Any special arrangements
- Copies of reports and
- For receiving reports in other formats

Contact details are set out above.

This information can be provided in your own language.

我們也用您們的語言提供這個信息 (Cantonese)

এই তথ্য আপনার নিজের ভাষায় দেয়া যেতে পারে। (Bengali)

Ta informacja może być dostarczona w twoim własnym języku. (Polish)

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

یہ معلومات آپ کی اپنی زبان (بولی) میں بھی مہیا کی جاسکتی ہیں۔ (Urdu)

 **(01904) 551550**

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City of York Council

Committee Minutes

Meeting	Licensing and Regulatory Committee
Date	22 February 2021
Present	Councillors Mason (Chair), Wells (Vice-Chair), S Barnes, Hook, Hunter, Melly, D Myers, Norman, Orrell, Pearson, Wann, Warters and D'Agorne
Apologies	Councillors Barker and Galvin

ELECTION OF VICE CHAIR FOR THE MEETING

Due to Cllr Wells, Vice Chair giving apologies for the meeting, there was a requirement to elect a Vice Chair for the meeting. Cllr Myers was nominated as Vice Chair for the meeting, seconded by Cllr Orrell. Following a unanimous vote in favour it was:

Resolved: That Cllr Myers be elected as Vice Chair for the meeting.

Reason: In order that there be a Vice Chair for the meeting.

54. 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.

55. MINUTES

[At 5.33pm, the Chair dropped out of the remote meeting because of internet connectivity issues and Cllr Myers chaired the meeting].

Regarding the minutes of the meeting held on 25 September 2020, Cllr Melly outlined the nature of her concerns regarding the accuracy of minute 44 [Taxi Licensing Public Consultation - Vehicle Licences]. She added that the nature of the discussions were to address the climate emergency about taking urgent

action and the recommendation to be made to the Executive Member, who in being present at the meeting was aware of the discussion. With this in mind she agreed with the spirit of the minutes.

Resolved:

- i. That the minutes of the meeting held on 25 September 2020 be approved as an accurate record subject to the corrections of typos in paragraph 4 of minute 43 being corrected and the signed by the Chair at a later date.
- ii. That the minutes of the meeting held on 17 November 2020 be approved as an accurate record and signed by the Chair at a later date.

[At 5.36pm the Chair re-joined the meeting and resumed as Chair].

56. PUBLIC PARTICIPATION

It was reported that there had been one registration to speak on Agenda Item 6 'Taxi Licensing Policy' at the meeting under the Council's Public Participation Scheme.

Wendy Loveday gave an update on the position of North Yorkshire Police enforcement in relation to Uber taxis operating in York and she asked the council to support this. She was thanked by the Chair for her comments, who then invited the Head of Public Protection to provide an update. He advised that the Police position was that they would engage with Uber drivers and suggest to them to go home if they were not working.

In response to a Member question the Head of Public Protection clarified that there was no action the council could take regarding out of town Uber drivers working in York. It was suggested by one Member that an urgent meeting of the Committee be called the following Monday to discuss the matter and Members were advised that this would be outside the statutory timescales for the publication of the agenda. It was agreed that the Chair would email the Committee following receipt of the police response as to its position.

[Cllr Wells, the Vice Chair of the Committee, joined the meeting at 5.49pm and was welcomed to the meeting. She resumed as Vice Chair for the remainder of the meeting].

57. RENEWAL OF A SEX ESTABLISHMENT LICENCE FOR ZIGGY'S (UPSTAIRS), 53-55 MICKLEGATE, YORK, YO1 6LJ

Members considered a report seeking determination of an application to renew a Sex Establishment Licence for a Sexual Entertainment Venue (SEV) which had been made under the Local Government (Miscellaneous Provisions) Act 1982, Schedule 3 Control of Sex Establishments in respect of Ziggy's (Upstairs), 53-55 Micklegate, York, YO1 6LJ.

The Licensing Manager advised that the application was for the renewal of a Sex Establishment Licence in line with Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, as amended by Section 27 of the Policing and Crime Act 2009, which allows local authorities to regulate lap dancing clubs and similar venues. She outlined the report and annexes, noting that consultation had been carried out correctly and that there had been no objections to the application. She advised that there were no mandatory grounds for refusal. She outlined the options available to Members in determining the application. She was asked a number of questions concerning the application to which she responded that:

- The standard conditions applied to every Sex Establishment Licence and the Committee could impose additional conditions.
- The venue was to be licensed as 55 Club.
- The condition regarding the placement of gratuities had been approved by the Committee previously and there would need to be a reason for an amendment to the condition should the Committee wish to amend it.
- An assurance was given that the details of the managers in place when the premises open post lockdown would be updated.
- There had been no crime and disorder issues with the premises. There had been no objections to the application and the police as consultees had not made any comments.

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).

Cllr Melly then moved and Cllr Warters seconded approval of the renewal (option 1). In accordance with the revised Standing Orders, a named vote was taken with the following result: Cllrs Barnes, D'Agorne, Hook, Hunter, Melly, Myers, Norman, Orrell, Pearson, Wann, Warters, Wells and Mason voted for the motion. The motion was therefore carried and it was

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.

58. UPDATE ON UNDERAGE SALES ENFORCEMENT ACTIVITY

Members considered a report that informed them of the activity undertaken to prevent illegal sales of age restricted products. The Head of Public Protection gave an overview of the report noting that follow up visits were undertaken the week previous to the meeting during which there was one sale whereupon the customer was not asked to remove their mask. This was a chain store and the same seller as per a previous occurrence. The seller would be interviewed by the council before it decided upon further action to be taken.

In response to questions raised by Members, the Head of Public Protection confirmed that:

- Both visits were for the sale of alcohol.
- He would raise the publicising of the enforcement of underage sales activity with the council communications team.

- There were visits to retailers where complaints had been made. The council could also apply to the Magistrates Court for the placement of surveillance.
- Regarding the differentiation in numbers, this depended on which retailers complaints were made against.

It was then;

Resolved: That the content of the report be noted.

Reason: This report is for information only and is provided following the request of Members at the meeting on 17 November 2020.

59. TAXI LICENSING POLICY

Members considered a report that advised them of the Department for Transport (DfT) 'Statutory Taxi and Private Hire Vehicle Standards' (the Standards) and changes that are required to the Taxi Licensing Policy to implement the recommendations within the Standards. The Licensing Manager outlined the report to Members noting how the coronavirus pandemic had changed the current situation and the need to take this into account. She noted the recommendations, highlighting that under paragraph 15 of the report it was proposed that the following recommendations within the Standards formed part of the consultation:

- a) DBS Update Service
- b) Licensee self-reporting (arrest and release, charge or conviction)
- c) National register of taxi and private hire vehicle driver licence
- d) refusals and revocations – 'NR3'
- e) Basic disclosure checks on vehicle proprietors
- f) CCTV
- g) Use of passenger carrying vehicles (PCV) licensed drivers

The Senior Solicitor advised that there is an error in the penultimate paragraph of 60(d) of the report and that the licensing authority should take the Standards into account when exercising relevant functions.

Members then asked a number of questions to which the Licensing Manager responded that:

- The current policy for CCTV is that CCTV is allowed if the vehicle proprietor asked the council if they could install it as this is classed as a modification to the vehicle. The policy for CCTV had been consulted upon previously.
- Because CCTV was not a legal requirement, the operator was in control of the CCTV and must comply with the requirements of the Information Commissioner Office.
- If the outcome of the consultation was different to the DfT Statutory Taxi and Private Hire Vehicle Standards, consideration would need to be given to the consultation and the licensing authority would legally have to justify why its Policy was not in line with the statutory requirements.
- All fees are set at cost recovery levels.
- Any changes to a private hire operator's licence would not be imposed until the licence was renewed.
- Any vehicle carrying over eight people was licensed by the DVSA.
- With regard to the DBS update service, the driver had to register with the update service. This could result in an increase in the department workload regarding the checks to be undertaken. It was difficult to estimate what the increased workload would be.

The Committee had the following options available to them in making their decision:

Option 1:

- i) Ask Officers to undertake a formal public consultation with regards to the recommendation from the DfT Statutory Taxi and Private Hire Vehicle Standards as detailed at paragraph 15 of the report and other changes to the Policy. Bringing the results of the consultation back to this Committee.
- ii) Ask Officers to also undertake a formal public consultation with regards to additional changes to the Taxi Licensing Policy, outside the scope of the Standards.
- iii) Ask Officers to issue private hire operator's licences, grants and renewals, for a maximum period of 12 months, with immediate effect, until such time that the Taxi Licensing Policy is reviewed.

Option 2:

- i) Ask Officers to undertake a formal public consultation with regards to the recommendation from the DfT

Statutory Taxi and Private Hire Vehicle Standards as detailed at paragraph 15 of the report and other changes to the Policy. Bringing the results of the consultation back to this Committee.

- ii) Determine that a public consultation with regards to additional changes to the Taxi Licensing Policy is not required at this time.
- iii) Ask Officers to issue private hire operator's licences, grants and renewals, for a maximum period of 12 months, with immediate effect, until such time that the Taxi Licensing Policy is reviewed.

Option 3

- i) Determine that further formal public consultation is not required, giving reason why. Ask Officer to amend the Taxi Licensing Policy to bring it in line with the requirements of the DfT Statutory Taxi and Private Hire Vehicle Standards. Bringing the amendment Policy back to this Committee to make recommendation to the Full Council.
- ii) Ask Officers to issue private hire operator's licences, grants and renewals, for a maximum period of 12 months, with immediate effect, until such time that the Taxi Licensing Policy is reviewed.

Cllr Melly then moved and Cllr Orrell seconded approval of Option 1. In accordance with the revised Standing Orders, a named vote was taken with the following result:

Cllrs Barnes, D'Agorne, Hook, Hunter, Melly, Myers, Norman, Orrell, Pearson, Wann, Warters, Wells and Mason voted for the motion. The motion was therefore carried and it was

Resolved: That, in accordance with Option 1, Officers be asked to:

- i) Undertake a formal public consultation with regards to the recommendation from the DfT Statutory Taxi and Private Hire Vehicle Standards as detailed at paragraph 15 of the report and other changes to the Policy. Bringing the results of the consultation back to this Committee.
- ii) Undertake a formal public consultation with regards to additional changes to the Taxi Licensing Policy, outside the scope of the Standards.
- iii) Issue private hire operator's licences, grants and renewals, for a maximum period of 12 months, with

immediate effect, until such time that the Taxi Licensing Policy is reviewed.

Reason:

- i) To gauge interested parties views on the recommendations within the DfT Statutory Taxi and Private Hire Vehicle Standards, and on additional charges to the Taxi Licensing Policy.
- ii) As private hire operator licences can be issued for a maximum period of five years, this will enable the Council to make sure appropriate conditions are placed on licences at the time of grant or renewal, following the consultation on and implementation of the reviewed Taxi Licensing Policy.

60. WORK PLAN

Members considered the work plan for the remainder of the municipal year. It was agreed that the Chair would share the North Yorkshire Police response regarding Uber drivers operating in York and if necessary convene a meeting following week commencing 8 March.

Resolved: That an update on the reopening of hospitality after the lifting of lockdown restrictions and a report on hackney carriage fees be added as agenda items for the next meeting.

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

Cllr A Mason, Chair

[The meeting started at 5.30 pm and finished at 6.40 pm].



Licensing and Regulatory Committee

26 April 2021

Report of the Director – Environment, Transport and Planning

Hackney Carriage Fares

Summary

1. This report asks Members 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. This request relates to a variation of the table of fares.

Recommendations

2. Members are asked to determine the request for the variation of the table of fares from City of York's Hackney Carriage Associations.

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.

Background

3. Section 65 of the Local Government (Miscellaneous Provisions) Act 1976 (1976 Act) allows the Council to fix the rates of fares within its area, and all other charges in connection with the hire of a vehicle or with the arrangements for the hire of a vehicle, by means of a "table of fares". The Council can only fix the rates of fares in relation to hackney carriage vehicles.
4. There is also provision within the 1976 Act that the Council may vary the table of fares.
5. The current table of fares, more commonly known as the fare chart, was fixed by the Council in June 2018, following a request from the Hackney Carriage Associations to vary the fares in February 2018. The table of fares can be found at Annex 1.

6. The City of York's table of fares covers five tariffs, which include distance and waiting time:

- Standards charges
 - Tariff 1 – day time 7am – 10pm
 - Tariff 2 – night time 10pm – 7am
 - Tariff 3 – race days (to and from the racecourse only)
- Premium rates – Christmas and New Year
 - Tariff 4 – day time 7am – 10pm
 - Tariff 5 – night time 10pm – 7am

It also covers extras, which includes additional charges for:

- Bank Holidays
- 3rd, 4th, 5th, 6th, 7th and 8th passenger
- Cats and dogs (excluding assistant dogs)
- Each item of luggage carried in the boot
- Fouling of the vehicle interior

7. The Council determines whether to vary the table of fares upon receipt of a request from the Hackney Carriage Associations (Associations). There are currently four Associations representing City of York hackney carriage trade, it is a requirement of the Council that all four Associations must agree to make the request.

8. At the beginning of the calendar year, when the relevant RPI Transport Indices figures are published by the Office for National Statistics, the Council provides the Associations with the results of hackney carriage fare inflation calculations. This calculation take into account the:

- a) Inflation figures
- b) Fuel annual percentage inflation figures
- c) Vehicle maintenance annual percentage inflation figures
- d) Vehicle insurance annual percentage inflation figures

Upon receipt of this information the Associations determine if they are going to submit a request to the Council to vary the table of fares, providing details of how they would like the variations to be applied.

9. The results of the inflation calculations over the last four years have shown the following percentage increases:

December 2016 – December 2017	-	3.79%
December 2017 – December 2018	-	3.35%
December 2018 – December 2019	-	2.91%
December 2019 – December 2020	-	0.99%

10. As stated above the current table of fares was fixed by the Council in 2018. The Association did not submit a request to the Council to vary

the fares in 2019. The Association did submit a request to the Council to vary the fares in February 2020, the request was for a 4% increase. Due to Covid 19 further information was not provided by the Associations with regards to how they would like the variations to be applied.

11. On the 5 February 2021 the Associations submitted a request to the Council to vary the fares, the request is for a 4% increase. A proposed table of fares was submitted with the request detailing how they would like the variation to be applied. The request and proposed table of fares can found at Annex 2.

Consultation

12. The Associations have consulted their members prior to submitting the request to vary the table of fares.
13. It is a legal requirement of the 1976 Act that when the Council makes or varies a table of fares, that they publish in at least one local newspaper circulating in the district a notice setting out the table of fares, or the variations. The notice must give a specified period, of not less than 14 days, within which objections can be made.
14. If no objections to the table of fares or the variation are received the table of fares or the variations shall come into operations on the date of the expiration of the period specified in the notice.
15. If objections are received, and not withdrawn, the Council shall set a further date, no later than two months after the first specified date, on which the table of fares shall come into force with or without modifications as decided by the Council after consideration of the objections.

Options

16. 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.
17. 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.

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

Analysis

19. The comparisons in the current and proposed table of fares are detailed in the table below (distance is shown in metres):

Current Table of Fares		Proposed Table of Fares	
Standard Charges	Additional	Standard Charges	Additional
Tariff 1 £2.90 145 metres 40 seconds	10p 80 metres 22 seconds	Tariff 1 £3.00 157.8 yards 144.29 metres 39.8 seconds	20p 168.2 yards 153.8 metres 42.4 seconds
Tariff 2 £3.70 70 metres 19 seconds	As above	Tariff 2 £3.90 77.6 yards 70.96 metres 19.3 seconds	As above
Tariff 3 £5.80 980 metres 4 mins 29 seconds	As above	Tariff 3 £6.00 1066 yards 974.75 metres 4 mins 27.6 seconds	As above
Premium Rates	Additional	Premium Rates	Additional
Tariff 4 £4.35 145 metres 40 seconds	15p 80 metres 22 seconds	Tariff 4 £4.50 157.8 yards 144.29 metres 39.8 seconds	30p 168.2 yards 153.8 metres 42.4 seconds
Tariff 5 £5.55 70 metres 19 seconds	As above	Tariff 5 £5.85 77.6 yards 70.96 metres 19.3 seconds	As above

20. On the current table of fares the 'Extras' included a charge of 60p each for the 5th, 6th, 7th and 8th passenger. The proposed table to fares is requesting that this 'Extra' is removed, and that the Premium Rates apply when 'more than 4 passengers' are carried within the vehicle.
21. Fare comparisons of journeys with regards to distance travelled can be found at Annex 3.

Council Priorities

22. The taxi licensing functions undertaken by the Council are statutory, supporting the new and existing trade, as well as local residents and visitors. Through these functions, the policy supports the Council's Plan of a good quality of life for everyone.

Implications

23. The direct implications arising from this report are:
- (a) **Financial** – There are no financial implications.
 - (b) **Human Resources (HR)** - There are no HR implications.
 - (c) **Equalities** – There are no equalities implications.
 - (d) **Legal** – There are no legal implications.
 - (e) **Crime and Disorder** – There are no crime and disorder implications.
 - (f) **Information Technology (IT)** - There are no IT implications.
 - (g) **Property** - There are no property implications.
 - (h) **Other** - There are no other implications.

Risk Management

24. There are no known risks associated with this report.

Contact Details

Author:

Lesley Cooke
Licensing Manager
01904 551515

Chief Officer Responsible for the report:

James Gilchrist
Director Environment, Transport and Planning

**Report
Approved**



Date 13/04/21

Specialist Implications Officer(s)

Wards Affected:

All

For further information please contact the author of the report

Annexes

Annex 1 – Current Table of Fares

Annex 2 – Proposed Table of Fares

Annex 3 – Fare Comparisons of Journeys

**CITY OF YORK HACKNEY CARRIAGE FARES
FROM 11TH JUNE 2018**

STANDARD CHARGES

STANDARD CHARGES				ADDITIONAL DISTANCE AND WAITING TIME
Day Time (7am to 10pm)	Tariff 1	£2.90	For the first 145 metres or 40 seconds of waiting time or a combination of both	10p For each 80 metres or 22 seconds waiting time or a combination of both
Night Time (10pm to 7am)	Tariff 2	£3.70	For the first 70 metres or 19 seconds of waiting time or a combination of both	
Race Days (To and from Racecourse)	Tariff 3	£5.80	For the first 980 metres or 4 mins 29 seconds of waiting time or a combination of both	

PREMIUM RATES

PREMIUM RATES				ADDITIONAL DISTANCE AND WAITING TIME
Christmas and New Year		7pm Christmas Eve to 7am on 27th December 7pm New Year's Eve to 7am on 2nd January		15p For each 80 metres or 22 seconds waiting time or a combination of both
Day Time (7am to 10pm)	Tariff 4	£4.35	Tariff 1 + 50% For the first 145 metres or 40 seconds waiting time or a combination of both	
Night Time (10pm to 7am)	Tariff 5	£5.55	Tariff 2 + 50% For the first 70 metres or 19 seconds waiting time or a combination of both	

EXTRAS

All other Bank Holidays (7am on day of Bank Holiday until 5am next day)	Standard Charge + £2.00
Extra Passengers: 3rd and 4th passengers	40p each
5th, 6th, 7th and 8th passengers	60p each
Children aged between 3 and 12 years of age - half the extra passenger rates	
Cats and Dogs (except Guide, Hearing or Assistance Dogs - these dogs travel free)	20p
Each item of luggage carried in boot	20p
FOULING OF VEHICLE INTERIOR: For alcohol induced fouling or, in all cases, when the night tariff applies	
Maximum charge of:	£75

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Ruane, Angela

From:
Sent: 05 February 2021 15:04
To: Cooke, Lesley
Cc: Saf Din; Will (Station); Glenn Martin Jardine
Subject: Fare increase request
Attachments: cidD7043D22-5926-402D-9137-FD2B6CEBFCB9.pdf

This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Good morning Lesley,

Below is a pro form of how we would like to incorporate the increase on the Hackney carriage fare chart for 2021. The calculation of 2.91% from last year's offer (which we took no further for obvious reasons) and the 0.99% offered this year equates to 3.90% it is still our desire to request a 4.00% increase as shown below.

We would also like to request that multi seater journeys (5 people or more except where children under 14 years of age are involved) be charged at premium rate which will bring those journeys in line with private hire rates for the same service.

Digitax who have calculated the increase for us advised that we change to a 20p trip rather than the current 10p as the time & distance is becoming quite small again this is set out below.

We are hoping that if possible the new fare could come int effect from the 1st may.

We hope this is sufficient to support our request.

If you require any further information please don't hesitate to get in touch.

Kind Regards.

Robin Sargent. YHCA

Glenn Jardine. ITA

Saf Din. YTAG

William Swards. YST

Sent from my iPhone

CITY OF YORK HACKNEY CARRIAGE FARES					
FROM ***** 2021					
STANDARD CHARGES				ADDITIONAL DISTANCE AND WAITING TIME	
Day Time (7am to 10pm)	Tariff 1	£3.00	For the first 157.8 yards or 39.8 seconds waiting time or a combination of both		20p For each 168.2 yards or 42.4 seconds waiting time or a combination of both
Night Time (10pm to 7am)	Tariff 2	£3.90	For the first 77.6 yards or 19.3 seconds waiting time or a combination of both		
Race Days (To and from Racecourse)	Tariff 3	£6.00	For the first 1066 yards or 267.6 seconds waiting time or a combination of both		
PREMIUM RATES				ADDITIONAL DISTANCE AND WAITING TIME	
MORE THAN 4 PASSENGERS					
Christmas & New Year		7pm Christmas Eve to 7am on 27th December 7pm New Year's Eve to 7am on 2nd January			
Day Time (7am to 10pm)	Tariff 4	£4.50	Tariff 1 + 50%	For the first 157.8 yards or 39.8 seconds waiting time or a combination of both	30p For each 168.2 yards or 42.4 seconds waiting time or a combination of both
Night Time (10pm to 7am)	Tariff 5	£5.85	Tariff 2 + 50%	For the first 77.6 yards or 19.3 seconds waiting time or a combination of both	
EXTRAS					
All Other Bank Holidays		(7am on day of Bank Holiday until 5am next day)			Standard Charge + £2.00
Extra Passengers		3rd and 4th passengers Children aged between 3 and 12 years of age - half the extra passenger rates			40p each
Cats & Dogs		(except Assistance Dogs - these travel free)			20p
Luggage		Each item carried in boot			20p
FOULING OF VEHICLE INTERIOR		For alcohol induced fouling or, in all cases, when night tariff applies MAXIMUM CHARGE OF			£75

ANNEX 3

Fare Comparisons

1609.344 metres = 1 mile

Current Table of Fares

Tariff 1	
distance in metres	fare
0	£2.90
145m	£3.00
¼ mile - 402.336 m	£3.30
½ mile - 804.672 m	£3.80
¾ mile - 1207.008 m	£4.30
mile - 1609.344 m	£4.80
Tariff 2	
distance in metres	fare
0	£3.70
70m	£3.80
¼ mile - 402.336 m	£4.20
½ mile - 804.672 m	£4.70
¾ mile - 1207.008 m	£5.20
mile - 1609.344 m	£5.70
Tariff 3	
distance in metres	fare
0	£5.80
¼ & ½ mile	£5.80
¾ mile - 1207.008 m	£6.10
mile - 1609.344 m	£6.60
Tariff 4	
distance in metres	fare
0	£4.35
145m	£4.50
¼ mile - 402.336 m	£4.95
½ mile - 804.672 m	£5.70
¾ mile - 1207.008 m	£6.45
mile - 1609.344 m	£7.20
Tariff 5	
distance in metres	fare
	£5.55
70m	£5.70
¼ mile - 402.336 m	£6.30
½ mile - 804.672 m	£7.05
¾ mile - 1207.008 m	£7.80
mile - 1609.344 m	£8.70

1760 yards = 1 mile

Proposed Table of Fares

Tariff 1	
distance in yards	fare
0	£3.00
157.8 yards	£3.20
¼ mile - 440 yards	£3.40
½ mile - 880 yards	£3.80
¾ mile - 1320 yards	£4.40
mile - 1760 yards	£5.00
Tariff 2	
distance in yards	fare
0	£3.90
77.6 yards	£4.10
¼ mile - 440 yards	£4.50
½ mile - 880 yards	£4.90
¾ mile - 1320 yards	£5.50
mile - 1760 yards	£5.90
Tariff 3	
distance in yards	fare
0	£6.00
¼ & ½ mile	£6.00
1066 yards	£620.00
¾ mile - 1320 yards	£6.40
mile - 1760 yards	£6.80
Tariff 4	
distance in yards	fare
0	£4.50
157.8 yards	£4.80
¼ mile - 440 yards	£5.10
½ mile - 880 yards	£6.00
¾ mile - 1320 yards	£6.60
mile - 1760 yards	£7.50
Tariff 5	
distance in yards	fare
0	£5.85
77.6 yards	£6.15
¼ mile - 440 yards	£7.05
½ mile - 880 yards	£7.65
¾ mile - 1320 yards	£8.55
mile - 1760 yards	£9.15

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Licensing and Regulatory Committee

26 April 2021

Report of the Director – Environment, Transport and Planning

Update on interpretation of the law – ‘Out of town’ private hire licences

Summary

1. This report is for information only. It outlines the City of York Council’s current position in relation to ‘out of town’ private hire operators and drivers, and is brought following the request from Members at the Licensing and Regulatory Committee meeting on 22 February 2021.
2. It is important to stress that this report is concerned solely with the general principle of ‘out of town’ drivers and operators working within the authority area. It is not concerned with whether any particular operator or driver is ‘fit and proper’ to hold a City of York Council licence which would be an entirely separate matter.

Recommendations

3. That Members note the contents of the report

Reason: To reiterate the council’s position that ‘out of town’ private hire operators and drivers are not acting unlawfully by virtue of working in the authority area (regardless of whether or not they are also licensed by the Council).

Background

4. At the meeting of the Executive on Thursday 26 September 2019, Members considered a detailed report explaining the legality of ‘out of town’ private hire operators and drivers. The report contained the opinions of leading counsel in the field of taxi licensing.
5. The Council’s legal opinion was outlined as follows:
6. *‘Provided the three licences required (operator, driver and vehicle) have all been issued by the same licensing authority then the private hire*

vehicle can undertake journeys anywhere in England and Wales. That is irrespective of where the journey commences, areas through which the journey passes and where the journey ends’.

7. Other key points of note in the report are as follows:
8. This issue is not new, the case of *Adur District Council v Fry* (1997) concerned an operator/driver/vehicle licensed by Hove District Council completing a journey entirely in the Adur District Council area. In finding there was no breach of the law, the court held that the meaning of ‘operate’ in section 80(1) the Local Government (Miscellaneous Provisions) Act 1976 was ‘in the course of a business to make provision for the invitation or acceptance of a private hire booking and could not be construed more widely’. The meaning of ‘provision’ has subsequently been held to refer to the ‘antecedent arrangements’ around the invitation/acceptance of the booking i.e. it is not where the actual booking or acceptance of it takes place.
9. And in *Shanks v North Tyneside Council* (2001), the court held ‘The operator can use the vehicles within his organisation for journeys both inside and outside of the local authority in which he was licensed and, indeed, can use such vehicles and drivers which ultimately have no connection with the area in which they are licensed’.
10. In 2018, a Law Commission ‘Task Finish Group’ review of taxi licensing law concluded that the ‘Government should legislate that journeys should start and/or finish in the area which the driver, vehicle and operator are licensed’. And in their response, the Department for Transport (DfT) recognised that ‘currently a PHV journey can take place anywhere in England and Wales providing that the driver, vehicle and operator are licensed by the same local authority’. The DfT noted that they ‘agreed with the Task Finish Group’s recommendation and will consider further (with a view to legislation) as to how this may work in detail’. Therefore, that the Task Finish Group and the DfT were seeking a change in the law, implies that they both feel the current situation (maintained by the City of York Council) is lawful.
11. In relation to this particular matter, Executive Members resolved to:
12. *‘Follow the council’s legal opinion and agree the legal opinion outlined... with no change to the taxi licensing policy. The situation could be reviewed in the event of a change in the law. This was the option recommended in the report and by the Licensing and Regulatory*

Committee when they considered their report at the meeting on 4 September 2019'...

13. *'That it be noted this is an issue faced by many authorities across the country, and noting specifically Medway Council's decision to secure additional legal advice on this matter, support be given pending consideration of this to working with a number of local authorities and the local government association, to ensure that the council's position is kept under review and reflects the most up to date situation'.*
14. Following the Executive Meeting, Members also wrote to Government asking for a change in the law.
15. At the Licensing and Regulatory Committee meeting on the 22 February 2021 it was reported that, on the basis of legal advice, North Yorkshire Police (NYP) were considering engaging with out of town drivers, asking them to return back to the area from which they are licensed. This had also been reported publicly in the York Mix. Members asked officers to formally clarify the position with the police, and the response received is as follows:
16. *'NYP have conducted a full review of police powers as well as engaging with the local authority and reviewing the publicly available material. The position of NYP is that taxi licensing matters are firmly for the local authority (or licensing authority) to deal with.*

We will support our partners and work within our powers (for example road traffic act offences, Covid regs breaches etc). We will not take the lead on any licensing enforcement. We understand that CYC are clear on their position, they believe that Uber are operating lawfully, a decision endorsed by Executive Members. Legally it is not for NYP to override that position, nor will we seek to take unilateral action. CYC have the authority and decision making capability and this is a matter firmly for them.'

17. The council therefore has no basis on which to alter its view. Indeed, some recent developments are likely to strengthen the case that 'out of town' operators and drivers in the city are acting lawfully if any doubt remained.
18. Firstly, in respect of operators, the DfT, have reported that they are no longer minded to 'change the law'. They report that opinion is divided as to whether or not operators should be restricted as recommended and,

in the absence of a consensus view, are minded not to legislate to prevent it.

19. Secondly, in respect of drivers, earlier this year the Supreme Court ruled that Uber drivers are 'workers' of Uber (Uber BV v Aslam (2021)), it is therefore unlikely they would be held to be committing an offence if the company for whom they are working is not committing an offence. N.B In any event, as noted in the council's legal opinion, the case of Reading Borough Council v Ali (2019) highlighted that Uber Drivers are not guilty of 'plying for hire' by virtue of using the Uber app. Whilst it is acknowledged this is a different offence to operating/driving in a city when unlicensed, the High Court gave detailed regard to the Uber business model identifying that it is simply the modern day version of booking by telephone.
20. Finally, it is worth mentioning that these are criminal matters and the burden of proof is 'beyond reasonable doubt' that an offence has been committed. In the absence of any new argument to the contrary, the above cases demonstrate that, as things stand, the council will not meet that threshold simply on the basis of out of town operators and drivers working here.

Consultation

21. There is no consultation associated with this report as it is expressing legal opinion.

Options and analysis

22. There are no options or analysis as this report is expressing legal opinion, not seeking a decision.

Council Priorities

23. The taxi licensing functions undertaken by the Council are statutory, supporting the new and existing trade, as well as local residents and visitors. Through these functions, the policy supports the Council's Plan of a good quality of life for everyone.

Implications

24. The direct implications arising from this report are:

- (a) **Financial** – There are no financial implications as there is no change to the legal opinion.
- (b) **Human Resources (HR)** - There are no HR implications.
- (c) **Equalities** – There are no equalities implications.
- (d) **Legal** – The report outlines the council’s legal position in relation to ‘out of town’ private hire operators and drivers.
- (e) **Crime and Disorder** – The report addresses the concerns that ‘out of town’ drivers and operators are committing offences in working here.
- (f) **Information Technology (IT)** - There are no IT implications.
- (g) **Property** - There are no property implications.
- (h) **Other** - There are no other implications.

Risk Management

25. There are no changes in risk associated with this report as there is no change in the legal opinion.

Contact Details

Author:		Chief Officer Responsible for the report:		
Matt Boxall Head of Public Protection 01904 551515		James Gilchrist Director Environment, Transport and Planning		
		Report Approved	√	Date 14.04.2021
Specialist Implications Officer(s)				
Sandra Branigan – Senior Solicitor, Legal Services				
Wards Affected:			All	√
For further information please contact the author of the report				

Background papers

<https://democracy.york.gov.uk/ieListDocuments.aspx?CId=733&MId=11109&Ver=4> (p. 141-161)

Annexes - None



Licensing & Regulatory Committee

26 April 2021

Report of the Director – Environment, Transport and Planning

Licensed Premises Reopening

Summary

1. This report is to update Members on the work undertaken by the Council and partner agencies with regards to licensed premises reopening.

Recommendations

2. There are no recommendations arising from the report as it is for information only.

Background

3. In February 2021 the government announced a roadmap to the lifting of coronavirus restrictions. This roadmap introduced a stepped approach, there are 4 Steps.
4. Step 1 was implemented on 8 and 29 March, with schools and colleges reopening, 6 people or two households been able to meet up outdoors and outdoor leisure facilities been allowed to reopen.
5. Step 2 was implemented from 12 April, with non-essential retail, indoor leisure facilities, and outdoor hospitality allowed to reopen.
6. As Step 2 allowed outdoor hospitality to reopen relevant section within the Council (Public Protection, Licensing, Highways, Public Health, Regeneration, and Community Safety) met with partner agencies (North Yorkshire Police, the BID and Make it York) to discuss outside drinking areas for licensed premises, pavement cafes, provision of additional outdoor seating areas, the pedestrian zone, litter, toilets and other relevant matters which may impact the city centre. Similar meetings took place prior to the lifting of the first lockdown restrictions in July 2020.

7. Following these meetings it was agreed that additional seating would be provided by the BID and Make it York. This seating has been provided on Parliament Street and College Green, with more benches to be made available around the city centre in the future. This seating allows people who have purchased drink or food as an off sale/takeaway somewhere to sit and consume rather than loiter in unsuitable places. Additional toilets have also been placed on Parliament Street.
8. The provisions within the Business and Planning Act 2020 are still in place. The provisions with regards to the off sale of alcohol are in place until 30 September 2021. These provisions allow premises authorised to sell/supply alcohol on the premises only to also sell/supply alcohol as an off sale, and remove any restrictions that may be in place on a premises licence with regards to the off sale of alcohol, for example if a premises licence has a condition that 'off sales can only be supplied in a sealed container', this condition does not currently apply. At this time the provisions relating to off sales in the Act have not been extended.
9. Provisions in the Business and Planning Act also relate to the licensing of pavement cafes, simplifying the process and removing the need to have planning permission. Pavement café licence applications are processed and issued by the Councils Highways Regulation Team. The area and hours of the pedestrian zone in the city centre have been increased to allow more premises to benefit from having pavement cafes. The provisions relating to pavement café licences in the Act has recently been extended until the end of March 2022.
10. Public Protection, Licensing and North Yorkshire Police Officers have been meeting regularly to discuss any issues relating to licensed premises, and taken a partnership approach to enforcement. Since the 23 March 2020, 6 fixed penalty notices have been served on 4 licensed premises for breaches of the Coronavirus Regulations. In some case to prevent further legal action being taken, premises licence holders have also voluntarily removed designated premises supervisors (DPS) that were responsible for these premises when the breaches took place.
11. Public Protection, Licensing and North Yorkshire Police Officers wrote to all licensed premises prior to reopening after the first and third lockdowns, providing guidance on the Regulations and the restrictions that remained in place. Joint visits were also carried out by officers to engage with the licence trade once premises reopened. Our Officers were part of a joint operation with the police in the run up to Christmas

in which over 160 tickets were issued to people breaching the restrictions (including people travelling from tier 3 areas to visit pubs etc. in the city).

12. As infections rates rose again in the autumn, enforcement funding was received by the Council from the government, this funding allowed Public Protection to employ a team of six Covid Support Marshalls, to engage/interact with people and businesses. The Marshalls started work at the beginning of December, working shifts from Monday – Sunday. The Marshalls have interacted with 861 businesses, 1576 groups of people, they have also given 178 people PPE (face coverings or sanitiser) and picked up 1463 discarded face coverings. 98.9% of customers have been ‘happy’ with the service provided by the Marshalls. Due to the success of the Marshalls the Council are hoping that additional funding will allow them to operate until the end of December 2021.
13. It has not always been easy to offer advice and guidance to businesses, as there has always been a delay between the government announcements regarding lifting lockdowns and/or easing restrictions, and approval/publications of Regulations and associated guidance. Since the first lockdown on 23 March 2020 Public Protection and Licensing Officers have dealt with 1569 complaints and enquiries related to Coronavirus matters, from which 511 businesses have been advised.
14. Step 3 will be implemented no earlier than 17 May. This Step will see indoor hospitality and entertainment, and indoor and outdoor events being allowed to reopen. Once the Regulations and associated guidance is published, if required further engagement will take place with licensed premises and event organisers.
15. Step 4 will be implemented no earlier than 21 June. This Step will see remaining businesses, such as nightclubs, being allowed to reopen.
16. All Steps are subject to review.
17. As the lockdown lifts we are expecting some issues of ASB, partly because this occurs during normal times and also because people have been restricted for so long. In anticipation the Council is part of a multiagency response to assess what is happening across the authority area. Teams from across the Council meet the police on a daily basis

to understand emerging issues but also to agree how to deploy council and partner resources to tackle issues that emerge.

Consultation

18. There is no consultation associated with this report as it is for information only.

Options

19. There are no options associated with this report as it is for information only.

Council Priorities

20. The licensing functions undertaken by the council are statutory, supporting new and existing businesses, as well as local resident and visitors through these functions supports the Council's Plan of a good quality of life for everyone.

Implications

21. The direct implications arising from this report are:
- (a) **Financial** – There are no financial implications.
 - (b) **Human Resources (HR)** - There are no HR implications.
 - (c) **Equalities** – There are no equalities implications.
 - (d) **Legal** – There are no legal implications.
 - (e) **Crime and Disorder** – There are no crime and disorder implications.
 - (f) **Information Technology (IT)** - There are no IT implications.
 - (g) **Property** - There are no property implications.
 - (h) **Other** - There are no other implications.

Risk Management

22. There are no known risks associated with this report.

Contact Details

Author:

Lesley Cooke
Licensing Manager
01904 551515

Chief Officer Responsible for the report:

James Gilchrist
Director – Environment, Transport and
Planning

**Report
Approved**



Date 15/04/21

Specialist Implications Officer(s)

Wards Affected:

All ✓

For further information please contact the author of the report

Background papers

None

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