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| Meeting | Licensing and Regulatory Committee |
| Date | 21 December 2022 |
| Present | Councillors Cuthbertson (Chair), Melly (Vice-Chair), Orrell, D'Agorne, Galvin, Hook, Mason, D Myers (arrived at 16:43), Wartens and Wells |
| Apologies | Councillors Barker, Hunter, Looker, Norman and Wann |
| Officers present | Matt Boxall (Head of Public Protection) Sandra Branigan (Senior Solicitor) Lesley Cooke (Licensing Manager) David Cowley (Taxi Licensing Manager) |

16. Declarations of Interest (16:03)

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. No interests were declared.

17. Minutes (16:05)

Resolved: That the minutes of the meeting held on 4 October 2022 be approved, and signed by the Chair as a correct record.

18. Public Participation (16:05)

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

19. Renewal of a Sex Establishment Licence for First Floor of Ziggy's (Known as Club 55), 53-55 Micklegate, York, YO1 6LJ [Licence Number CYC019257] (16:05)

Members considered a report which sought 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 (Club 55), 53-55 Micklegate, York, YO1 6LJ.

In coming to their decision, the Committee took into consideration all the evidence and submissions that were presented as follows:

1. The Licensing Manager's report and her comments at the meeting. She outlined the information set out in the report and annexes, noting that consultation had been carried out correctly and that no objections had been received to the application.

The Licensing Manager also confirmed that the wording of conditions 9 and 14 of the licence attached at Annex 2 to the report would be amended to remove gendered language, as agreed by the committee on 2 March 2022.

2. The application form.

By virtue of paragraphs 10, 12 and 13 of schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended), the following options were available to Members 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).

Following consideration of the options, it was

Resolved: That Option 1 be approved and the renewal of the licence be granted as requested.

Reason: To determine renewal of the sex establishment licence as required by the legislation, and in view of the fact that there have been no changes to the operation since the licence was last renewed, on 2 March 2022.

20. Application for a Private Hire Operators licence - Christopher Hall, 57 Taxis Limited trading as "Drive" (16:11)

Members considered a report which sought determination of an application made under Section 55, Part 2 of the Local Government (Miscellaneous Provisions) Act 1976 by Christopher Hall of 57 Taxis Limited, trading as 'Drive', for the grant of a Private Hire Operators Licence operating from 39 Layerthorpe, York YO31 7UZ. The premises currently operated as a licensed private hire operation and the Applicant was in the process of purchasing the business.

In coming to their decision, the Committee took into consideration all the evidence and submissions that were presented, as follows:

1. The Taxi Licensing Manager's report and his comments at the meeting. He outlined the information set out in the report and annexes, including the revised additional conditions contained in the amended version of Annex 4 published in the Agenda Supplement. In response to Members' questions, he also confirmed that:
 - No parking issues had been raised in respect of the current operation.
 - Sub-contracting to drivers licenced out of the York area, including in Hull and Doncaster, was permitted under s.55.

2. The application form, and the submissions made by the Applicant at the meeting.

Members considered the following options:

Option 1

Grant the licence as requested, with the standard and additional conditions attached, for a period of one year.

Option 2

Grant the licence with modified / additional conditions imposed by the licensing committee for a period of one year.

Option 3

Refuse the application, providing the grounds for refusal.

Following consideration of the options, it was:

Resolved: That Option 2 be approved and the licence be granted with the standard conditions and the modified / additional conditions imposed by the licensing committee as set out below for a period of one year in accordance with section 55(1) of the Local Government (Miscellaneous Provisions) Act 1976.

The additional conditions are as follows:

(a) Not to use any driver licensed by any other authority on the operator's platform who is known to have taken and failed the York Knowledge and Safeguarding Test within the previous 3 years, unless the driver has booked to undertake the York Safeguarding and Knowledge test or has subsequently passed.

(b) To require any other authority licensed drivers who wish to be recruited onto the operator's platform to state [1] if they have previously taken and failed the York knowledge and safeguarding test within the previous 3 years [2] the current live points on their DVLA licence. Drivers' responses to be notified to the City of York Council.

(c) To require any other authority licensed drivers who wish to be on-boarded to the operators platform to sign an appropriate form (in accordance with the requirements of the GDPR and Data Protection Act 2018) authorising information as to their having taken, or otherwise, the City of York Knowledge and Safeguarding Test, and current live points of their DVLA licence as well the result of any such test, to be given to the operator and/or their representatives.

(d) To require that before fulfilling a sub-contracted booking from the operator, each other authority licensed driver must complete topographical training, namely 2-3 hours of in-house training consisting of classroom or in-car training, including the York Pedestrian Zone, city centre

roads and routes, and important venues such as hospitals, the railway station, tourist attractions, etc.

(e) To require that before fulfilling a sub-contracted booking from the operator, each other authority licensed driver must take and pass a driving assessment administered by a DVSA accredited assessor, such as The Blue Lamp Trust, Green Penny or any such other organisation as may be authorised by or agreed with the City of York Council to undertake the said driving assessment.

(f) To keep records of topographical training and driving assessment for each other authority licensed driver. The said records (including driving assessment certificate) to be kept throughout the period the driver works with the company and for 6 months thereafter. To produce such records on request of an authorised officer of the City of York Council.

- Reasons: (i) The Committee is satisfied that:
- a) The Applicant is a fit and proper person to hold an operator's licence and
 - b) the Applicant is not disqualified by reason of your immigration status from operating a private hire vehicle.
- (ii) The Committee considers that the additional conditions are reasonably necessary in order to ensure that any bookings sub-contracted to drivers licensed by authorities in districts other than York are carried out safely and that such drivers are not deterred from taking the York Knowledge and Safeguarding Test.

21. Application for a Private Hire Operators licence - Bilal Husain Iqbal, trading as DASH (Private Hire) (16:46)

Members considered a report which sought determination of an application made under Section 55, Part 2 of the Local Government (Miscellaneous Provisions) Act 1976 by Bilal Husain Iqbal, trading as 'Dash', for a Private Hire Operators Licence, operating from Unit 1, Heritage Park, Outgang Lane, York YO19 5LP.

In coming to their decision, the Committee took into consideration all the evidence and submissions that were presented, as follows:

1. The Taxi Licensing Manager's report and his comments at the meeting. He outlined the information set out in the report and annexes, adding that two further complaints about parking at the premises had been received since the report was published.
2. The application form and the submissions made by the Applicant at the meeting, during which he confirmed that he did not hold an Operator's licence with any other authority. In response to questions from Members, he also confirmed that he was a manager for York Cars Taxis, one of two companies that currently operated from the premises.

Members considered the following options:

Option 1

Grant the licence as requested, with the standard and additional conditions attached, for a period of one year.

Option 2

Grant the licence with modified / additional conditions imposed by the licensing committee for a period of one year.

Option 3

Refuse the application, providing the grounds for refusal.

Following consideration of the options, it was:

Resolved: That Option 3 be approved and the application be refused.

Reason: On 29 September 2022 the Applicant's City of York private hire driver's licence was revoked due to a CU80 (mobile phone offence) and an appeal against this revocation was dismissed by York Magistrates' Court. The Applicant further disclosed on his Private Hire Operator application that the private hire driver's licence he held with the City of Wolverhampton Council was also revoked in 2022.

The Committee has an expectation that a private hire operator will set an example of high standards to its private hire drivers. The CU80 offence gave rise to concerns with trust and confidence in the Applicant's integrity as an operator, going to the heart of the 'protection of the public' consideration which is the reason for licensing private hire operators. This gave Members a reasonable cause to believe he was not 'fit and proper' to hold a private hire operator's licence.

Cllr I Cuthbertson, Chair

[The meeting started at 4.03 pm and finished at 6.24 pm].