

## Notice of meeting of

### Gambling, Licensing & Regulatory Committee

- To:** Councillors Boyce (Chair), Crisp, Doughty, Gillies (Vice-Chair), Hyman, Jeffries, King, Looker, Merrett, Orrell, Riches, Semlyen, Richardson, Taylor and Wiseman
- Date:** Wednesday, 25 April 2012
- Time:** 5.00 pm
- Venue:** The Guildhall, York.

### AGENDA

**1. Declarations of Interest**

At this point Members are asked to declare any personal or prejudicial interests they may have in the business on this agenda.

**2. Minutes**

(Pages 3 - 6)

To approve and sign the minutes of the meeting held on 19<sup>th</sup> December 2011.

**3. Public Participation**

At this point in the meeting members of the public who have registered their wish to speak regarding an item on the agenda or an issue within the Committee's remit can do so. The deadline for registering is **5:00 pm on Tuesday 24<sup>th</sup> April 2012.**

- 4. Revised Taxi Licensing Policy.** (Pages 7 - 18)  
This report asks Members to amend the Taxi Licensing Policy to permit officers to update the list of approved vehicle types that new hackney carriage vehicle licences will be issued to.
- 5. Any other business which the Chair considers urgent under the Local Government Act 1972**

Democracy Officer:

Name: Laura Bootland

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

- Registering to speak
- Business of the meeting
- Any special arrangements
- Copies of reports

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- register by contacting the Democracy Officer (whose name and contact details can be found on the agenda for the meeting) **no later than 5.00 pm** on the last working day before the meeting;
- ensure that what you want to say speak relates to an item of business on the agenda or an issue which the committee has power to consider (speak to the Democracy Officer for advice on this);
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If you have any further access requirements such as parking close-by or a sign language interpreter then please let us know. Contact the Democracy Officer whose name and contact details are given on the order of business for the meeting.

Every effort will also be made to make information available in another language, either by providing translated information or an

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## **Holding the Cabinet to Account**

The majority of councillors are not appointed to the Cabinet (39 out of 47). Any 3 non-Cabinet councillors can 'call-in' an item of business from a published Cabinet (or Cabinet Member Decision Session) agenda. The Cabinet will still discuss the 'called in' business on the published date and will set out its views for consideration by a specially convened Scrutiny Management Committee (SMC). That SMC meeting will then make its recommendations to the next scheduled Cabinet meeting in the following week, where a final decision on the 'called-in' business will be made.

## **Scrutiny Committees**

The purpose of all scrutiny and ad-hoc scrutiny committees appointed by the Council is to:

- Monitor the performance and effectiveness of services;
- Review existing policies and assist in the development of new ones, as necessary; and
- Monitor best value continuous service improvement plans

## **Who Gets Agenda and Reports for our Meetings?**

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City of York Council

Committee Minutes

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|           |   |
|-----------|---|
| MEETING   | GAMBLING, LICENSING & REGULATORY COMMITTEE  |
| DATE      | 19 DECEMBER 2011  |
| PRESENT   | COUNCILLORS DOUGHTY, GILLIES (VICE-CHAIR), HYMAN, KING, LOOKER, MERRETT, ORRELL, RICHES, SEMLYEN AND RICHARDSON |
| APOLOGIES | COUNCILLORS BOYCE, CRISP, JEFFRIES, TAYLOR AND WISEMAN  |

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**16. DECLARATIONS OF INTEREST**

At this point in the meeting, Members are asked to declare any personal or prejudicial interests they may have in the business on the agenda. None were declared.

**17. EXCLUSION OF PRESS AND PUBLIC**

RESOLVED: That Members agreed to exclude the press and public during any consideration of Annexes 3 to agenda items 5 and 6.

**18. MINUTES**

RESOLVED: That the minutes of the Gambling Licensing and Regulatory Committee held on 21 November 2011 be approved and signed by the Chair as a correct record.

**19. PUBLIC PARTICIPATION**

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

The applicants were present in order to answer any queries Members may have.

**20. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS)ACT 1982, SCHEDULE 3 AS AMENDED BY POLICING AND CRIME ACT 2009 - GRANT OF SEX ESTABLISHMENT LICENCE FOR BOHEMIA, 127 MICKLEGATE, YORK, YO1 6LB.**

Members considered a report which asked them to determine an application for the grant of a Sex Establishment Licence for a Sexual Entertainment Venue which had been made under the Local Government (Miscellaneous Provisions) Act 1982, Schedule 3 Control of Sex Establishments in respect of Bohemia, 127 Micklegate, York, YO1 6LB.

In coming to their decision, Members took into consideration all the evidence and submissions that were presented to them including:

1. The application form.
2. The Licensing Managers report and her comments made at the hearing. She advised that the application was for the grant of a licence following the Council's adoption of Schedule 3 of Local Government (Miscellaneous Provisions) Act 1982 as amended by Section 27 of the Policing and Crime Act 2009, which allowed local authorities to regulate lap dancing clubs and similar venues under the same regime as sex shops. Members were advised that the establishment had been operating since May 2007 without incident.
3. The objections received in writing from two local residents.

In respect of the proposed licence, the Committee had to determine whether to take any of the steps mentioned under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended) that it considered necessary.

Members were presented with the following options:

- Option 1 Grant the licence in the terms applied for.
- Option 2 Grant the licence with modified/additional conditions imposed by the Licensing Gambling and Regulatory Committee.
- Option 3 Reject the application.

The Committee approved **Option 2** imposing the following condition regarding the operating hours:

Monday – Sunday 21:00 – 04:00 hours

York Race Days Only 21:00 – 04:30 hours

RESOLVED: That in line with Option 2 the licence be granted.

REASON: To address the representations made.

**21. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982, SCHEDULE 3 AS AMENDED BY POLICING AND CRIME ACT 2009 - GRANT OF SEX ESTABLISHMENT LICENCE FOR UPSTAIRS (MANSION), 53-55 MICKLEGATE, YORK, YO1 6LJ.**

Members considered a report which asked them to determine an application for the grant of a Sex Establishment Licence for a Sexual Entertainment Venue which had been made under the Local Government (Miscellaneous Provisions) Act 1982, Schedule 3 Control of Sex Establishments in respect of Upstairs (Mansion), 53-55 Micklegate, York, YO1 6LJ.

In coming to their decision, Members took into consideration all the evidence and submissions that were presented to them including:

4. The application form.
5. The Licensing Managers report and her comments made at the hearing. She advised that the application was for the grant of a licence following the Council's adoption of Schedule 3 of Local Government (Miscellaneous Provisions) Act 1982 as amended by Section 27 of the Policing and Crime Act 2009, which allowed local authorities to regulate lap dancing clubs and similar venues under the same regime as sex shops. Members were advised that the establishment had been operating without incident for a number of years, although the nightclub situated on a lower floor of the building had been subject to a licence review hearing.
6. The objections received in writing from two local residents.

Members raised concerns as the nightclub at the premises had been subject to a licence review in the past, and the close proximity of the premises to residential properties.

In respect of the proposed licence, the Committee had to determine whether to take any of the steps mentioned under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended) that it considered necessary.

Members were presented with the following options:

Option 1 Grant the licence in the terms applied for.

Option 2 Grant the licence with modified/additional conditions imposed by the Licensing Gambling and Regulatory Committee.

Option 3 Reject the application.

The Committee approved **Option 2** imposing the following condition regarding the operating hours:

Monday – Sunday 21:00-03:00 hours

Normal operating hours shall apply on York Race Days.

RESOLVED: That in line with Option 2 the licence be granted.

REASON: To address the representations made.

Councillor Gillies, Chair

[The meeting started at 5.00 pm and finished at 5.35 pm].



**Gambling, Licensing & Regulatory Committee**

25 April 2012

Report from the Assistant Director – Housing and Public Protection

**Revised Taxi Licensing Policy****Summary**

1. This report asks Members to amend the Taxi Licensing Policy to permit officers to update the list of approved vehicle types that new hackney carriage vehicle licences will be issued to.

**Background**

2. At the meeting of the Gambling, Licensing & Regulatory Committee on 21 November 2011 Members considered and approved a report regarding a revised Taxi Licensing Policy. A copy of the approved policy is attached at Annex A.
3. In January 2012, following the approval of the Policy, Officers invited the 2 people at the top of the hackney carriage waiting list to apply for a licence. At this time it came to our attention that the list of vehicles did not include a conventional hybrid car. Also from doing research, we have found that a number of vehicles on the list are not currently being manufactured.
4. The report asks Member to approve an amended Taxi Licensing Policy. The amended Policy is attached at Annex B.
5. This report also requests that officers are given delegated authority to update the vehicles list, show at Annex 1 of the amended Taxi Licensing Policy to include environmentally friendly vehicles when they are introduced.

**Consultation**

6. With regards to this report the City of York Councils Environmental Protection Units Air Quality Officer was consulted. His

recommendations have been taken into consideration regarding the vehicle types that any new licences will be issued to. Future consultation will take place regarding the introduction of new environmentally friendly vehicles.

### **Options**

7. Option 1 is to approve the Taxi Licensing Policy set out in Annex B and permit officer to up date the vehicle list.
8. Option 2 is to recommend the adoption of a different Taxi Licensing Policy.
9. Option 3 is to refuse the amended Taxi Licensing Policy.

### **Analysis**

10. Option 1 incorporates the Taxi Licensing Policy approved by Members on 21 November 2011 and gives officers delegated authority to update the vehicle list to include environmental friendly vehicles when they are introduced.
11. Option 2 will involve further consultation and additional costs which may be reflected in revised fee structures.
12. Option 3 the Taxi Licensing Policy approved on 21 November 2011 will remain in force.

### **Council Priorities**

13. The Taxi Licensing Policy supports the council priority of 'Get York Moving'.

### **Implications**

14.
  - (a) **Financial**  
There are no financial implications.
  - (b) **Human Resources (HR)**  
There are no HR implications.
  - (c) **Equalities**

The Taxi Licensing Policy promotes the adoption of hackney carriages with wheelchair access.

**(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**

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

## **Recommendations**

16. That Members approve Option 1 of this report and adopt the Taxi Licensing Policy as set out in Annex B.

Reason: This Policy incorporates the parts of the Taxi Licensing Policy approved by Committee on 21 November and the recommendation of the City of York Councils Environmental Protection Units Air Quality Officer.

**Contact Details**

|  |   |   |                      |
|--|---|---|----------------------|
| <b>Author:</b>   | <b>Chief Officer Responsible for the report:</b>                          |   |                      |
| Lesley Cooke<br>Licensing Manager<br>01904 551515                                  | Steve Waddington<br>Assistant Director – Housing and<br>Public Protection |   |                      |
|  | <b>Report<br/>Approved</b>  | √ | <b>Date</b> 05/04/12 |
| <b>Specialist Implications Officer(s)</b><br>Martin Blythe – Legal<br>01904 551044 |   |   |                      |
| <b>Wards Affected:</b>   |   |   | <b>All</b> √         |
| <b>For further information please contact the author of the report</b>             |   |   |                      |

**Annexes**

- Annex A** – Taxi Licensing Policy approved by Members on 21 November 2011
- Annex B** – Amended Taxi Licensing Policy

## **Proposed Taxi Licensing Policy**

### **New Hackney Carriage Licences**

1. The issue of Hackney Carriage licences will not be deregulated.
2. Two new licences to be made available every 6 months. New vehicles licences will only be issued to the following types of vehicle in the priority order as follows:
  - those applicants providing a wheelchair accessible electric car
  - those applicants providing a wheelchair accessible hybrid car or wheelchair accessible bio-methane fuelled car
  - those applicants providing a wheelchair accessible CNG, LNG or LPG gas powered car meeting Euro 5 emission standards
  - those applicants providing an electric car
  - those applicants providing a plug in- hybrid car
  - those applicants providing a gas hybrid car or bio-methane fuelled car with CO<sub>2</sub> emissions <100g/km and meeting Euro V emission standard
  - those applicants providing a CNG, LNG or LPG gas powered car with CO<sub>2</sub> emissions < 100g/km and meeting Euro 5 emission standards or euro 3 standard gas fuelled car
  - those applicants providing a wheelchair accessible petrol or diesel car
3. No additional hackney carriage vehicle licences will be issued to 'non wheelchair accessible' petrol or diesel cars.
4. Where there are a number of applicants with cars of the same type (i.e. the types shown above), the order they are issued vehicle licences will be based on the length of time they have been on the waiting list.

5. The two new licences made available every 6 months will be offered to the two people on the top of the waiting list. Everyone on the waiting list will not be able to apply for these licences.

### **Replacement Vehicles/Reducing Emissions**

6. Only the following European Standards will be accepted for new Private Hire applications and all replacement vehicles for both Hackney Carriage and Private Hire, as from 1 June 2012 for Hackney Carriages and 1 November 2012 for Private Hire vehicles.
  - For petrol cars – Euro 4 petrol vehicle class
  - For diesel cars – Euro 5 diesel vehicle class
7. A requirement for new taxi drivers (both Hackney Carriage and Private Hire) to undertake an eco-driving course prior to the issue of a taxi driver's licence will be introduced as soon as practical.
8. Subject to the adequate progression with new technologies making the application practical and the introduction of vehicle charging points, a zero tail pipe emissions policy will be introduced by 2021.

### **Taximeters**

9. Taximeters must comply with the Measuring Instruments (Taximeter) Regulations 2006 and must be of the calendar control type which is locked and sealed by an approved manufacturer/supplier and/or installer.
10. The application of any GPS system must provide a comparable level of security for the customer.
11. The new specification to initially apply to new vehicle applications only and subsequently will apply to all existing vehicles, both Hackney Carriage and Private Hire (where fitted) with effect from 1 April 2015.

### **Livery of Hackney Carriages**

12. The recommended colour for Hackney Carriages is black.

## **Future Developments**

13. The council will be sympathetic towards the introduction of taxi buses for use in rural areas and work with possible future providers to investigate how such services may be introduced.

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## **Proposed Taxi Licensing Policy**

### **New Hackney Carriage Licences**

1. The issue of Hackney Carriage licences will not be deregulated.
2. Two new licences to be made available every 6 months. New vehicles licences will only be issued to the of vehicle types identified in Annex 1 of this policy.
3. No additional hackney carriage vehicle licences will be issued to 'non wheelchair accessible' petrol or diesel cars.
4. Where there are a number of applicants with cars of the same type (i.e. the types shown above), the order they are issued vehicle licences will be based on the length of time they have been on the waiting list.
5. The two new licences made available every 6 months will be offered to the two people on the top of the waiting list. Everyone on the waiting list will not be able to apply for these licences.

### **Replacement Vehicles/Reducing Emissions**

6. Only the following European Standards will be accepted for new Private Hire applications and all replacement vehicles for both Hackney Carriage and Private Hire, as from 1 June 2012 for Hackney Carriages and 1 November 2012 for Private Hire vehicles.
  - For petrol cars – Euro 4 petrol vehicle class
  - For diesel cars – Euro 5 diesel vehicle class
7. A requirement for new taxi drivers (both Hackney Carriage and Private Hire) to undertake an eco-driving course prior to the issue of a taxi driver's licence will be introduced as soon as practical.
8. Subject to the adequate progression with new technologies making the application practical and the introduction of vehicle charging points, a zero tail pipe emissions policy will be introduced by 2021.

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### **Livery of Hackney Carriages**

12. The recommended colour for Hackney Carriages is black.

### **Future Developments**

13. The council will be sympathetic towards the introduction of taxi buses for use in rural areas and work with possible future providers to investigate how such services may be introduced.

## **Annex 1**

### **Vehicle List**

- those applicants providing an battery electric vehicle
- those applicants providing a plug in- hybrid vehicle with CO2 emissions <120g/KM
- those applicants providing a gas hybrid car or bio-methane fuelled car with CO2 emissions <100g/km and meeting Euro V emission standard
- those applicant providing a Extended Range Electric Vehicle with CO2 emissions <120g/km
- those applicants providing a CNG, LNG or LPG gas powered car with CO2 emissions < 100g/km and meeting a minimum of Euro V emission standards
- those applicants proving a conventional hybrid car with CO2 emissions <120g/km and meeting a minimum of Euro V emission standards
- those applicants providing a wheelchair accessible petrol or diesel car with CO2 emissions <150g/KM and meeting a minimum of Euro V emission standards

Approved list as of 25 April 2012

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