



**Notice of a public meeting of  
Gambling, Licensing & Regulatory Committee**

- To:** Councillors Boyce (Chair), Cuthbertson, Douglas, Funnell, Gillies (Vice-Chair), Hyman, Horton, King, Looker, McIlveen, Orrell, Richardson, Riches, Taylor and Watt
- Date:** Monday, 16 September 2013
- Time:** 4.00 pm
- Venue:** The George Hudson Board Room - 1st Floor West Offices (F045)

**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 3 - 8)

To approve and sign the minutes of the meeting held on 14th May 2013.

**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 Friday 13<sup>th</sup> September 2013**.

- 4. Taxi Licensing Consultation** (Pages 9 - 26)  
This report asks Members to consider responses to a recent consultation carried out regarding a taxi licensing policy.
- 5. Late Night Levy Consultation** (Pages 27 - 42)  
The purpose of this report is to inform the Committee of the consultation that is currently taking place in relating to potential introduction of a late night levy within the authorities area.
- 6. 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:

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

Contact details are set out above.

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### **Scrutiny Committees**

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

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

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City of York Council

Committee Minutes

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MEETING	GAMBLING, LICENSING & REGULATORY COMMITTEE
DATE	14 MAY 2013
PRESENT	COUNCILLORS BOYCE (CHAIR), DOUGHTY, GILLIES (VICE-CHAIR), HORTON, JEFFRIES, MCILVEEN, REID AND RICHARDSON
APOLOGIES	COUNCILLORS GUNNELL, KING, LOOKER, ORRELL, SEMLYEN, TAYLOR AND WATT

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**16. DECLARATIONS OF INTEREST**

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

**17. MINUTES**

RESOLVED: That the minutes of the last meeting held 11<sup>th</sup> February 2013 be approved and signed by the Chair as a correct record.

**18. PUBLIC PARTICIPATION**

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

There had been two registrations to speak on the agenda items as follows:

Allan Davies spoke on behalf of the Independent Taxi Association in relation to agenda item 4, Licence Conditions. He referred to pages 8 and 9 of the report, in particular new suggested condition cii which stated that the distance from the top of the seat cushions (without compression) to the lowest part of the roof must be not less than 960mm (measurement taken from the rear of the seat cushion). He advised that many current licensed vehicles would not meet this condition and that some of the popular models of vehicles that are commonly used

as taxis are below the 960mm figure. He asked that this part of the condition be excluded from the decision.

Bill Brolly spoke on behalf of the Independent Taxi Association. He referred to agenda item 5, the Wheelchair Accessible Hackney Carriage Vehicles report and confirmed that the report was the result of a request from the taxi trade. He stated that he was happy with the report and had nothing to add.

**19. HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE LICENCE CONDITIONS**

Consideration was given to a report which asked Members to revise existing Hackney Carriage and Private Hire Vehicle licence conditions relating to seating capacity.

The Licensing Manager outlined the report and advised that the Taxi Licensing Section had seen an increase in the number of licensed vehicle proprietors coming forward to change their vehicle to one that seats 5 or more passengers. There had been some issues in relation to vehicles complying with the conditions relating to seating capacity and internal space.

Members agreed with the registered speaker that new suggested condition cii should be disregarded due to many popular vehicle models that are used as taxis not being able to comply with the 960mm or more distance.

The new conditions would therefore be as follows:

- 3) The seating capacity of a licensed vehicle shall be determined as follows:-
  - a) where separate seats for each person are provided, one person shall be counted for each separate seat provided
  - b) where the vehicle is fitted with continuous seats, one person shall be counted for each completed length of 400mm measured in a straight line lengthwise over the centre of the seat. The centre of the seat shall be determined as half the distance from the forwardmost point of the front edge of the seat to the rear edge of the seat. Where the seat is fitted with arms for the purpose of separating the seating spaces and such

arms are so constructed that they can be folded back or otherwise put out of use, such seat shall be measured as if it were not fitted with such arms

- c) All licensed vehicles shall comply with the following minimum standard of internal space:-
  - i) the distance from the rear seat-back to the rearmost part of the seat in front of that seat or other partition shall not be less than 610mm when the seat in front is in its rearmost position without modification
- d) In addition, licensed vehicles with a third row of seats must also comply with the following minimum standard of internal space:-
  - i) the distance from the seat-back of the third row of seats to the rearmost part of the seat in front shall be not less than 610mm when the seat in front is in its rearmost position without modification
  - ii) where there is no door adjacent to a row of seats, no passenger must have to pass through a gap of less than 280mm at the narrowest point in order to exit the vehicle via the rear side door
  - iii) the middle row of seats must have at least one seat capable of adequately tilting to provide a safe exit route for passengers and meet the necessary exit dimension of 280mm, at the narrowest point, at the exit door
- e) All licensed vehicles with a row of passenger seats without adjacent side doors must provide the following:-
  - i) means of operating signs which must provide clear instructions to operate the tilting mechanism with letters of no less than 25mm in height
  - ii) adequate lighting that illuminates the sign, catches and levers to operate the tilting mechanism
  - iii) the sign, catches and levers must be clearly visible

The seating capacity of a licensed vehicle shall be determined as follows:

- a) where separate seats for each person are provided, one person shall be counted for each separate seat provided.
- b) where the vehicle is fitted with continuous seats, one person shall be counted for each completed length of 400mm measured in a straight line lengthwise over the centre of the seat. The centre of the seat shall be determined as half the distance from the forward most point of the front edge of the seat to the rear edge of the seat. Where the seat is fitted with arms for the purpose of separating the seating spaces and such arms are so constructed that they can be folded back or otherwise put out of use, such seat shall be measured as if it were not fitted with such arms.
- c) All vehicles licensed shall comply with the following minimum standard of internal space:-

The distance from the rear seat-back to the rearmost part of the seat in front of that seat or other partition shall not be less than 610mm, when the seat in front is in its rearmost position.

RESOLVED: That Members approved Option 1 of the report and approved the implementation of the new licence conditions detailed above.

REASON: Option 1 will assist Officers in making sure that licensed vehicles provide adequate seating and internal space capacity to carry customers comfortably and safely.



**20. WHEELCHAIR ACCESSIBLE HACKNEY CARRIAGE VEHICLES**

Members received a report which asked them to consider revising an existing licence condition with regards to wheelchair accessible hackney carriage vehicles.

Officers reported that the Council currently had the following vehicle licence condition relating to wheelchair accessible vehicles:

14)b) All hackney carriage vehicles licences from number 159 onwards are subject to the following condition:-  
‘This licence is only valid for wheelchair accessible vehicles. Such vehicles must have wheelchair access from the nearside of the vehicle, i.e. be side loading’.

The report had been brought to Members at the request of the taxi trade for an amendment to the above condition. They had asked for the removal of the requirement that wheelchair accessible vehicles licensed from number 159 onwards must be side loading vehicles. They also requested that vehicles with licence numbers 121 to 140 inclusive also be allowed to be subject of the new suggested condition.

The new suggested condition was as follows:

‘This licence is only valid for vehicles which satisfy the City of York Council definition of wheelchair accessible vehicles’.

This new condition would allow vehicles to be side or rear loading and would be in line with the taxi trades wishes.

Members commented that they recalled that the original condition had been suggested to take into account the lack of space to the rear between taxis when they were queued at ranks.

**RESOLVED:** That Members approved Option 1 and instructed officers to remove the condition/policy in place on all hackney carriages from licence number 159 onwards and for hackney licence number 121 to 140 inclusive and apply the new condition from 1<sup>st</sup> June.

REASON: This option will provide a greater range of wheelchair accessible vehicles.

Councillor Boyce, Chair  
[The meeting started at 4.30 pm and finished at 5.00 pm].



## **Gambling, Licensing & Regulatory Committee** 16 September 2013

Report from the Assistant Director – Housing and Community Safety

### **Taxi Licensing Consultation**

#### **Summary**

1. This report asks Members to consider responses to a recent consultation carried out regarding a taxi licensing policy.

#### **Background**

2. A report was brought to the Gambling, Licensing and Regulatory Committee on the 13 July 2011 following a review of the Taxi Licensing Policy. The policy review was carried out by a Task Group set up by the Community Safety Overview and Scrutiny Committee.
3. Following the decision of the Committee on 13 July 2011 a further report was brought to Committee on 25 April 2012, asking members to approve an amended Taxi Licensing Policy. At this meeting members asked officers to consult on a taxi licensing policy.
4. This consultation asked peoples view on:
  - Numbers of hackney carriage vehicles;
  - Wheelchair accessible hackney carriage vehicles; and
  - Low emission hackney carriage and private hire vehicles.
5. At the time of the consultation City of York Council licensed 183 taxis (hackney carriage vehicles), 45 of these vehicles are wheelchair accessible and 576 private hire vehicles.
6. A copy of the consultation questions can be found at annex 1.

## **Unmet Demand Survey**

7. As the City of York Council regulates the number of hackney carriage vehicle licenses issued it is 'best practice' to carry out an unmet demand survey once every 3 years. The last survey was carried out by Halcrow in 2011. This survey identified that there is no evidence of significant unmet demand for hackney carriages in York.

## **Consultation**

6. A formal consultation took place between 8 April and 20 May 2013. A number of businesses/agencies/people were consulted these include all Hackney Carriage and Private Hire Associations, Ward Councillors, groups that represent the disabled, older people, all hospitals, large hotels, theatres, cinemas, museums, large pubs/bars/nightclubs, York Racecourse, universities, colleges, and it was included in the council Buzz newsletter. The main points asked in the consultation related to people's views on policies regarding to numbers of taxis, wheelchair accessible vehicles and low emission vehicles. The responses to the consultation can be found at annex 2.

## **Options**

7. Option 1 – Ask officers to produce a new policy regarding hackney carriage vehicle numbers, wheelchair accessible hackney carriage vehicles and low emission vehicles.
8. Option 2 – To retain the existing policy and reconsider the decision made by committee on 25<sup>th</sup> April 2012 to suspend the granting of two new hackney carriage vehicle licenses on a 6 monthly basis to new wheelchair accessible vehicles and ask to undertake a further unmet demand survey in 2014.

## **Analysis**

9. In total 54 people responded as to the consultation. When considering this low return rate, whilst it clearly disappointing that more people have not responded it does provide us with an updated picture of what stakeholders feel about the policy. However, this could be viewed that those who didn't respond believed that the current system operators fine and there is no

need to respond. Details of responses to questions relating to vehicles numbers, wheelchair accessible vehicles and low emission vehicles are as follows:

a. Question 1 - Do you think York has enough licensed taxis operating in the city?

68.5% of respondents believe that York has enough taxis operating in the city, 26% believe that there are not enough taxis and 5.5% didn't know.

One respondent has suggested that when the unmet demand survey is carried out prior notice should not be given to the trade as many taxis are double or triple driven.

b. Question 4 - Do you think that we have enough wheelchair accessible taxis?

43% of respondents believe that York has enough wheelchair accessible taxis, 11% believe that there are not enough wheelchair accessible taxis and 46% didn't know.

One respondent states that as a wheelchair accessible private hire vehicles driver they do between 20 – 40 jobs a week, and that Station Taxis will not take bookings for wheelchair accessible vehicles. Another respondent has stated that they rarely see a wheelchair accessible vehicle.

c. Question 7 – We currently have a policy that new taxis licences will only be issued to wheelchair accessible vehicles. Should this policy remain as it is, or should the policy be updated to also include low emission vehicles as well?

13% of respondents believe that York should keep their current policy of only issuing licences to wheelchair accessible vehicles. 39% believe the policy should be updated to also include low emission vehicles. 16.5% believe the policy should only include low emission wheelchair accessible vehicles. 31.5% believe that a vehicle type policy should not be in place.

d. Question 8 – Do you believe that we should introduce a policy that new private hire vehicle licences will only be issued to low emission vehicles?

55.5% of respondents believe that York should introduce a policy that new private hire vehicles licences will only be issued to low emission vehicles. 42.5% believe that a policy should not be introduced. 2% didn't know.

- e. Question 9 – Do you believe that we should introduce a policy that all replacement vehicles for both taxis and private hire should be low emission vehicles?

48% of respondents believe that York should introduce a policy that all replacement vehicles for both taxis and private hire should be low emission vehicles. 46% believe that a policy should not be introduced. 6% didn't know.

- f. A number of other comments were received which did not relate directly to the questions:

- All private hire vehicles should be converted to hackney carriage, there is no point in keeping the private hire classification.
- There are far too many wheelchair friendly taxis already. They are uncomfortable to travel in and also difficult to climb into in the first place. My husband and I plus numerous other people we see hover around until a saloon/normal taxi becomes available. Elderly people including my parents cannot use them either. They have become an obsession and the ranks are full of them although virtually nobody, including the wheelchair users I know don't want them. They tell me that they want to get out of the wheelchair and travel like anybody else in a car seat instead of being labelled as 'different'.
- I have been concerned for a long time that licenses are bought up in batches by middlemen and then sold or leased on in some way on an individual basis so that the middlemen are making a considerable profit. I don't believe the Council should permit middlemen to do this and would like to see a restriction on the number of licenses any individual can hold. If anyone is to make a profit out of the actual licences it should be the Council itself, with savings to Council tax payers in consequence.

- Low emission vehicles are more fuel efficient and cheaper to tax. It seems if taxi drivers could afford one they would. This policy seems to create hassle for lower-income prospective taxi drivers, for what is in essence a very trivial impact on pollution, when compared with i.e. many high emission 4x4s on the road. But putting in measures against 4x4s would only affect the rich.
  - Taxi ranks late at night are usually well served.
  - There should be no discrimination against the type of vehicle.
10. Option 2 – the policy currently in place regarding hackney carriage vehicles would remain. The current policy being that 2 new hackney carriage vehicle licences will be granted every 6 months to wheelchair accessible vehicles until the next unmet demand survey is carried out. This decision was suspended by members at the committee on 25 April 2012. At this time members instructed officers to suspend the granting of new hackney carriage vehicle licences until the consultation had taken place.
  11. Members must consider if they wish to continue with the policy of issuing 2 new hackney carriage vehicle licences every 6 months until the unmet demand survey is carried out, or continue to suspend this decision until 2014.
  12. The findings from the next unmet demand survey will be brought to this committee to determine the future issue of new hackney carriage vehicle licences.
  13. The introduction of a new policy relating to hackney carriage vehicles numbers and types, and the introduction of a policy relating to low emission hackney carriage and private hire vehicles could be legally challenged by the hackney carriage and/or private hire trades.
  14. As members are aware in 2012 a consultation was undertaken by the Law Commission in relation to reforming the law on taxi and private hire services. At this time licensing authorities are awaiting a draft bill that should be published by the end of 2013. This bill

could include major changes to the way hackney carriage and private hire vehicles are licensed.

### **Council Priorities**

15. The provision of hackney carriage licensing supports the council's priority of 'Get York Moving', providing a 24 hour a day, 7 day a week door to door service for the city.

### **Implications**

16. The issues arising from this report are:
- (a) **Financial** - There are no financial implications.
  - (b) **Human Resources (HR)** - There are no HR implications.
  - (c) **Equalities** - Wheelchair accessible vehicles assist those dependant on a wheelchair for mobility.
  - (d) **Legal** - The introduction of a new Taxi Licensing Policy could be legally challenged by the taxi and/or private hire trade.
  - (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**

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

### **Recommendations**

18. That Members:
- Approve Option 2, to retain the existing policy and reconsider the decision made by committee on 25<sup>th</sup> April 2012 to



suspend the granting of two new hackney carriage vehicle licenses on a 6 monthly basis to new wheelchair accessible vehicles and ask to undertake a further unmet demand survey in 2014.

Reason: The unmet demand survey carried out in 2011 indicated that there was no evidence of significant unmet demand for hackney carriages in York. The results of the consultation do not significantly challenge the evidence of the unmet demand survey. The draft bill regarding reforming the law on taxi and private hire licensing may introduce major changes to legislation and the way taxi and private hire licensing is carried out by authorities.

### Contact Details

<b>Author:</b>	<b>Chief Officer Responsible for the report:</b>		
Lesley Cooke Licensing Manager 01904 551515	Steve Waddington Assistant Director – Housing and Community Safety		
	<b>Report Approved</b>	√	<b>Date</b> 5 <sup>th</sup> Sept 13
<b>Specialist Implications Officer(s)</b> Head of Legal Services Ext: 1004			
<b>Wards Affected:</b>		<b>All</b>	√
<b>For further information please contact the author of the report</b>			

### Annexes

- Annex 1 – Consultation questions
- Annex 2 – Consultation responses

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### Taxi Licensing Policy Consultation

City of York Council is consulting on issues relating to the licensing of hackney carriage and private hire vehicles.

Hackney carriage vehicles, more commonly known as 'Taxis' (and will be referred to as 'Taxis' throughout this consultation), can use designated taxi ranks, be hailed/flagged down in the street and have a roof light indicating that they are a 'TAXI'.

Private hire vehicles can only be used if they are pre booked through an operator. They cannot use taxi ranks or be hailed/flagged down in the street. All vehicles must display door signage giving details of their operator.

Taxi licensing law currently allows councils, if they wish, to restrict the number of licences issued to vehicles. We do restrict the number of licences issued. To justify restricting the number of licences an 'unmet demand' survey is carried out every three years. The last survey (in 2011), identified no significant unmet demand . We currently licence 183 taxis, 45 of which must be wheelchair accessible.

Private hire vehicle licensing law does not permit councils to restrict the number of licences issued to vehicles. We currently licence 576 private hire vehicles.

York has a serious problem with traffic pollution. This pollution causes health problems, often to the most vulnerable (the elderly, children, those with breathing problems). Diesel vehicles are some of the worst polluters. We can reduce this pollution and poor health through low emission vehicles (e.g. electric-hybrids, all electric, bio-methane fuelled, CNG, LNG or LPG fuelled vehicles). Low emission vehicles can also reduce fuel and running costs.

To help us develop a new policy on taxis and private hire vehicle licensing we would welcome your views on the following:

1. Do you think York has enough licensed taxis operating in the city?

Yes

No

Don't know

2. If you answer no, why not? (only tick one box)

- a) There are always long queues of customers at taxi ranks.
  - b) Taxis are never available at ranks.
  - c) There are never enough taxis at peak times, e.g. pub closing times or school closing times.
  - d) Other (please specify)
3. How many more taxis do you believe York needs? (only tick one box)
- a) 0 - 5
  - b) 6 - 10
  - c) 11 - 15
  - d) 16 - 20
  - e) More than 20 taxis please stipulate how many taxis you believe we need.
4. Do you think that we have enough wheelchair accessible taxis?
- Yes
- No
- Don't know
5. If you answered no to question 4, why don't you think that there are enough wheelchair accessible taxis in York? (only tick one box)
- a) There are never enough wheelchair accessible taxis at taxi ranks.
  - b) There are never enough wheelchair accessible taxis at peak times, e.g. school closing time.
  - c) Other (please specify)
6. How many more wheelchair accessible taxis do you believe York needs? (only tick one box)
- a) 0 - 5
  - b) 6 - 10
  - c) 11 - 15
  - d) 16 - 20

e) More than 20 taxis please stipulate how many taxis you believe we need.

7. We currently have a policy that new taxi licences will only be issued to wheelchair accessible vehicles. Should this policy remain as it is, or should the policy be updated to also include low emission vehicles as well? (only tick one box)

a) Keep the current policy of only issuing to wheelchair accessible vehicles should remain.

b) Update the policy to also include low emission vehicles.

c) Update the policy to only include low emission wheelchair accessible vehicles.

d) A vehicle type policy should not be in place.

8. Do you believe that we should introduce a policy that new private hire vehicle licences will only be issued to low emission vehicles?

Yes

No

Don't know

9. Do you believe that we should introduce a policy that all replacement vehicles for both taxis and private hire should be low emission vehicles?

Yes

No

Don't know

10. Are you?

The holder of a York hackney carriage vehicle licence

The holder of a York hackney carriage driver licence

The holder of a York private hire vehicle licence

The holder of a York private hire driver licence

The holder of a York private hire operator licence

Currently on the waiting list for a York hackney carriage vehicle licence

Resident of the York area

Other (please specify)

11. What is the first part of your postcode? e.g. YO10

Prefer not to say

If you have any additional comments please add them here:

.....  
.....  
.....

**Taxi Licensing Policy Consultation****Consultation Responses = 54**

1. Do you think York has enough licensed taxis operating in the city?

Answer	Total
Yes	37
No	14
Don't know	3
Grand Total	54

2. If you answer no, why not? (only tick one box)

Answer	Total
a) There are always long queues of customers at taxi ranks	2
b) Taxis are never available at ranks	1
c) There are never enough taxis at peak times, e.g. school closing times	10
d) Other (please specify)	1
Grand Total	14

Other Responses:

*“Try Doing A Unmet Demand Survey Without Prior Notice Many Cars Are Double Driven And Sometimes Triple Driven And This Gives An Artificial Reading Of Unmet Demand”*

3. How many more taxis do you believe York needs? (only tick one box)

Answer	Total
a) 1-5	1
b) 6-10	3
c) 11-15	1
d) 16-20	6
e) More than 20 taxis please stipulate how many taxis you believe we need.	0
Grand Total	11

4. Do you think that we have enough wheelchair accessible taxis?

Answer	Total
Yes	23
No	6
Don't know	25
Grand Total	54

5. If you answered no to question 4, why don't you think that there are enough wheelchair accessible taxis in York? (only tick one box)

Answer	Total
a) There are never enough wheelchair accessible taxis at taxi ranks	1
b) There are never enough wheelchair accessible taxis at peak times, e.g. school closing time	2
c) Other	3
Grand Total	6

## Other Responses:

- *“Because As A Wheelchair Accessible Taxi I Do Between 20 And 40 Jobs A Week And I Am Private Hire Also Try Booking A Wheelchair Taxi From Station Taxis And They Will No Take The Booking”.*
- *“I would have ticked both of the above if the form would let me.”*
- *“Rarely see many”*

6. How many more wheelchair accessible taxis do you believe York needs?  
(only tick one box)

Answer	Total
a) 0-5	0
b) 6-10	2
c) 11-15	0
d) 16-20	3
e) More than 20 taxis (50 in this Case)	1
Grand Total	6

7. We currently have a policy that new taxis licences will only be issued to wheelchair accessible vehicles. Should this policy remain as it is, or should the policy be updated to also include low emission vehicles as well?

Answer	Total
a) Keep the current policy of only issuing licences to wheelchair accessible vehicles	7
b) Update the policy to also include low emission vehicles	21
c) Update the policy to only include low emission, wheelchair accessible vehicles	9
d) A vehicle type policy should not be in place	17
Grand Total	54

8. Do you believe that we should introduce a policy that new private hire vehicle licences will only be issued to low emission vehicles?

Answer	Total
Yes	30
No	23
Don't know	1
Grand Total	54

9. Do you believe that we should introduce a policy that all replacement vehicles for both taxis and private hire should be low emission vehicles?



Answer	Total
Yes	26
No	25
Don't know	3
Grand Total	54

## 10. Are you?

The holder of a York hackney carriage vehicle licence

Answer	Total
Yes	3
No	51
Don't know	0
Grand Total	54

The holder of a York hackney carriage driver licence

Answer	Total
Yes	3
No	51
Don't know	0
Grand Total	54

The holder of a York private hire vehicle licence

Answer	Total
Yes	4
No	50
Don't know	0
Grand Total	54

The holder of a York private hire driver licence

Answer	Total
Yes	3
No	51
Don't know	0
Grand Total	54

The holder of a York private hire operator licence

Answer	Total
Yes	2
No	52
Don't know	0
Grand Total	54

Currently on the waiting list for a York hackney carriage vehicle licence

Answer	Total
Yes	2
No	52
Don't know	0
Grand Total	54

Resident of the York area

Answer	Total
Yes	51
No	3
Don't know	0
Grand Total	54

Other (please specify)

*NO RESPONSE*

11. What is the first part of your postcode? e.g. YO10

Postcode	Total
YO1 9GJ	1
YO10 3EH	1
YO10 3EL	1
YO103HF	1
YO23 2RR	1
YO232QD	1
YO24 2TD	1
YO24 4PL	2
YO30 5UT	1
YO30 7DQ	1
YO31 0TZ	1
YO32 3QT	1
YO32 3WD	1
Not Given	40
Grand Total	54

**If you have any additional comments please add then here:**

- All private hire vehicles should be converted to Hackney Carriage, there is no point in keeping the Private Hire.
- There are some small engines now available which - although not hybrids - have very low emission levels. Certainly need to encourage the introduction of Prius+ style/size vehicles. Buses and commercial vehicles are a bigger source of pollution than cars. Some wheelchair friendly vehicles are very difficult for relatively ambient elderly people to get in and out of. The Council needs to further refine its vehicle approval process.

- The council is over stepping the mark and is a licenseing authority not a dictatorship, private hire is exactly that private enterprise providing a service to the general public, I agree that there should be a strict policy of licensing but to dictate what kind of vehicle that person uses is not what licensing is about. Licensing is about having competant safe people driving safe vehicles and those people respecting the licensing authority, and working within the guidelines set down by that authority.
- I strongly believe more should be done to encourage use of electric and low emission cars as York is currently choking under all the diesel vehicles being used .
- I believe that there should be more Taxis and less private hire vehicles so the total number is about right. Rational:- I stood for 20 freezing minutes at the station waiting in line for a taxi and I lost count the the private hire vehicles driving past empty. I also think that all taxis should be like London Cabs so there is no confusion when you get into one, they are all wheelchair friendly, can run on LPG and they should also all be black. Unlike London it is a rarity to be able to "hail a taxi" here in York.
- All those with a licence should have to take the Taxicard. It is very hard to find a hackney cab or a private hire car that takes them. When you ring up they are not interested.
- York has enough licensed hackney carriages to cope with the amount of work that we do. Yes, there are sometimes a queues waiting for taxis, however if there wasn't we would not be able to earn a living. As for low emissions private hire (new licenses) because of the amount of private hire there is, nearly 600 in comparison to 183 hackney carriages, it does make sense for them to be on a lower emission basis.
- If buses were more frequent and cheaper there would be a reduced demand for taxis.
- Low emission vehicles are more fuel efficient and cheaper to tax. It seems if taxi drivers could afford one they would. This policy seems to create hassle for lower-income prospective taxi drivers, for what is in essence a very trivial impact on pollution, when compared with i.e. many high emission 4x4s on the road. But putting in measures against 4x4s would only affect the rich.
- Taxi ranks late at night are usually well served.

- There should be no discrimination against the type of vehicle.
- The cost of a taxi is extortionate. E.g. £10 from York city centre to Bishopthorpe. A return train ticket to Leeds is only £12!
- There are far too many wheelchair friendly taxis already. They are uncomfortable to travel in and also difficult to climb into in the first place. My husband and I plus numerous other people we see hover around until a saloon/normal taxi becomes available. Elderly people including my parents cannot use them either. They have become an obsession and the ranks are full of them although virtually nobody, including the wheelchair users I know don't want them. They tell me that they want to get out of the wheelchair and travel like anybody else in a car seat instead of being labelled as 'different'.
- Nothing to do with taxis, but all buses should be either low emission or electric. There have been these types of buses operating in many other countries for many years. It is time we got up to speed.
- Taxi drivers should be made to sit an advanced safety exam as they are often driving dangerously and recklessly, particularly towards cyclists or others whom they perceive to be un-deserving of road space.
- I have been concerned for a long time that licenses are bought up in batches by middlemen and then sold or leased on in some way on an individual basis so that the middlemen are making a considerable profit. I don't believe the Council should permit middlemen to do this and would like to see a restriction on the number of licenses any individual can hold. If anyone is to make a profit out of the actual licences it should be the Council itself, with savings to Council tax payers in consequence.
- Low emissions are desirable but bio fuels are environmentally destructive and should not be encouraged. Taxi / Private Hire drivers are the most ignorant and worst drivers on the road. They consider themselves above the law. People should be actively encouraged to report all incidents of law breaking by taxi drivers to the council and the council should use their power to suspend or withdraw licences from individual drivers and companies.
- I sometimes hear taxi drivers hoot their horns when stationary to alert their prospective passenger that the taxi has arrived. I would like them to be instructed to leave their vehicle and knock or ring at the person's door, and thus comply with the law on the sounding of horns in built-up areas.



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**Gambling, Licensing & Regulatory Committee** 16 September 2013

Report from the Assistant Director – Housing and Community Safety

**Late Night Levy Consultation****Summary**

1. The purpose of this report is to inform the Committee of the consultation that is currently taking place in relating to potential introduction of a late night levy within the authorities area.

**Background**

2. In 2012 the Home Office carried out a 12 week consultation “Dealing with the Problems of Late Night Drinking”, inviting views on two measures in the Police Reform and Social Responsibility Act 2011 (2011 Act), early morning restriction orders and the late night levy. These regulations were implemented on 31 October 2012, supplementing the Licensing Act 2003 (2003 Act). Section 119 (Early Morning Restriction Orders) and Chapter 2 (Late Night Levy) of the 2011 Act.
3. A report regarding early morning restrictions orders and the late night levy was taken to Cabinet on 21 February 2013. Cabinet asked officers to carry out a consultation in relation to the introduction of a late night levy.

**Late Night Levy (the levy)**

4. The levy will allow licensing authorities to raise a contribution from late-opening alcohol retailers towards policing the late night economy. It is a local power that licensing authorities can choose whether or not to adopt. It must cover the entire local authority area. However the licensing authority can choose the period during which the levy applies, between midnight and 06:00 hrs (the late night supply period).

5. The amount of the levy has been set at a national level. The charge is calculated according to non-domestic rateable value (this system applies to existing licence fees). The charges are:

Band	Annual Levy Charge	Weekly
<b>A no value to £4,300</b>	£299	£5.75
<b>B £4,301 to £33,000</b>	£768	£14.77
<b>C £33,001 to £87,000</b>	£1,259	£24.21
<b>D £87,001 to 12,500</b>	£1,365	£26.25
<b>E £125,001 and above</b>	£1,493	£28.71
<b>Dx2 cat D premises that primarily or exclusively sell alcohol</b>	£2,730	£52.50
<b>Ex3 cat E premises that primarily or exclusively sell alcohol</b>	£4,440	£85.38

6. The net revenue from the levy must be split between the licensing authority and Police and Crime Commissioner (PCC). The licensing authority must pay at least 70% of the net levy revenue to the PCC. The percentage retained by the licensing authority will fund services to tackle late night alcohol related crime and disorder, and services connected to the management of the night-time economy.
7. Licensing authorities are responsible for the design of the levy, this will include, the late night supply period, any exemptions or reductions that may apply and the proportion of the revenue which will be paid to the PCC. The proposed design of the levy currently out for consultation is as follows:
- Date of Introduction - 1 April 2014
  - Late Night Supply Period - Midnight to 6am
  - To exempt the following categories of premises, as defined by section 4 of the Late Night Levy (Expenses, Exemption and Reductions) Regulations 2012, from paying the levy:
    - Premises with overnight accommodation

- Theatres
  - Cinemas
  - Bingo halls
  - Registered community amateur sports clubs
  - Community premises
  - Country village pubs
  - New Years Eve
  - Business Improvement Districts
- Reduction to Fee's - Not to introduce any reductions to the levy.
  - Use of Income
    - 70% of the net levy revenue will be paid to North Yorkshire Police and Crime Commissioner, being the minimum proportion that the authority is required to give it. The remaining 30% will be retained by the Council.
    - The Police and Crime Commissioner has verbally agreed to ring-fence their entire proportion of the levy revenue to jointly address the issues of anti social behaviour and the impact of late night alcohol- related crime and disorder within the City of York.
8. Licensing authorities may consider that it is not appropriate to introduce the levy.

### **Consultation**

9. The Home Office consulted a wide range of people and organisation on their proposals before regulations were implemented. The council are currently carrying out a full consultation in relation to the proposal to introduce the levy. This consultation ends on 31 October 2012. The consultation can be found on the council's website, [www.york.gov.uk/latenightlevy](http://www.york.gov.uk/latenightlevy) a copy of the consultation document is attached at Annex 1. The results of the consultation will be considered by Cabinet on 3 December and Full Council on 12 December 2013.

## Options

10. Option 1: Ask officers to include the views of Committee in the report taken to Cabinet on 3 December.
11. Option 2: Ask officers to not put forward a formal response from the Committee.

## Analysis

12. York has for many years been held in high regard nationally for the way it manages its night-time economy. To achieve this the council has worked in partnership with the police, other agencies and on occasion the licence trade.
13. If the levy was introduced with a late night supply period of midnight to 06:00 hrs there is potential for a gross income of £286,392.00, with a net income to the licensing authority of £82,781.33.
14. Approximately 262 premises (excluding hotels) within the authorises area are licensed to sell alcohol between midnight to 06:00 hrs. This is broken down by fee bands as follows :

	Midnight – 01:00	01:00 – 02:00	02:00 – 03:00	03:00 – 04:00	04:00 – 24 hrs
Band A	6	3	0	1	2
Band B	91	24	8	5	5
Band C	34	19	5	5	2
Band D	3	4	0	0	1
Band E	9	7	10	1	5
Band Dx2	1	4	3	1	0
Band Ex3	0	1	2	0	0
Total	144	62	28	13	15

15. Some of these premises would be exempt from the requirement to pay the levy.
16. There is also provision within the legislation for licence holders to apply to the licensing authority to reduce their licensable hours for the sale of alcohol, by way of a minor variation for free, so that their hours no longer fall within the late night supply period.
17. When considering the crime related impacts, crime figures provided by Safer York Partnership covering the period January



2012 – December 2012, show that in relation to licensed premises for the proposed late night supply period, that within a 50m radius of the licensed premises within the city:

- 95 have violent crime,
- 130 have ASB and
  
- 78 have damage related crimes.

18. These premises are located in 12 wards, however 118 of these premises are located within the 2 city centre wards, Guildhall and Micklegate. Out of the 246 licences premises authorised to sell/supply alcohol during the late night supply period 130 are located in Guildhall and Micklegate wards.

### **Council Priorities**

19. The Licensing Act 2003 has 4 objectives: the prevention of crime and disorder, public safety, prevention of public nuisance and the protection of children from harm.
20. The promotion of the licensing objectives will support the Council's priorities to protect vulnerable people, build strong communities, and protect the environment.

### **Implications**

21. The implications arising from this report are:
- **Financial:** The introduction of the levy would generate income for the council and police to assist in managing the late night economy.
  - **Human Resources:** There are no Human Resources implications associated with this report.
  - **Equalities:** There are no Equalities implications associated with this report.
  - **Legal:** There are no legal implications associated with this report
  - **Crime and Disorder:** The introduction of the levy could promote the licensing objective "the prevention of crime and disorder".
  - **Information Technology (IT):** There are no IT implications associated with this report.

- **Other:** There are no other implications associated with this report.

### **Risk Management**

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

### **Recommendations**

23. That Members approve option 1 and instruct officers to include the views of Committee in the report taken to Cabinet.

Reason: To ensure that the views of the Committee are considered by Cabinet as part of the decision making process for the introduction of the levy.

### **Contact Details**

**Author:**

Lesley Cooke  
Licensing Manager  
Phone: 551515

**Chief Officer Responsible for the report:**

Steve Waddington  
Assistant Director (Housing and  
Community Safety)

**Report  
Approved**



**Date** 22<sup>nd</sup> August 13

**Specialist Officer Implications: None**

**Wards Affected:**

**All**

### **Background Papers:**

None

### **Annexes**

Annex 1: Late Night Levy Consultation Document



## Late Night Levy Consultation

York is a vibrant tourist city attracting over 7 million visitors each year, to attractions such as the Minster, the Bar Walls, a number of museums and York Racecourse. There is also a vibrant night-time economy for residents and visitors, with a number of pubs, bars, clubs and restaurants. Footfall cameras indicate that around 14,000 people visit the city centre between 6pm and 5am each week, with the bulk of the night-time activity occurring on Friday and Saturday nights.

Most visitors enjoy themselves safely and responsibly without creating any issues. However, an active night-time economy does bring additional costs for the council, police and other agencies dealing with issues such as crime and disorder, anti-social behaviour and hospital admissions.

One of the options the council has is to introduce a late night levy. Government legislation has given local authorities this option as a potential method to help address policing the late night economy.

The City of York Council as the licensing authority, wishes to consult on its proposal to introduce a late night levy.

If the levy is introduced it would be a charge made to all alcohol licensed premises (pubs, off licences, restaurants, members clubs, etc) that are authorised to supply alcohol during the late night supply period.

The Council's Cabinet has only decided to consult on the proposal at this time. A final decision will be made later in the year. All views received as part of the consultation will be taken into account.

### **1. What is the Late Night Levy?**

- 1.1 The levy is an additional annual fee payable by certain premises that are authorised to supply alcohol during the late night supply period.
- 1.2 The levy would apply to holders of premises licences and club premises certificates which authorise the supply of alcohol during the late night supply period.

1.3 The licensing authority sets the late night supply period, it must begin at or after midnight and end at or before 6am.

## 2. How is the levy designed?

2.1 The licensing authority determines the design of the levy, this includes:

- a) setting the late night supply period (beginning at or after midnight and ending at or before 6am);
- b) deciding what exemptions or reductions will apply;
- c) deciding what proportion of the levy revenue is paid to the Police and Crime Commissioner.

### Exemptions

2.2 The licensing authority may consider that there are some types of premises that will be exempt from the requirement to pay the levy.

2.3 The licensing authority cannot choose the category of premises for an exemption, they are prescribed in regulations.

2.4 The licensing authority are not able to exempt specific premises from the requirement to pay the levy.

2.5 Licensing authorities can decide if any of the following permitted categories of premises should be exempt from the requirement to pay the levy, these are specified in the Late Night Levy (Expenses, Exemptions and Reductions) Regulations 2012:

- a) **Premises with overnight accommodation** - a hotel or guest house, lodging house or hostel at which the supply of alcohol between midnight and 6am on any day may only be made to a person –
  - i. who is staying at the premises, and
  - ii. for consumption on the premises;
- b) **Theatres** - a premises at which the supply of alcohol between midnight and 6am on any day may only be made to a person for consumption on the premises who is –
  - i. a ticket holder in relation to a relevant production at the premises,

- ii. concerned in the performance, organisation or management of the relevant production, or
  - iii. invited to the premises as a guest to attend an event to which the public do not have access;
- c) **Cinemas** - a premises at which the supply of alcohol between midnight and 6am on any day may only be made to a person for consumption on the premises who is –
  - i. a ticket holder in relation to the exhibition of a film at the premises, or
  - ii. invited to the premises as a guest to attend an event to which the public do not have access;
- d) **Bingo halls** - premises in respect of which –
  - i. the provision of facilities for the playing of bingo is authorised by a bingo premises licence is granted in accordance with section 163 of the Gambling Act 2005,
  - ii. the holder of the bingo premises licence is authorised to provide facilities for the playing of bingo by virtue of non-remote bingo operating licence granted in accordance with section 74 of the Gambling Act 2005, and
  - iii. the playing of bingo is the primary activity carried on at the premises;
- e) **Community amateur sports clubs** - a club which is registered as a community amateur sports club by virtue of section 658 of the Corporation Tax Act 2010;
- f) **Community premises** – premises in relation to which the premises licence contains the alternative licence conditions (removal of the mandatory designated premise supervisor);
- g) **Country village pubs** - a public house which is a hereditament in respect of which the ratepayer is subject to a non-domestic rate calculated in accordance with section 43(6A) of the Local Government Finance Act 1988;

- h) **Business Improvement Districts** - a hereditament in respect of which
- 
- i. the ratepayer is liable for a BID levy in accordance with section 46 of the Local Government Act 2003, and
  - ii. the BID arrangement in relation to which a BID levy is imposed are established for purposes which include relevant purposes; or
- i) **New Years Eve** - authorised to supply for consumption on the premises between midnight and 6am on 1<sup>st</sup> January in every year (but are not so authorised at those times on any other day in any year).

### 3. Reductions

- 3.1 Licensing authorities may decide that premises whose holders participate in business-led best practice schemes should benefit from a reduction to the amount they are required to pay under the levy.
- 3.2 Licensing authorities may also offer a reduction to holders in relation to on-trade premises that are in receipt of Small Business Rate Relief, as specified in part 111 of the Local Government Finance Act 1988, and have a rateable value of £12,000 or less. This reduction is only available to holders in relation to premises that supply alcohol for consumption on the premises.
- 3.3 Eligible premises will received a 30% reduction from the levy.

### 4. Levy Charges

- 4.1 The amount of the levy has been set nationally and depend on the rateable value of the premises. The amounts are: -

Rateable value bands (based on the existing fee bands)	Annual levy charge	Weekly
A – no rateable value to £4,300	£299	£5.75
B - £4,301 to £33,000	£768	£14.77
C - £33,001 to £87,000	£1,259	£24.21
D - £87,001 to £125,000	£1,365	£26.25
E - £ 125,001 and above	£1,493	£28.71

D x 2 – multiplier applies to premises in category D that primarily or exclusively sell alcohol	£2,730	£52.50
E x 3 – multiplier applies to premises in category E that primarily or exclusively sell alcohol	£4,440	£85.38

4.2 The levy will be collected annually at the same time as the annual licence fee. For holders who are granted a licence within the levy year the payment year will run from the date of the grant of the licence. Their first payment will be made 14 days after the grant of the licence.

4.3 Any payment of the levy which is owed to the licensing authority can be recovered as a debt due to the authority. Non-payment of the levy can result in suspension of a premises licence or club premise certificate.

## **5. Levy Revenue**

5.1 The licensing authority is entitled to deduct the costs of administering the levy, as prescribed in regulations.

5.2 From the net amount of the levy the licensing authority must pay at least 70% to North Yorkshire Police and Crime Commissioner.

5.3 The licensing authority can retain up to 30% of the net levy revenue to fund services provided connected to the management of the night-time economy.

## **6. Who are we consulting?**

6.1 We must consult with:

- the North Yorkshire Police and Crime Commissioner;
- the North Yorkshire Police Chief Constable; and
- holders of premises licences and club premises certificates that will be affected by the levy.

6.2 We must also publish details of the consultation on the Council's website and in a local newspaper.

6.3 We will also consult with:

- Ward councillors;
- Responsible authorities;

### **The Council's Proposal**

The Council is proposing the following design for the levy:

#### **Date of Introduction**

- 1 April 2014

#### **Late Night Supply Period**

- Midnight to 6am

#### **Exemptions**

- To exempt the following categories of premises, as defined by section 4 of the Late Night Levy (Expenses, Exemption and Reductions) Regulations 2012, from paying the levy:
  - premises with overnight accommodation
  - Theatres
  - Cinemas
  - Bingo halls
  - Registered community amateur sports clubs
  - Community premises
  - Country village pubs
  - New Years Eve
  - Business Improvement Districts

#### **Reduction to Fee's**

- Not to introduce any reductions to the levy

#### **Use of Income**



- 70% of the net levy revenue will be paid to North Yorkshire Police and Crime Commissioner, being the minimum proportion that the authority is required to give it. The remaining 30% will be retained by the Council.
- The Police and Crime Commissioner has verbally agreed to ring-fence their entire proportion of the levy revenue to jointly address the issues of anti social behaviour and the impact of late night alcohol- related crime and disorder within the City of York.

### **Consultation**

- Consultation will be undertaken for a period of 12 weeks from 8<sup>th</sup> August 2013 to the 31<sup>st</sup> October 2013.

### **Consultation questions**

**1. We want to get as many views from as many groups as possible please let us know in what capacity you are responding?**

- A premises licence holder
- A club premises certificate holder
- A representative of a premises licence holder
- A representative of a club premises certificate holder
- A national pub company or hotel operator
- North Yorkshire Police and Crime Commissioner
- North Yorkshire Police
- A Ward Councillor
- A York Resident
- A visitor to the city
- A Responsible Authority
- Other (please specify)

**2. What are the key issues you feel the council and its partners should be addressing to improve the late night economy for everyone in the city?**

**3. If you are responding as a York Resident do you currently use the city centre in the evening/at night? Tick all that apply**

Yes – early evening only (5 – 7pm)

Yes – evening (7pm – midnight)

Yes – late night (midnight – 6am)

Do not use the city after 5pm

**3a. If you answered that you don't use the city centre at night, what would encourage you to do so?**

**4. As a York Resident do you use licensed premises outside of the city centre, but still within York, that are open after midnight?**

Yes

No

**5. Would you support the introduction of a late night levy in York where the income generated is focused on addressing the impact of alcohol on the late night economy?**

Yes

No

**5a. If 'No' please provide comments.**

**6. The late night levy is normally set between midnight and 6am, do you think this is the right period to address issues in the city?**

Yes                  No

**6a. If 'No' what do you believe the late night supply period should be?**

- 1am – 6am
- 2am – 6am
- 3am – 6am
- 4am – 6am
- 5am – 6am
- Other (please specify)

**6b. What are your reasons for preferring the option you selected?**

**7. A number of premises types would be exempt from paying the levy do you agree with these categories?**

- Premises with overnight accommodation
- Theatres
- Cinemas
- Bingo halls
- Registered community amateur sports clubs
- Community premises
- Country village pubs
- New Years Eve
- Business Improvement

Yes                  No

**7a. What are your reasons for this?**

**8. The council has not proposed to introduce any reductions form business led best practice schemes. Do you agree with this proposal?**

Yes                      No                      No opinion

**8a. Do you have any ideas which would help us implement best practice across the sector?**

**9. The council has not proposed to introduce any reductions for premises in receipt of small business rate relief. Do you agree with this proposal?**

Yes                      No                      No opinion

**9a. What are your reasons for this?**

**10. If you are a premises licence or club premises certificate holder are you likely to be subject to the levy?**

Yes                      No                      Don't know

**11. The amount of the levy has been set nationally and the majority of licensed premises in York would be classed as Band B. This would be a charge of around £15 per week. Do you feel this is a reasonable amount?**

Yes                      No                      No opinion

**12. If a levy is introduced how do you think it could be best spent?**

The council can only spend money on the reduction or prevention of crime, the promotion of public safety, the reduction or prevention of public nuisance, and cleaning of any relevant highway or relevant land in its area.

**In order to help us ensure we receive views from a wide range of businesses and other interested parties, please provide your personal details:**

Full name:

Full address:

Telephone number:

Email address:

**What age are you?**

18 – 25 years

36 – 45 years

60 and over

26 – 35 years

45 – 60 years

prefer not to say

The council cannot guarantee that any information that you pass to us can be treated as confidential. The council is subject to a number of regimes that affect disclosure, including the Local Government (Access to Information) Act 1985, the Data Protection Act 1998, the Freedom of Information Act 2000 and the Environmental Information Regulations 2004.

Your response could be included within any follow up report, classed as background papers, that would be open to public inspection.

