



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

- To:** Councillors Douglas (Chair), Boyce (Vice-Chair),
Aspden, Flinders, Gillies, Hayes, Hunter, Looker, Mason,
Mercer, D Myers, Orrell, Richardson, Shepherd and
Taylor
- Date:** Monday, 19 October 2015
- Time:** 2.00 pm
- Venue:** The Auden Room - Ground Floor, West Offices (G047)

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 - 4)

To approve and sign the minutes of the meeting held on 7th
September 2015.

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 16th October 2015**.

Filming or Recording Meetings

Residents are welcome to photograph, film or record Councillors and Officers at all meetings open to the press and public. This includes the use of social media reporting, i.e. tweeting. Anyone wishing to film, record or take photos at any public meeting should contact the Democracy Officer (whose contact details are at the foot of this agenda) in advance of the meeting.

The Council's protocol on Webcasting, Filming & Recording of Meetings ensures that these practices are carried out in a manner both respectful to the conduct of the meeting and all those present. It can be viewed at

https://www.york.gov.uk/downloads/file/6453/protocol_for_webcasting_filming_and_recording_council_meetingspdf

4. Deregulation Act 2015 - Changes to Taxi (Pages 5 - 10) Licensing

This report asks Members to agree a staged approach to the implementation of the Deregulation Act 2015 in relation to hackney carriage and private hire licensing.

5. Any other business which the Chair considers urgent under the Local Government Act 1972

Democracy Officer:

Name: Laura Bootland

Contact Details:

- Telephone – (01904) 552062
- E-mail – laura.bootland@york.gov.uk

For more information about any of the following please contact the Democratic Services 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	Gambling, Licensing & Regulatory Committee
Date	7 September 2015
Present	Councillors Douglas (Chair), Boyce (Vice-Chair), Aspden, Flinders, Gillies, Hunter, Looker, Mason, D Myers, Orrell and Taylor
Apologies	Councillors Hayes, Mercer, Richardson and Shepherd

PART A - MATTERS DEALT WITH UNDER DELEGATED POWERS

6. Declarations of Interest

At this point in the meeting, Members were asked to declare any personal, prejudicial or disclosable pecuniary interests that they might have had in the business on the agenda. No interests were declared.

7. Minutes

Resolved: That the minutes of the previous meeting of the Gambling, Licensing & Regulatory Committee held on 20 July 2015 be signed and approved by the Chair as a correct record.

8. Public Participation

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

9. Renewal of Sex Establishment Licence for Black Orchid (1st floor Tokyo), 3-5 Toft Green, York, YO1 6JT

Members considered a report which asked them to determine an application for the renewal 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 Black Orchid (1st Floor, 3-4 Toft Green, York, YO1 6JT).

The Chair informed the Committee that this would probably be the final time that the full Committee would determine the renewal of a licence of a Sex Establishment as a new Council policy was being formulated would be determined at a sub committee in future.

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

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, including that the application was for the renewal of a sex establishment licence in line with Section 27 of the Policing and Crime Act 2009 which allowed local authorities to regulate lap dancing clubs and similar venues. Members were advised that there had been no incidents of public order inside or outside of the building, and that previous issues identified at the site visit which had taken place (ahead of granting the licence??) had now been resolved. The establishment had also installed CCTV cameras in all of its booths.

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 Renew the Licence.
- Option 2 Renew the licence with modified/additional conditions imposed by the Gambling, Licensing and Regulatory Committee.
- Option 3 Reject the renewal application.

Resolved: That Members agreed Option 1 to renew the licence.

Reason: As required by the legislation.

10. Explosives Policy

[See under Part B Minute]

Members considered a report which outlined and sought support for a proposed Explosives Policy and advised of recent changes to legislation and the consultation undertaken by the Council. The policy was attached at annex 1 of the report.

The Licensing Manager and an Officer from the Council's Trading Standards Department presented the report and informed the Committee that the policy would licence shops to store fireworks. It would also detail the length of a licence, this would depend on the experience of the trader. "Pop up" firework shops would not be licenced for a long term duration. The Fire Authority and North Yorkshire Police would be notified once the licences were granted by the Council.

Officers had the power to enter premises and check that the storage of explosives were kept in a safe manner and conformed to the regulations.

In relation to a question about costs and fees, the Licensing Manager responded that the fees for Licences were fixed but that if an Assent Procedure had to be followed, there could be additional associated procedural costs relating to this.

Resolved: That Full Council approve the Explosives Policy and adopt the delegation scheme.

Reason: To provide the Council with an explosives policy that will aid applicants, licence holders and officers and provide a delegation scheme for dealing with applications.

PART B - MATTERS REFERRED TO FULL COUNCIL

11. Explosives Policy

[See under Part A Minute]

Members considered a report which outlined and sought support for a proposed Explosives Policy and advised of recent

changes to legislation and the consultation undertaken by the Council. The policy was attached at annex 1 of the report.

Recommend: That Full Council approve the Explosives Policy and adopt the delegation scheme.

Reason: To provide the Council with an explosives policy that will aid applicants, licence holders and officers and provide a delegation scheme for dealing with applications.

Councillor H Douglas, Chair

[The meeting started at 4.00 pm and finished at 4.35 pm].



Gambling, Licensing & Regulatory Committee 19th October 2015

Report from the Assistant Director – Housing and Community Safety

Deregulation Act 2015 – changes to taxi licensing

Summary

1. This report asks Members to agree a staged approach to the implementation of the Deregulation Act 2015 in relation to hackney carriage and private hire licensing.

Background

2. The Deregulation Act 2015 received Royal Assent on the 26th March 2015, Sections 10 and 11 took effect from the 1st October 2015, they amend the Local Government (Miscellaneous Provisions) Act 1976 in two ways:

Duration of Licences

- Introduction for Private Hire and Hackney Carriage drivers licences, a 3 year licence. The option will be available to the council to grant a licence for a lesser period, but this will only be where it is appropriate to the circumstances of the case. The Council currently grants licences for a maximum of one year.
 - Introduction for Private Hire Operators Licences, a 5 year licence. The option will be available to the council to grant a licence for a lesser period, but this will only be where it is appropriate to the circumstances of the case. The Council currently grants operators licences on an annual basis.
3. Even though the legislation changes took effect on the 1st October 2015, at this time guidance has not been issued by the Department of Transport (DfT) in relation to these changes .

4. The Council currently does not have fees and policy set for the issue of 3 yearly drivers and 5 yearly operators licences. Officers are currently carrying out a full review of fees and policy in relation to these changes.
5. Whilst the changes came into effect on 1st October, with notice having only been given in April 2015, and the fact that no guidance has been received from the DfT, it is recommended that the full implementation takes place on the 1st April 2016, in line with the councils financial year.
6. Proposed fees will be included within the financial report which will be taken to full council in February 2016 to agree the 2016/17 budget. A report will be brought to this Committee in the new year in relation to a new Taxi Licensing Policy and outlining the fees.
7. In agreeing such a position the Council will not be acting alone, other local authorities, both locally and nationally, have taken a similar position and are at the same stage in the process as York.

Private Hire Vehicle Sub Contracting

- The ability of a private hire operator to sub-contract bookings to another legitimate private hire operator who may be outside the boundary of the City of York Council authority area and therefore licensed by another authority. This is causing concern amongst the trade and local authorities in relation to increased and more complex enforcement.
8. The implications of allowing cross-border hiring (which was previously unlawful) are potentially wide ranging. They mean that a customer could contact an operator within the authority area and order a private hire vehicle. The operator who takes the booking may then pass the work to another company who may be licensed by another authority area, without first obtaining the consent of the customer. This means that vehicles used to fulfil contracts may be subject to different standards than vehicles licensed within our area. It may also lead to a significant move within the licensed trade to seek out the cheapest area to licence their vehicle, then simply refer all bookings to their operator based in the cheaper area.
 9. The Council has no ability to influence the matter of sub-contracting. This will be an enforcement issue.

Consultation

10. Due to the nature of this report there has been no consultation process. Officers have met with other Licensing Authorities from North Yorkshire in relation to this matter to agree a joint approach. Further meeting will take place to discuss any issues identified with cross-border hiring.
11. In line with legal requirements a notice will be placed in the Press in relation to the proposed fees once they are agreed by Full Council. A full consultation will take place with regards to a proposed new policy before it is brought to this Committee.

Options

12. Option 1 – Agree that the full implementation of the changes to hackney carriage and private hire drivers and operators licences take place on 1st April 2016 as detailed in paragraph 5.
13. Option 2 – Agree an alternative full implementation date of the changes to hackney carriage and private hire drivers and operators licences.

Analysis

14. The Council currently licences the following number of drivers and operators:
 - 295 hackney carriage drivers
 - 604 private hire drivers
 - 62 private hire operators
15. The Council currently renews licences as follows:
 - Hackney carriage driver licence 1st May each year
 - Private hire driver licence 1st November each year
 - Private hire operators annually on the anniversary of when the licence was issued
16. In relation to the licensing of hackney carriage and private hire drivers it is currently a requirement of the annual renewal that documentation such as DVLA driving licences are checked, and to comply with licence condition medical checks may be required. Due to the requirement to issue a 3 year licence systems will need to be introduced to make sure such checks are still undertaken annually, and/or when required.

17. Systems will need to be introduced so that driver licences are renewable every 3 years on the anniversary of when the licence was first issued. In the case of operators, every 5 years.
18. Systems will also need to be introduced to carry out regular compliance checks on both drivers and operators to make sure information held by the council is correct, for example drivers do not always inform the council when they move house.
19. Due to the changes to the duration of driver licences and the recent changes to the requirements of DVLA driving licences (the paper counterpart is no longer required), the Council has put in place an agreement with an agent to ascertain the status of DVLA driving licences, these checks will be done on behalf of the Council annually, the checks will identify if licensed driver have received any driving convictions.

Council Plan

20. The provision of hackney carriage and private hire licensing supports the council priority 'A prosperous city for all'.

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.

Recommendations

23. That Members approve Option 1 of this report.

Reason: This will allow the Council to agree fees and policy in relation to the implementation of the changes to hackney carriage and private hire drivers and operator licences.

Contact Details

Author:	Chief Officer Responsible for the report:		
Lesley Cooke Licensing Manager 01904 551515	Steve Waddington Assistant Director – Housing and Community Safety		
	Report Approved	√	Date 07/10/15
Specialist Implications Officer(s) Head of Legal Services Ext: 1004			
Wards Affected:		All	√
For further information please contact the author of the report			

Background papers

Deregulation Act 2015

Annexes – none

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