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Meeting	Gambling, Licensing & Regulatory Committee
Date	8 February 2016
Present	Councillors Douglas (Chair), Aspden, Flinders, Gillies, Hayes, Hunter, Looker, Mason, Mercer, D Myers, Orrell, Richardson and Taylor
Apologies	Councillor Shepherd and Councillor Boyce

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### **19. Declarations of Interest**

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

Councillor Taylor declared a personal interest in agenda item 4 as he knew Mr Whitney, the applicant, as a restaurateur.

### **20. Minutes**

Resolved: That the minutes of the last meeting held on 16<sup>th</sup> November 2015 be approved and signed by the Chair as a correct record.

### **21. Public Participation**

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

### **22. Renewal 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 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 Mansion (Upstairs), 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:

1. The application form.
2. The Licensing Managers report and her comments made at the meeting, 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 the establishment had been operating for a number of years.
3. The observations received in writing from North Yorkshire Police in relation to the renewal. It was confirmed that the Police were not objecting to the renewal application.

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 Licensing Gambling and Regulatory Committee.
- Option 3    Reject the renewal application.

Members noted the Police observations attached in a letter at annex 4 to the committee report, but felt that as there had been no complaints received by the Licensing Authority regarding the premises opening earlier on race days, and as the applicant had offered assurances to the Police regarding the CCTV, the Committee felt they should approve the renewal as applied for.

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

Reason: The premises had operated as a sexual entertainment venue since 2006 without any incidents reported to the Licensing Authority.

### **23. Taxi Licensing Policies to be Implemented from April 2016**

Members considered a report which sought approval on two matters:

- The introduction of child sexual exploitation (CSE) training for new driver applicants and existing drivers;
- Implementation date for the introduction of five year licences for private hire operators.

The Licensing Officer gave an update to the Committee to advise that a written representation had been received from a Hackney Carriage Vehicle Driver who objected to drivers being required to undertake the CSE training on the grounds that he did not feel it was necessary, there had been little consultation and he felt that drivers should be paid for loss of earnings for the time spent on any such training course.

Officers advised that the introduction of this training had been discussed with representatives of the Hackney Carriage and Private Hire Associations.

In response to questions from Members, Officers confirmed that most other local authorities in the region had already implemented or were intending to implement CSE training and it had been agreed at the West Yorkshire and York Combined Authority Taxi Licensing Group that each authority would implement their own approach to the training.

Officers also confirmed that the training would take no longer than one hour and a half and that the sessions would be offered on more than one occasion and at different times of the day to take into account the fact that taxi drivers begin their shifts at different times.

Members commented that they supported the implementation of the CSE training and could not understand why any licensed driver would not agree to undertake such an important training course.

In relation to the issuing of the 5 year Private Hire Operators Licences, Members noted that work had been ongoing on the draft Taxi Licensing Policy and agreed to defer the implementation of Section 10 of the Deregulation Act 2015 until the new policy is agreed by this committee.

Resolved: That Members agreed that:

- (i) CSE will be implemented from the 1 April 2016, and that the delivery of training for existing drivers will be in line with the timeframe detailed at paragraph 18, and that it will be a requirement that all new driver applicants complete the training as part of the application process or within six months of the licence being granted.
- (ii) That the full implementation of the Deregulation Act 2015 will take place following the approval by this committee of the Taxi Licensing Policy.

Reason: This will allow the Council to introduce CSE training for all licensed drivers and new applicants, and allow the Council to agree a Taxi Licensing Policy prior to the full implementation of the Deregulation Act 2015 in relation to private hire operator licences.

#### **24. Taxi Licensing Policy**

Consideration was given to a report which sought members approval to formally consult on a proposed Taxi Licensing Policy and an adequate timeframe for the duration of the consultation.

Members' noted that all holders of hackney and private hire licenses would be written to as part of the consultation process and noted that although it was not a legal requirement for the

council to have a taxi licensing policy, currently the Council's policies are not contained in one formal document.

A Member referred to page 108 of the agenda and suggested that Officers include the word 'email' to private hire condition 19.

Resolved: That Members approved Option 1 of the report and authorised officers to consult on the draft taxi licensing policy with a consultation period of 8 weeks.

Reason: To enable the Council to formally consult on the draft Taxi Licensing Policy.

Councillor H Douglas, Chair  
[The meeting started at 4.30 pm and finished at 5.15 pm].