



LICENSING COMMITTEE

Tuesday 12 April 2016 at 6.00 pm

Council Chamber, Ryedale House, Malton

Agenda

1 Emergency Evacuation Procedure

The Chairman to inform Members of the Public of the emergency evacuation procedure.

2 Apologies for absence

3 Minutes

(Pages 3 - 4)

4 Minutes of the Licensing Sub Committees held on 4 March 2016 (Pages 5 - 8)

5 Urgent Business

To receive notice of any urgent business which the Chairman considers should be dealt with at the meeting as a matter of urgency by virtue of Section 100B(4)(b) of the Local Government Act 1972.

6 Declarations of Interest

Members to indicate whether they will be declaring any interests under the Code of Conduct.

Members making a declaration of interest at a meeting of a Committee or Council are required to disclose the existence and nature of that interest. This requirement is not discharged by merely declaring a personal interest without further explanation.

PART 'A' ITEMS - MATTERS TO BE DEALT WITH UNDER DELEGATED POWERS OR MATTERS DETERMINED BY COMMITTEE

7 Deregulation Act 2015 - Changes to taxi licensing

(Pages 9 - 12)

8 Any other business that the Chairman decides is urgent.

Licensing Committee

Held at Council Chamber, Ryedale House, Malton
on Tuesday 15 March 2016

Present

Councillors Burr MBE, Cleary, Farnell, Frank, Goodrick, Hope (Chairman), Jainu-Deen, Maud, Thornton and Windress

In Attendance

Gary Housden, Ellis Mortimer, Mel Warters and Anthony Winship

Minutes

6 **Apologies for absence**

There were no apologies for absence.

7 **Minutes**

Decision

That the minutes of the meeting held on 21 July 2015 be approved and signed by the Chairman as a correct record.

8 **Urgent Business**

There were no items of urgent business.

9 **Declarations of Interest**

There were no declarations of interest.

PART 'A' ITEMS - MATTERS TO BE DEALT WITH UNDER DELEGATED POWERS OR MATTERS DETERMINED BY COMMITTEE

10 **Taxi Licensing - Letters of Authority**

Considered - Report of the Head of Environment, Streetscene and Facilities

Decision

That a "Letter of Authority" be issued to:

- Mark Sissons, Interim Streetscene Manager
- Charlie Hawkes, Streetscene Enforcement Officer
- Clare Harding, Streetscene Operations Assistant
- Valerie Fox, Business Hub Officer
- Cameron Swift, Business Hub Assistant

11 **Any other business that the Chairman decides is urgent.**

There were no other items of urgent business.

Licensing Sub Committee

Held at Council Chamber, Ryedale House, Malton
on Friday 4 March 2016

Present

Councillors Farnell, Frank and Hope

In Attendance

Fiona Brown, Nicki Lishman and Ronnie McClure

Minutes

6 Urgent Business

There were no items of urgent business.

7 Declarations of Interest

There were no declarations of interest.

8 To determine an application from Flamingoland Ltd for a gaming machine permit for the Leisure Centre, Flamingoland, Kirby Misperton, Malton YO17 6UX

The Chairman welcomed representatives to the meeting and introductions were made.

The Licensing Officer then explained that the reason for the hearing was to consider the application from Flamingoland Limited for a licensed premises gaming machine permit, to authorise the use of more than two gaming machines in respect of the Leisure Centre at Flamingoland, Kirby Misperton.

According to the Council's Licensing Policy, officers have delegated authority to issue a gaming machine permit for up to two gaming machines only.

Simon Pullin, Park Executive, and Andrew Cunningham, DPS, Flamingoland then explained where the machines would be located, that they would be gaming machines for non money prizes only and that they were provided for family entertainment. They outlined the operating environment, security and other supervision in place at the location.

After hearing from the applicant, the Sub Committee retired to consider the application, accompanied by the Committee's legal advisor to advise on points of law, and the Committee clerk, after which the following decision was announced.

DECISION

The Sub Committee decision is as follows:

That the Sub Committee grants a licensed premises gaming machine permit to the Leisure Centre at Flamingoland, Kirby Misperton.

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Licensing Sub Committee

Held at Council Chamber, Ryedale House, Malton
on Friday 4 March 2016

Present

Councillors Hope, Farnell and Frank

In Attendance

Nicki Lishman, Beckie Bennett, Fiona Brown, Charlie Hawkes and Mark Sissons

Minutes

9 Exempt information

Resolved

That under Paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972 (as amended), the public be excluded from the meeting for the following item as there would be a likely disclosure of exempt information relating to the financial or business affairs of any particular person (including the authority holding that information) and that under Paragraph 5 of Part 1 of Schedule 12A of the Local Government Act 1972 (as amended), exempt information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

10 Hearing procedure

The Chairman outlined the procedure to be followed for both items.

11 Members to determine a New Hackney Carriage Driver Application

The Head of Environment, Streetscene and Facilities presented a report (previously circulated) on an application for a Hackney Carriage driver licence.

As a former employee of the Council it was considered that this matter could not satisfactorily dealt with by officers under delegated powers, due to a conflict of interest with the manager having responsibility as the former employer and decision maker as the licensing authority. Therefore, the Committee was requested to determine the application.

It was explained that all required documentation had been provided and that, many years ago, the applicant had been previously licensed by the Council and held the licence in compliance with the conditions attached.

Resolved

In the case of determining the application, the Sub Committee granted a hackney carriage driver licence.

12 Members to determine a complaint against Dual Licensed Driver DD084

The Head of Environment, Streetscene and Facilities presented a report (previously circulated) to consider any action to be taken in respect of a licensed driver following an investigation into an allegation of assault.

Due to the seriousness of the incident it was considered that the matter could not be satisfactorily dealt with by officers under delegated powers, therefore the Sub Committee was requested to determine any action to be taken in respect of the licensed driver.

The Council had received a complaint that a taxi driver had assaulted the complainant on 3 December 2015, which had been reported to the Police. The Police had dealt with this via the Community Resolution Disposal Procedure.

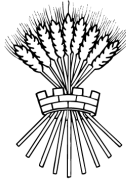
Council officers had conducted an investigation into the complaint and had brought the matter to the Committee to consider whether the driver was a fit and proper person to continue to hold such a licence.

Resolved

In the case of determining the drivers' licence the Sub Committee issued a warning and agreed that the driver continued to be licensed.

13 Any other business that the Chairman decides is urgent.

There were no items of urgent business.



PART A:	RECOMMENDATION TO LICENSING COMMITTEE
REPORT TO:	LICENSING COMMITTEE
DATE:	12 APRIL 2016
REPORT OF THE:	HEAD OF ENVIRONMENT, STREETSCENE AND FACILITIES BECKIE BENNETT
TITLE OF REPORT:	DEREGULATION ACT 2015 - CHANGES TO TAXI LICENSING
WARDS AFFECTED:	ALL

EXECUTIVE SUMMARY

1.0 PURPOSE OF REPORT

- 1.1 The purpose of this report is to agree a staged approach to the implementation of the Deregulation Act 2015 in relation to hackney carriage and private hire licensing.

2.0 RECOMMENDATION

- 2.1 That full implementation of the changes to hackney carriage and private hire drivers and operators licences brought about by the Deregulation Act 2015 takes place from 1st September 2016 with a further report detailing the proposed changes to policy/new policy and fees to be presented to the Licensing Committee later this year.

3.0 REASON FOR RECOMMENDATION

- 3.1 There is no other option. The Council must comply with the changes to the law.

4.0 REPORT

- 4.1 From the 1st October 2015 the Deregulation Act 2015 amended the Local Government (Miscellaneous Provisions) Act 1976 in two ways:

4.2 DURATION OF LICENCES

a) Introduction of a 3 year licence for Private Hire and Hackney Carriage drivers licences. 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. Ryedale District Council currently grants driver licences for a maximum of one year.

b) Introduction of a 5 year licence for Private Hire Operators Licences. 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 tied to the private hire vehicle licence.

Note: there is no change for the duration of a vehicle licence which remain a 1 year licence

- 4.3 As yet there has been no guidance issued by the Department for Transport (DfT) in relation to these changes.
- 4.4 Ryedale District Council currently has no fees or policy for 3 yearly drivers and 5 yearly operators licences.
- 4.5 Officers are currently carrying out a full review of fees and policy for all licences issued. A report will be submitted to the Licensing Committee later this year outlining all the proposed fee changes and any associated impacts on the revenue budget.
- 4.6 Whilst the changes to legislation took place on the 1st of October 2015, with notice having only been given in April 2015, coupled with the lack of guidance from the DfT, it is recommended that full implementation takes place on the 1 September 2016. In order to do this the Council will continue to grant annual licences which would expire up to 31 August 2017 at least until amended/new policy and fees have been agreed on the basis that it is appropriate to the circumstances of the case.
- 4.7 In agreeing such a position the Council will not be out of step with other local authorities. There are other local authorities both locally and nationally that are in a similar position.

4.8 **PRIVATE HIRE VEHICLE SUB CONTRACTING**

- 4.9 The Deregulation Act 2015 also introduces the ability for a private hire operator to sub-contract bookings to another legitimate private hire operator who may be outside the boundary of Ryedale District and therefore licensed by another authority. This is causing concern amongst the trade and local authorities in relation to increased and more complex enforcement.
- 4.10 The implications of the changes allowing cross-border hiring (which was previously unlawful) are potentially wide ranging. This means that a customer could contact an operator in their district and order a private hire vehicle. The operator who took the booking may then pass the work to another company without first obtaining the consent of the customer and the new company need not necessarily be licensed in the same area. This means that vehicles used to fulfil contacts may be subject to different standards than vehicles in the licensed area, and there may be a significant move within the licensed trade to seek out the cheapest area to licence their vehicles, and then simply refer all bookings to their operator based in the cheaper area.
- 4.11 The Council has no ability to influence the matter of sub-contracting. This will be an enforcement issue which will need further exploration and liaison with other authorities as there are potential resource implications and there are still a number of questions in terms of how enforcement activities should be organised to be efficient and effective.

5.0 **IMPLICATIONS**

- 5.1 The following implications have been identified:
- a) Financial - No issues at this stage however these changes are likely to have some associated impacts on the revenue budget.
 - b) Legal - The Council is required to implement the changes introduced as part of the Deregulation Act 2015.
 - c) Others - Licensed drivers and operators will be consulted with as part of implementing these changes.

6.0 CONCLUSIONS

- 6.1 The Deregulation Act 2015 will bring about changes to the licensing of hackney carriage and private drivers, operators and sub-contracting by the trade.
- 6.2 It is recommended that full implementation of the changes to driver and operator licensing brought about by the Deregulation Act 2015 take place on the 1 September 2016 and that licences are granted for a lesser period than 3/5 years at least until amended/new policy and fees have been agreed on the basis that it is appropriate to the circumstances of the case.
- 6.3 It is also recommended that a further report detailing the proposed changes to policy and fees be presented to the Licensing Committee later this year.

Beckie Bennett
Head of Environment, Streetscene and Facilities

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Background Papers:

Deregulation Act 2015

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