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Cambridge City Council

LICENSING COMMITTEE

To: Councillors Rosenstiel (Chair), Benstead (Vice-Chair), Brierley, Gawthrope, Hart, McPherson, Meftah, Pippas, Reiner, Saunders, Smith and Owers

Despatched: Friday, 15 June 2012

Date: Monday, 25 June 2012

Time: 10.00 am

Venue: Committee Room 1 & 2 - Guildhall

Contact: Martin Whelan

Direct Dial: 01223 457012

AGENDA

- 1 **APOLOGIES FOR ABSENCE**
- 2 **DECLARATIONS OF INTEREST**
- 3 **MINUTES OF THE PREVIOUS MEETING** (*Pages 1 - 8*)
- 4 **PUBLIC QUESTIONS**
- 5 **OUTCOME OF CONSULTATION ON THE AGE LIMIT & EMISSIONS POLICY** (*Pages 9 - 38*)
- 6 **REVIEW OF THE HACKNEY CARRIAGE TABLE OF FARES AND UPDATE ON MECHANISMS FOR IMPLEMENTING A FUEL SURCHARGE** (*Pages 39 - 50*)
- 7 **HACKNEY CARRIAGE FAIR FARE SCHEME** (*Pages 51 - 56*)
- 8 **REVIEW OF STATEMENT OF LICENSING POLICY UNDER THE LICENSING ACT 2003** (*Pages 57 - 96*)
- 9 **REVIEW OF STATEMENT OF GAMBLING PRINCIPLES** (*Pages 97 - 138*)
- 10 **DELEGATION OF FUNCTIONS UNDER THE LICENSING ACT 2003** (*Pages 139 - 144*)

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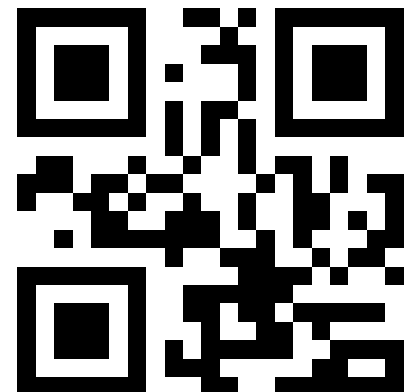
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LICENSING COMMITTEE

30 January 2012
10.00 am - 12.10 pm

Present: Councillors Smith (Chair), Rosenstiel (Vice-Chair), Benstead, Blencowe, Brierley, Hart, McPherson, Pippas, Reiner, Saunders, Stuart and Wright

Also present: Executive Councillor for Environmental and Waste Services, Councillor Swanson

Officers Present:

Environmental Health Manager – Yvonne O’Donnell

Solicitor – Carol Patton

Head of Tourism and City Centre Management – Emma Thornton

Licensing Manager – Robin Grey

Committee Managers – Toni Birkin

FOR THE INFORMATION OF THE COUNCIL

12/1/licf Apologies

None

12/2/licf Declarations of Interest

No interests were declared.

12/3/licf Minutes

The minutes of the meeting of the 24th October 2011 were confirmed as a correct record subject to minor corrections.

12/4/licf Public Questions (See at the End of the Agenda)

Public Speaker Mr Dan Strauss

Mr Dan Strauss addressed the committee regarding the Update on the Street Trading Application Process report and made the following points:

- I. Mr Strauss spoke of his personal experience of the application process.
- II. The Council's web pages gave a misleading impression that the process was easy when it was not.
- III. New traders stand little chance of gaining a pitch as many had been in the same hands for 20 years or more.
- IV. Three families controlled a large number of pitches.
- V. Why is there no tender process in place?
- VI. The price of the pitches does not reflect their trading value.
- VII. The system does not encourage high quality, locally sourced and sustainable produce purveyors.
- VIII. Mr Strauss does not want to compete with the existing traders but wants to offer an entirely different gelato product.
- IX. The allocations policy needs a full review.

The Head of Tourism and City Centre Management responded. A review is planned and the issues raised will be noted. However, the review process is likely to take longer than 3 months.

Councillor Smith confirmed that she had discussed the issues with Mr Strauss prior to the meeting. She had also requested training for members on the street trading licensing. It is important that the policy on street trading licensing be fully reviewed and that the decision process be open and accountable. However, the deadline for the current year's applications was 31st January 2012. Those applications would be considered using the existing policies and procedures.

12/5/licf Hackney Carriage And Private Hire Enforcement Policy

The committee received a report from the Licensing Manager regarding the Hackney Carriage and Private Hire Enforcement Policy.

Public Speaker Mr David Wratten on behalf of Cambridge Licenced Taxis Limited.

Mr Wratten raised the following points:

- The trade had concerns over the proposed enforcement policy.
- The penalty points system, as set out on page 15 of the Officer's report, was unfair.
- The current system was fair and reasonable. Why change it?

Councillor Brierley expressed disappointment that the proposals offered no positive reward for good behaviour. He suggested a star system, based on

positive feedback, to be displayed on vehicles with customers selecting on quality rather than the first car on the rank. It was suggested that this might be more appropriate for Private Hire Vehicles.

In response to members' questions, the Licensing Manager outlined the current policy and the proposed changes.

Members raised the following points:

- I. The proposals appear overly bureaucratic.
- II. Drivers are already confused and adding a second layer of penalties would cause additional problems.
- III. Public safety and driver livelihoods were protected by the current system.
- IV. What would be achieved by the changes?
- V. The current system triggered hearings at certain points but members expressed concerns that they often do not have a full history of recorded complaints against a driver.
- VI. There appeared to be flaws in the current recording systems that needed to be resolved.
- VII. Accruing 6 points would not necessarily be evidence that a driver is not a fit and proper person to hold a licence.
- VIII. Concerns were expressed about the weight that would be given to unsubstantiated complaints.
- IX. Most drivers were good people seeking to make a living wage.
- X. The current system was working well and an additional layer of bureaucracy would create tension and friction.
- XI. Concerns were expressed over the potential to create two systems for driver sanctions.
- XII. A points system would offer officers clear guidance on action to be taken.
- XIII. The Taxi Driver Handbook would need to be updated.

Mr Wratten responded and made the following points:

- The trade had asked officers for details of complaints held on the system.
- If records are already kept, why were more needed?
- Customers already had free choice at taxi ranks and did not have to take the first available vehicle.
- In addition, the trade would like to request a fair price system for out of town trips.

Councillor Smith suggested that the proposal for fair pricing for out of town trips be raised at the next Taxi Forum.

It was agreed that consultation on the Enforcement policy should be as wide as possible. Members suggested a press release, use of the website, contacting known interest groups and raising the issue at Area Committees as part of the consultation process.

Members voted on the options within the report:

- i) Agree to consult on the draft enforcement policy (Appendix A of the Officer's report) with the two alternatives for Section 2 as set out in paragraphs 3.5 & 3.6 of the report. (4 Votes)
- ii) Amend the draft enforcement policy (Appendix A of the Officer's report) or the two alternatives for Section 2 as set out in paragraphs 3.5 & 3.6 as deemed necessary and commence the consultation process. (3 Votes)
- iii) Not agree consultation on the draft enforcement policy. (4 Votes)

The committee resolved by 6 votes to 4 to:

To consult on the draft enforcement policy (Appendix A of the Officer's report) with the two alternatives for Section 2 of the policy as set out in paragraphs 3.5 & 3.6 of the report.

12/6/licf Review of the Hackney Carriage Table of Fares

The Committee received a report for the Licensing Manager regarding the Review of Hackney Carriage Table of Fares.

Public Speaker Mr David Wratten on behalf of Cambridge Licenced Taxis Limited.

The trade opinion was that the proposed surcharge, should fuel exceed 149.0 pence per litre, would be reasonable.

Members raised the following points:

- I. Members supported a fair pricing structure.
- II. Would customers understand a surcharge?
- III. How would the system work? What would be the triggers and what would happen if the price subsequently dropped?

- IV. Members suggested that they were not opposed to the system in principle should there be a sudden sharp rise in price. However, the level needed to be higher than that proposed.
- V. Members agreed that the surcharge for 5 passengers or more was a good idea.

Members agreed that additional work was needed on the fuel surcharge proposal and amended the recommendation to read:

- ii) To ask officers to draft a feasibility study of a fuel surcharge with a trigger point to commence at times of large, unexpected fuel price rises. The proposals would be presented to the next licensing committee in March.

The Committee resolved unanimously:

- i) To amend the Table of Fares with effect from 01 March 2012, subject to the statutory consultation process, to include a £3 "Extra" charge for journeys with 5 or more passengers travelling in the vehicle;
- ii) To ask officers to draft a feasibility study of a fuel surcharge with a trigger point to commence at times of large, unexpected fuel price rises. The proposals would be presented to the next licensing committee in March; and
- iii) To determine any future amendment to the Table of Fares by using the percentage increase as calculated by Transport for London.

12/7/licf Adoption Of Consolidated Byelaws For Acupuncture, Tattooing, Semi-Permanent Skin Colouring, Cosmetic Piercing And Electrolysis

The committee received a report from the Licensing Manager regarding Adoption of Consolidated Byelaws for acupuncture, Tattooing, Semi-Permanent Skin Colouring, Cosmetic Piercing and Electrolysis.

Members asked for clarification about some the terminology.

The Committee resolved unanimously to recommend to the Civic Affairs Committee that it resolve:

- I. To authorise the affixing of the Council's common seal to the byelaws; and
- II. To authorise the Head of Legal Services to carry out the necessary procedure and apply to the Secretary of State for confirmation.

12/8/licf Update on Street Trading Application Process

The Committee received a report from the Head of Tourism and City Centre Management regarding the Update on the Street Trading Application Process.

The Chair had requested further training for herself and other members of the committee on this matter. Members also noted the comments of Mr Strauss detailed at 12/4/licf.

In response to members' questions, the Head of Tourism and City Centre Management confirmed the following points:

- I. The Miscellaneous Provisions Act sets out the regulations for consent streets.
- II. The consent streets area consists of a number of roads within the inner ring road. Streets that were not consent streets were deemed prohibited streets. Extending the consent street area would require additional resources as the area is currently managed by a single officer, the Street Trader and Market Officer.
- III. Controls outside the Consent Area were minimal.
- IV. Tables and Chairs outside premises were subject to County Council controls. However, the two authorities worked jointly where possible.
- V. The Miscellaneous Provisions Act, with the guiding principle that fees should be reasonable rather than income generating, controlled fees for Street Trader pitches.
- VI. Street pitches were renewed annually.
- VII. To date it has been rare to receive more than one application for a pitch.
- VIII. Some traders do hold multiple pitches and had made considerable investments into their businesses.
- IX. The review would consider the approaches taken by other Historic Cities.

Members welcomed the review and suggested this was overdue. It was agreed that the process needed to be simplified and standardised. Bringing it into line with the allocation of market stalls was suggested.

Councillor Benstead suggested a move away from one-year renewals of pitches to a rolling three-year allocation. This would allow businesses some continuity. One third of the available pitches would be reviewed each year.

In response to members' questions the officer confirmed the following:

- X. The review would be funded with existing resources.
- XI. Consents can only be awarded for periods of up to one year, renewable. The annual renewals requirement of the Miscellaneous Provisions Act would be investigated to see what could be changed and what other authorities had done.
- XII. The Lion Yard is private land and would not be part of the review.
- XIII. Identifying additional pitches would be part of the review.
- XIV. Street Touting was under review elsewhere and would not be included in the review.

Councillor Swanson asked for clarity on mechanisms, beyond environmental health, that could be used to control hot food vans outside the consent street area.

The Environmental Health Manager stated that with regard to extending the consent zone that the Council may, by resolution, designate any street within its district as a "prohibited street", a "licence street" or a "consent street" for street trading purposes.

The Committee resolved unanimously to:

- I. Agree to the proposed review of the way in which Street Trading applications are determined and to agree the timetable set out in paragraph 3.6 of this report; and
- II. Approve the proposal for management of the application process for 2012/13 set out in paragraph 3.7 of this report.

The meeting ended at 12.10 pm

CHAIR

CAMBRIDGE CITY COUNCIL

REPORT OF: Jas Lally
Head of Refuse and Environment

TO: Licensing Committee

25/06/2012

WARDS: All

Outcome of Consultation on the Age Limit & Emissions Policy

1 INTRODUCTION

- 1.1 On 24 October 2011, the Licensing Committee received a report to consider the responses to the consultation on the draft Hackney Carriage and Private Hire Licensing policy that consolidated and reviewed the existing Taxi Licensing policies. The policy resulted from changes to the way in which the service was delivered following the creation of the Customer Service Centre and also the Best Practice Guidance published by the Department for Transport in March 2010 on Taxi and Private Hire Vehicle Licensing.
- 1.2 The Committee resolved to adopt the policy save for the introduction of the requirement for vehicles to meet Euro Standards, which required further consultation.
- 1.3 Consultation on proposed options for an age limit & emissions policy for Hackney Carriages and Private Hire Vehicles took place between 13 February 2012 and 08 May 2012. The options are set out in Appendix A and a background paper that was provided as part of the consultation is attached to the report as Appendix B. The responses received during the consultation period are attached to the report as Appendix C.

2. RECOMMENDATIONS

2.1 Members are recommended:

To adopt Option 2 which will address air quality by accelerating the improvement of new vehicles by one year. The policy will therefore be:

- "i) A new vehicle licence will not be granted in respect of a vehicle unless it is less than 4 years old, but as and from 01 September*

2012 a new vehicle licence will not be granted in respect of a vehicle unless it is less than 4 years old AND it meets the Euro 5 standard or higher.

ii) A vehicle licence will not be renewed unless the vehicle is less than 8 years old."

This will only affect those applying for a new vehicle license between 01 September 2012 and 01 September 2013.

3. BACKGROUND

- 3.1 Cambridge City Council's current age policy for Hackney Carriages and Private Hire Vehicles requires that all vehicles are less than 4 years old when first licensed and only permits the renewal of the Licence until the vehicle reaches 8 years old. The purpose of this policy is to ensure that vehicles are reliable, safe and less polluting.
- 3.2 Local authorities are legally required to carry out measures to improve air quality where it is below certain standards and this is currently the situation in central Cambridge. The two air pollutants that are of concern are Nitrogen Dioxide (NO₂) and Particulate Matter (PM). The City of Cambridge was declared an Air Quality Management Area in 2004, based on predicted exceedences of the National Air Quality Objectives (NAQO) for nitrogen dioxide, NO₂. Levels of Nitrogen Dioxide are above the health-based National Objectives in the central part of Cambridge by about 20-25%, although some improvement has been seen in the area near the Bus Station in the last two years. Levels of Particulate Matter are below the National Objectives but any level of Particulate Matter is harmful to health as there is no 'safe' limit.
- 3.3 EU legislation sets legally binding limits for concentrations in outdoor air of major air pollutants that impact public health including nitrogen dioxide (NO₂). The UK government has been able to obtain an extension to the 2010 deadline for compliance with NO₂ limit values until 2015. If compliance with the limit values is not achieved then the UK government could be fined, by the EU, for this infringement. The Localism Act 2011 states that central government could require a local authority to make payments in respect of a financial sanction imposed on the UK if acts of the authority may have caused or contributed to the infraction of EU law for which the EU financial sanction was imposed.
- 3.4 Cities rely on good transport systems for continued economic success but growth in transport inevitably impacts on the environment and public health. High quality licensed vehicles with low emissions are therefore essential. With in excess of 500 Hackney Carriages and Private Hire Vehicles licensed by Cambridge City Council, it seems appropriate to

review the age limit policy to improve the licensed fleet and reduce emissions. Improvements in air quality can only be made by improving the standard of vehicles when manufactured (i.e. by moving to a higher Euro Standard). All vehicles deteriorate with age and the extent to which the emissions of relevant pollutants (i.e. NOx and PM) increase with age cannot be measured because it is not possible to test these during an MOT test.

- 3.5 Four options were set out in the consultation paper (Appendix A) and a background paper containing calculations on the effect of replacing the existing fleet with vehicles of a higher Euro Standard was also provided by Cambridge City Council's Scientific Team (Appendix B).
- 3.6 The first option would result in no change to the current age limit policy and no requirement for vehicles to meet any particular Euro Standard. Under the 8-year rule, Euro 3 standard vehicles would be phased out completely in 2013 and Euro 4 vehicles would be phased out by 2017. **The removal of Euro 3 vehicles from the taxi fleet and replacement with Euro 4 vehicles would lead to a 14% reduction in emissions of both PM and NOx. This would lead to a small improvement in air quality over time.**
- 3.7 The second option would not change the current age limit policy but would accelerate the improvement of new vehicles being licensed. As of 01 September 2012, a new vehicle licence would only be granted if the vehicle complies with the Euro 5 standard or higher. This would affect approximately 66 vehicles (based on an analysis of the fleet in 2011). It could have a small improvement in air quality and as Euro 5 Standard became a mandatory requirement in September 2009 (i.e. three years ago), the improvements in air quality would only be accelerated by one year. **Bringing forward the Euro 5 Standard by one year would have the immediate effect of improving emissions of PM by 16% and NOx by 5% this is on top of the 14% improvements as Euro 3 cars are phased out under the normal age restriction in 2013.**
- 3.8 The third option would not change the current age limit policy but would accelerate the removal of Euro 4 vehicles from the fleet, such that as of 01 January 2015, a vehicle licence will not be renewed unless the vehicle complies with the Euro 5 standard or higher. This would affect approximately 310 vehicles (based on an analysis of the fleet in 2011) by 2015. New vehicles being licensed would meet Euro 5 standard by September 2013 under the existing age limit policy. **The removal of Euro 3 and Euro 4 vehicles from the taxi fleet and replacement with Euro 5 vehicles would lead to a 96% reduction in emissions of PM and 40% reduction in emissions of NOx.**

- 3.9** The fourth option would not change the current age limit policy, but as it combines options two and three, there would be an acceleration of one year in new vehicles meeting Euro 5 standards and an acceleration of two years in the removal of Euro 4 standard vehicles from the existing fleet. This would affect approximately 66 vehicles (based on an analysis of the fleet in 2011) in 2012 and it would affect approximately 310 vehicles (based on an analysis of the fleet in 2011) by 2015. **Again, the removal of Euro 3 and Euro 4 vehicles would lead to a 96% reduction in emissions of PM and 40% reduction in emissions of NOx.**

It should be noted that all emission calculations are approximate and based on a 20% representative sample of the taxi fleet.

- 3.10 Officers considered proposing the acceleration of the removal of Euro 3 standard vehicles from the fleet, but this would only affect 39 vehicles, of which 33 are due for replacement when they are next renewed. Replacement of the final 6 Euro 3 standard vehicles would have an imperceptible impact on emissions; they are due for replacement in any case under existing age restriction during 2013.
- 3.11 The Licensing Team records the date of first registration at the time of vehicle license is first issued.

4. CONSULTATIONS

- 4.1 Consultation on the proposals took place between 13 February 2012 and 08 May 2012. In addition to sending information on the consultation to all vehicle licence holders and providing the opportunity to respond in writing, several open sessions were held to explain the proposals and enable comments to be put forward in person.
- 4.2 Six responses were received during the consultation period and these are shown in Appendix C.
- 4.3 The responses refer to emissions from buses and lack of rank space but these issues are beyond the scope of this consultation. There is also a suggestion that all saloon cars should be changed to electric vehicles, but this was not put forward as an option and it would therefore be unreasonable to require this without further consultation. However, the Hackney Carriage & Private Hire Licensing policy does state that the Council would consider applications to license such vehicles.

- 4.4 The responses address the 6 monthly testing of vehicles, which the responder considers is satisfactory. However, these tests do not test for the relevant pollutants and improvements in a vehicle's emission of the relevant pollutants cannot therefore be made during this test. Other responders suggest that the existing age limits will adequately improve the air quality over time and acceleration is unnecessary.
- 4.5 CCLT Ltd who represent 75% of the taxi trade have suggested that the Council should increase the age limit for new vehicles to 5 years and the maximum age limit to 10 years. This will enable Euro 4 vehicles to remain licensed for longer and as vehicles deteriorate over time, this will slow the improvement of air quality.
- 4.6 The National Private Hire Association opposes age limits and the implementation of any policy changes prior to the conclusion of the law commission review in 2013. However, their suggestion that "*more frequent emissions testing, rather than a blanket restriction by way of arbitrary Euro emissions bands, would be more reasonable*" would not lead to an improvement in air quality because emissions tests as part of an MOT do not measure or address the relevant pollutants.

5. OPTIONS

5.1 The Committee may resolve to:

5.1.1 Make no changes to the existing policy and retain Option 1 so

"A new vehicle licence will not be granted in respect of a vehicle unless it is less than 4 years old and a vehicle licence will not be renewed unless the vehicle is less than 8 years old."

5.1.2 Adopt Option 2, thereby accelerating the improvement of new vehicles. The policy will therefore be:

"i) A new vehicle licence will not be granted in respect of a vehicle unless it is less than 4 years old, but as and from 01 September 2012 a new vehicle licence will not be granted in respect of a vehicle unless it is less than 4 years old AND it meets the Euro 5 standard or higher.

ii) A vehicle licence will not be renewed unless the vehicle is less than 8 years old."

5.1.3 Adopt Option 3, thereby accelerating the replacement and improvement of older vehicles in the fleet. The policy will therefore be:

"i) A new vehicle licence will not be granted in respect of a vehicle unless it is less than 4 years old.

- ii) *A vehicle licence will not be renewed unless the vehicle is less than 8 years old, but as and from 01 January 2015, a vehicle licence will not be renewed unless the vehicle is less than 8 years old AND it complies with the Euro 5 standard or higher.”*

5.1.4 Adopt Option 4, thereby accelerating the improvement of new vehicles and accelerating the replacement and improvement of older vehicles in the fleet. The policy will therefore be:

- “i) A new vehicle licence will not be granted in respect of a vehicle unless it is less than 4 years old, but as and from 01 September 2012 a new vehicle licence will not be granted in respect of a vehicle unless it is less than 4 years old AND it meets the Euro 5 standard or higher.*
- ii) *A vehicle licence will not be renewed unless the vehicle is less than 8 years old, but as and from 01 January 2015, a vehicle licence will not be renewed unless the vehicle is less than 8 years old AND it complies with the Euro 5 standard or higher.”*

5.1.5 Adopt an alternative policy.

6. CONCLUSIONS

- 6.1 Cambridge City Council has a duty to ensure that a safe and reliable taxi service is provided, and that licensed vehicles are fit for purpose. Additionally, the Council has a statutory obligation to carry out measures to improve air quality. The adoption of a policy that addresses the emissions from licensed vehicles, in addition to the existing policies, will help to ensure that these obligations are fulfilled.

7. IMPLICATIONS

(a) Financial Implications

Provision is made in the council’s budget for the taxi licensing service, which is run on cost recovery basis. The cost of the implementing the policy will be covered by vehicle application fees. The adoption of any policy that requires the replacement of vehicles will have financial implications for licence holders, but the Council may be fined by Central Government if it fails meet the EU air quality standards.

(b) Staffing Implications

Existing staff resources will implement the policy if adopted.

(c) Equal Opportunities Implications

The resulting improvement in air quality will have health benefits for all residents and those working within Cambridge. However the adoption of the policy may result in some Licence holder being unable to continue working if they are unable to replace their vehicles.

(d) **Environmental Implications**

The adoption of a policy will lead to improvements in air quality.

(e) **Community Safety**

There are no apparent community safety implications other than the improvement in air quality and the resulting health benefits.

APPENDICES

Appendix A

Consultation document

Appendix B

Background paper on the consultation prepared by Cambridge City Council's Scientific Team

Appendix C

Consultation responses

BACKGROUND PAPERS: The following are the background papers that were used in the preparation of this report:

- [Cambridge City Council's Hackney Carriage & Private Hire Licensing Policy](#)

The author and contact officer for queries on the report is Robin Grey on extension 7899.

Report file:

Date originated: 14 June 2012

Date of last revision: 14 June 2012

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Appendix A – **AGE LIMIT & EMISSIONS POLICY FOR HACKNEY** **CARRIAGES & PRIVATE HIRE VEHICLES**

It is the policy of Cambridge City Council that all Hackney Carriages and Private Hire Vehicles must be less than 4 years old when first licensed but a Licence may be renewed until the vehicle is 8 years of age. The purpose of this policy is to ensure that vehicles are reliable, safe and less polluting.

Local authorities are legally required to carry out measures to improve air quality where it is below certain standards and this is currently the situation in central Cambridge. The two air pollutants that are of concern are Nitrogen Dioxide (NO₂) and Particulate Matter (PM). Levels of Nitrogen Dioxide are above the health-based National Objectives in the central part of Cambridge by about 20-25%. Some improvement has been seen in the area near the Bus Station in the last two years. Levels of Particulate Matter are below the National Objectives but any level of Particulate Matter is harmful to health as there is no 'safe' limit.

Cities rely on good transport systems for continued economic success but growth in transport inevitably impacts on the environment and public health. High quality licensed vehicles with low emissions are therefore essential. With in excess of 500 Hackney Carriages and Private Hire Vehicles licensed by Cambridge City Council, it now seems appropriate to review the age limit policy to improve the licensed fleet and reduce emissions.

Cambridge City Council's Scientific Team has prepared a [background paper](#) to this consultation and as part of this, they have analysed the existing licensed fleet.

Proposed Options

This consultation is on the proposals for an accelerated vehicle replacement plan for licensed vehicles. The proposed options are set out below.

The term 'new vehicle licence' refers to the grant of a new licence where:

- i) the vehicle has not previously been licensed by Cambridge City Council;
or
- ii) an existing Licence has been surrendered and an application is being made for the grant of a licence.

Option 1 - Do not change the existing age limit policy:

“A new vehicle licence will not be granted in respect of a vehicle unless it is less than 4 years old and a vehicle licence will not be renewed unless the vehicle is less than 8 years old.”

Under the 8 year rule, Euro 3 standard vehicles would be phased out completely in 2013 and Euro 4 vehicles would be phased out by 2017. Removal of Euro 3 vehicles from the taxi fleet and replacement with Euro 4 vehicles would lead to a 14% reduction in emissions of both PM and NO_x. This will lead to a small improvement in air quality.

Option 2 – Improve the standard of new vehicles by requiring that they meet the Euro 5 standard or higher:

“i) A new vehicle licence will not be granted in respect of a vehicle unless it is less than 4 years old, but as and from 01 September 2012 a new vehicle licence will not be granted in respect of a vehicle unless it is less than 4 years old AND it meets the Euro 5 standard or higher.

ii) A vehicle licence will not be renewed unless the vehicle is less than 8 years old.”

This would have a small improvement in air quality and as Euro 5 Standard became a mandatory requirement in September 2009 (i.e. three years ago), the improvements in air quality would only be accelerated by one year. It should be noted that as the Euro 5 standard only became mandatory for vehicles manufactured in September 2009 onwards, it will not be until September 2013 that all 4 year old vehicles will meet Euro 5 standard. Applicants will need to be mindful of this when acquiring vehicles to be licensed for the first time between September 2012 & September 2013 and ensure that any vehicle over 3 years old meets Euro 5 standard or higher.

Option 3 – Keep the current age limit policy and include the requirement that by 01 January 2015, a vehicle licence will only be renewed if the vehicle complies with the Euro 5 standard or higher:

“i) A new vehicle licence will not be granted in respect of a vehicle unless it is less than 4 years old.

ii) A vehicle licence will not be renewed unless the vehicle is less than 8 years old, but as and from 01 January 2015, a vehicle licence will not be renewed unless the vehicle is less than 8 years old AND it complies with the Euro 5 standard or higher.”

Removal of Euro 3 and Euro 4 vehicles from the taxi fleet and replacement with Euro 5 vehicles would lead to a 96% reduction in emissions of PM and 40% reduction in emissions of NOx.

Option 4 - Improve the standard of new vehicles by requiring that they meet the Euro 5 standard or higher and include the requirement that by 01 January 2015, a vehicle licence will only be renewed if the vehicle complies with the Euro 5 standard or higher:

“i) A new vehicle licence will not be granted in respect of a vehicle unless it is less than 4 years old, but as and from 01 September 2012 a new vehicle licence will not be granted in respect of a vehicle unless it is less than 4 years old AND it meets the Euro 5 standard or higher.

ii) A vehicle licence will not be renewed unless the vehicle is less than 8 years old, but as and from 01 January 2015, a vehicle licence will not be renewed unless the vehicle is less than 8 years old AND it complies with the Euro 5 standard or higher.”

As Euro 5 Standard became a mandatory requirement in September 2009 (i.e. three years ago), the improvements in air quality from new vehicles would be accelerated by one year. As with Option 1, applicants will need to be mindful when acquiring vehicles that are over 3 years old and will be licensed for the first time between September 2012 & September 2013, that the vehicle

meets Euro 5 standard or higher. The removal of Euro 3 and Euro 4 vehicles from the taxi fleet and replacement with Euro 5 vehicles would lead to a 96% reduction in emissions of PM and 40% reduction in emissions of NOx.

Note - Cambridge City Council has not proposed an option to increase the maximum age limit for vehicles (e.g. to 10 years) as this would amount to lowering the emissions standards and therefore a reduction in air quality.

Consultation

Do you prefer Option 1, Option 2, Option 3 or Option 4 as set out above, and what are your reasons for your preference?

Can you suggest any other amendment to the age-limit policy that would lead to an improvement in air quality?

Do you have any constructive comments or recommendations on the policy?

Please let us know what you think about the proposed Age Limit and Emission Policy for Hackney Carriages and Private Hire Vehicles by e-mailing licensing@cambridge.gov.uk no later than **08 May 2012**.

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Appendix B – Background to Age Limit & Emissions Policy For Hackney Carriages & Private Hire Vehicles

Legal and Regulatory Background

Part IV of the Environment Act 1995 provides the framework for Local Air Quality Management (LAQM) whereby all local authorities are required to annually review and assess the air quality within their boundaries. Where the review shows that National Air Quality Objectives (NAQO) are not being met, the local authority must declare an Air Quality Management Area (AQMA) and prepare an Air Quality Action Plan (AQAP) to demonstrate how the local authority intends to work towards meeting the objectives.

UK National Objective concentration to be achieved by 2005 for annual Mean NO ₂ - 40 µg/m ³

EU Limit value (legally binding) to be achieved by December 2015 for annual Mean NO ₂ – 40 µg/m ³

There is also a duty to reduce concentrations of very small particulate matter, PM _{2.5} , by 15% between 2010 and 2020.

Cambridge City Council declared an Air Quality Management Area in 2004, based on predicted exceedences of the NAQO for nitrogen dioxide, NO₂.

Pollutants of concern in Cambridge

Nitrogen dioxide

Nitric oxide (NO) and Nitrogen Dioxide (NO₂) are both emitted from vehicles as a product of combustion; together they are known as Nitrous Oxides or NO_x. After Nitric Oxide is emitted from a vehicle it oxidises in the air to Nitrogen Dioxide. Emissions from vehicles are measured as NO_x.

Nitrogen Dioxide can irritate the lungs and lower resistance to respiratory infections. Exposure to very high concentrations may cause increased respiratory illness in children.

Particulate matter

Fine particles (PM) are emitted from vehicles exhaust as a product of combustion, as well as brake and tyre wear. PM₁₀ and the smaller PM_{2.5} can be carried deep into the lungs. They may also carry carcinogenic compounds into the lungs. There is no safe limit for exposure to particulate matter, which is why the exposure reduction targets were introduced in 2010.

Methodology for calculations

1. Details of the full fleet licensed by Cambridge City Council were extracted from the database.
2. The total annual emissions of a randomly selected but representative 20% of the fleet were calculated using the 2009 emission factors published by the DfT. For example, if there were 100 diesel Euro 4 Hackney cabs, then 20 of these were selected at random for the calculations.
3. The total annual emissions of 20% of the current fleet were calculated, by multiplying the pollutant grams per kilometre by the annual distance. Whilst some of the distance will not be in the Core Area, and possibly not within Cambridge, there is an assumption that the relative percentage is constant. Remember, that this exercise is to examine the impact of policy changes on relative emissions, not to calculate emissions in a particular area.
4. Emissions from Euro 3 vehicles were replaced with emissions from Euro 4 vehicles to assess the impact of removing all Euro 3 taxis from the fleet. This is a worst-case scenario; it could be that some Euro 5 vehicles would replace Euro 3 taxis. There is an assumption that the mileage is the same. The impact of this would be to reduce emissions of particulate matter and nitrous oxides by 14%.
5. Emissions from Euro 3 and Euro 4 vehicles were replaced with emissions from Euro 5 vehicles to assess the impact of removing all Euro 3 and 4 taxis from the fleet.

Table One - Emission Factors

Emission factors taken from TRL / DEFRA 2009 published data				NOx at 24kmh (15mph) Average g/km			
Euro Category			Emission Code	3	4	5	6
Vehicle Type							
Car <2.5 t	Petrol	1400-2000 cc	2	0.081546	0.057593	0.034196	0.034196
Car <2.5 t	Diesel	1400-2000 cc	5	0.592193	0.378594	0.255551	0.113578
Car <2.5 t	Diesel	>2000 cc	6	0.803358	0.401679	0.271133	0.120504
Car <2.5 t	LPG	All	7	0.392935	0.209565	0.157174	0.157174
Car 2.5-3.5 t	Petrol	All	8	0.145042	0.084124	0.049949	0.049949
Car 2.5-3.5 t	Diesel	All	9	0.804092	0.402046	0.271381	0.120614
Car (taxi)	Diesel	All	10	0.826430	0.413215	0.278125	0.124163

Emission factors taken from TRL / DEFRA 2009 published data				PM at 24kmh (15mph) Average g/km			
Euro Category			Emission Code	3	4	5	6
Vehicle Type							
Car <2.5 t	Petrol	1400-2000 cc	2	0.001438	0.001438	0.001438	0.001438
Car <2.5 t	Diesel	1400-2000 cc	5	0.042796	0.030490	0.000500	0.000500
Car <2.5 t	Diesel	>2000 cc	6	0.033111	0.010283	0.000500	0.000500
Car <2.5 t	LPG	All	7	0.001438	0.001438	0.001438	0.001438
Car 2.5-3.5 t	Petrol	All	8	0.001309	0.001298	0.001298	0.001298
Car 2.5-3.5 t	Diesel	All	9	0.033111	0.010283	0.000500	0.000500
Car (taxi)	Diesel	All	10	0.076548	0.045929	0.000500	0.000500

Figure One - Emission standards for diesel cars

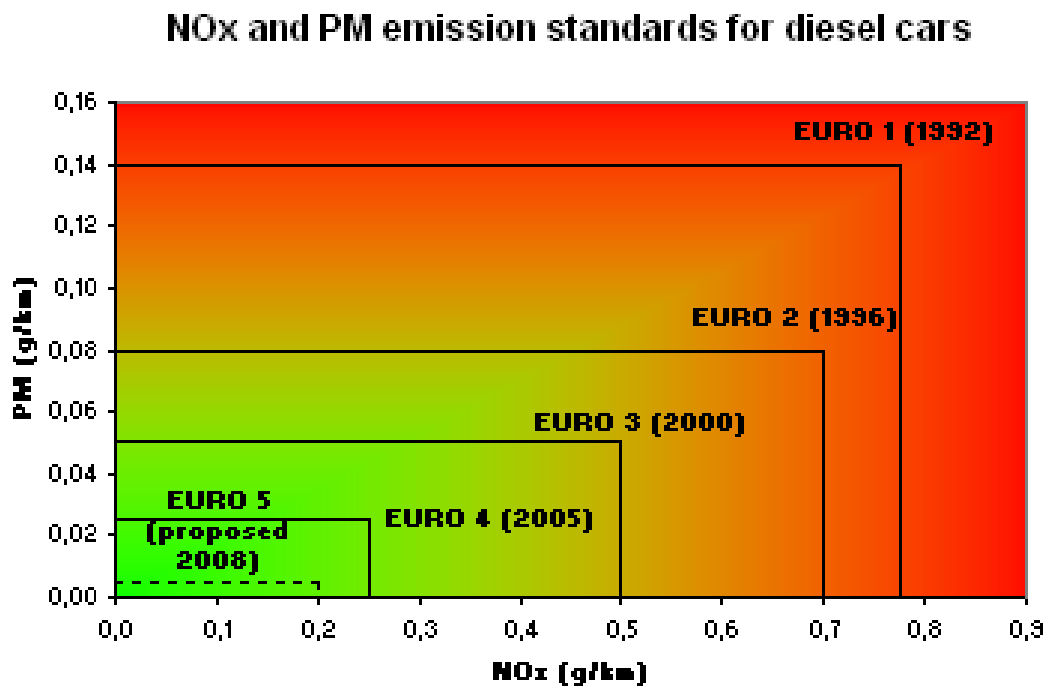


Table Two - Euro Standard Introduction Dates

Euro Standard Introduction Dates	
Euro 4	January 2005
Euro 5	September 2009
Euro 6 (future)	September 2014

Appendix C - Consultation responses

No	Date Received	Capacity	Comment
1	29-Mar-2012	Hackney Carriage Driver	Council says that we are giving out a lot of emissions, but they should wait at any bus stop and look at buses at the amount of black smoke.
2	29-Mar-2012	Hackney Carriage Driver	The Council has issued 50-60 plaes since 2000 with no bigger ranks, so can't get on rank. We are therefore driving around to find a rank space, e.g. had to drive round 6 times to go on the rank. This is the cause of emissions. Also, MOTs are every 6 months, so cars are beter than other vehicles/buses. Vehicles get a 10 year warranty so why is there an 8 year restriction on PH & HC vehicles?
3	29-Mar-2012	Hackney Carriage Driver	Saloon cars should be changed to electric cars to reduce emissions.
4	1-May-2012	Private Hire Operator	We favour option 1, not changing the existing age limit policy. We believe adopting a policy that moves towards being all Euro 5 standard by the end of 2017 provides the right balance of giving good time for current drivers to change their vehicles (drivers are suffering in the downturn and with fuel prices, and it would not be right to put them under new pressure to change their vehicles any earlier than they are currently expecting too), and providing a positive impact on the environment/air quality. However, we do not believe there is anything to be gained by the public, the environment, or indeed the driver by allowing vehicles to remain as taxis beyond their 8th birthday.
5	4-May-2012	National Private Hire Association	**See letter
6	6-May-2012	CCLT Ltd	***See letter

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THE NATIONAL PRIVATE HIRE ASSOCIATION



8 Silver Street, Bury, Lancashire BL9 0EX. Tel: 0161-280 2800 Fax: 0161-280 7787 Email: npha@btconnect.com

4 May 2012

Licensing Department
Cambridge City Council
By email: licensing@cambridge.gov.uk

REF: **Consultation on taxi and private hire licensing matters**

Dear Sir/Madam

We write on behalf of our National Association members in your licensing area, in response to the latest consultation being undertaken by your council on two specific hackney carriage and private hire licensing matters: the vehicle age limit and emissions policy proposals, and the enforcement policy proposals.

We would preface any further comments made herein by stating that your council will no doubt be aware of the Law Commission's ongoing investigation and review into existing national and local taxi and private hire legislation. We are advised that the Law Commission will be issuing a sizeable consultation document within the next fortnight; this consultation will be made available to licence holders, licensing authorities and the general public, and will be carried out over the statutory 12-week period.

Following on from the consultation, it is the intention of the Law Commission to compile any and all proposals they have collated and formulated into new draft legislation, which hopefully they will be submitting to Parliament during 2013 for Royal assent and ratification as a new Act to govern our industry.

On the basis of the above timetable we are urging any local authorities that are considering amendments to their local licensing policies or conditions to await the outcome of the Law Commission's investigation, as we believe it will have far-reaching impact on the powers of local authorities in future. Consequently your council would save time, effort and resources if you were to wait until at least after the public consultation before moving forward with any existing proposals on policy/conditions.

Incidentally, the NPHA has worked very hard to secure the attendance of some of the Law Commission's project team at the next Taxi and Private Hire Exhibition, to be held this year on Wednesday and Thursday, 30 and 31 May, at the Ricoh Arena in Coventry. This would be the ideal opportunity for your officers to speak directly to the Law Commission and make your views known to them during this crucial consultation period.

Following are our comments for your consideration:-

Co. Reg. No: 2866017

Taxi and Private Hire Age Limit and Emissions Policy

Firstly, this Association has made its views known to Cambridge City Council on previous occasions with reference to vehicle age limits. Basically the NPHA is against the arbitrary setting of vehicle age limits, and has published a document (copy attached) setting out our rationale in this regard. We believe that we have submitted this document previously during an earlier consultation. Quite simply, our premise is that any vehicle of any age is a danger to the travelling public if its proprietor fails to maintain it properly, irrespective of the age of the vehicle. Whilst accrued mileage and emissions are serious considerations to such roadworthiness, a brand-new taxi or PHV carries no guarantees that it would not fail an MoT on the day after its last inspection if its owner is less than vigilant with his/her own vehicle maintenance.

Further, we agree totally with the Department for Transport's Best Practice guidance where, under "The Role of Licensing: Policy Justification", paragraphs 8-10 (no doubt we have quoted to you from this section before) state:-

8. "... Local licensing authorities will also be aware that the public should have reasonable access to taxi and PHV services... Licensing requirements which are unduly stringent will tend unreasonably to restrict the supply of taxi and PHV services, by putting up the cost of operation or otherwise restricting entry into the trade. ...too restrictive an approach can work against the public interest – and can, indeed, have safety implications.

9. "...if the supply of taxis or PHVs has been unduly constrained by onerous licensing conditions, then that person's safety might be put at risk by having to wait on late-night streets for a taxi or PHV to arrive...[they] might even be tempted to enter an unlicensed vehicle with an unlicensed driver illegally plying for hire.

10. "Local licensing authorities will, therefore, want to be sure that each of their various licensing requirements is in proportion to the risk it aims to address... it is to urge local licensing authorities to look carefully at the costs – financial or otherwise – imposed by each of their licensing policies. It is suggested that they should ask themselves whether those costs are really commensurate with the benefits a policy is meant to achieve."

We are aware that Cambridge's existing vehicle age restrictions have been in place for some considerable time; however, we would request that, in conjunction with the proposed options on emissions, the council would seriously consider holding off instigating any changes until the Law Commission consultation is completed, by which time you will have been able to respond to such consultation yourselves, and also will have more of an indication as to the intentions of the Law Commission in the future.

Again, the DfT comment about vehicle age limits is found under "Vehicle Testing" at paragraph 32 of the Best Practice:-

"It is perfectly possible for an older vehicle to be in good condition. So the setting of an age limit beyond which a local authority will not license vehicles may be arbitrary and inappropriate. But a greater frequency of testing may be appropriate for older vehicles..."

It is the view of this Association, and of our affiliated members locally, that your council's proposals regarding the requirement of all Cambridge licensed vehicles to be restricted to Euro 5 emission level is far too onerous. This is particularly the case if you consider that London licensed hackney carriages are only set Euro 4 restriction, and London is probably the most polluted city in the whole of the United Kingdom. Whilst the majority of our Cambridge members run newer vehicles and therefore would not personally be affected, they are well aware that to remove Euro 3 and 4 vehicles from the Cambridge fleet may well result in the situation forewarned in the DfT Best Practice quoted above.

Referring back to the DfT Best Practice guidance, under "Vehicle Testing" at paragraph 32, Frequency of Tests, it states:-

"...Local licensing authorities may wish to note that a review carried out by the National Society for Cleaner Air in 2005 found that taxis were more likely than other vehicles to fail an emissions test. This finding perhaps suggests that emissions testing should be carried out on an ad hoc basis and more frequently than the full vehicle test."

Considering that licensed taxis and PHVs ordinarily cover more than five times the mileage of private motors annually, naturally emission levels would be a concern to the council's licensing department. However, we believe that the DfT suggestion of more frequent emissions testing, rather than a blanket restriction by way of arbitrary Euro emission bands, would be more reasonable.

Taxi and Private Hire Enforcement Policy

The NPHA submits that there is little or no need at this point in time to enter into a detailed analysis of either Option 1 or Option 2 of this consultation. We believe that, at least under the current national legislation until such time as it changes, there are sufficient powers in existence for a licensing authority to enforce its policies and conditions. Further, as a result of the Audit Commission findings in Guildford, it is upheld that a licensing authority cannot charge for enforcement against drivers; only vehicles and operators. This further 'muddies the waters', and hopefully some degree of clarity will be achieved via the Law Commission legislative review.

Certainly there is always scope for clearer understanding of enforcement boundaries on the part of licence holders and licensing officers alike; however, owing to the current Law Commission review, we once again believe that there is little benefit in revamping the council's existing licensing structure(s) until such time as fresh legislation is in place.

Concentrating briefly on Option 2, the imposition of a penalty point scheme, we believe that Cambridge City Council is aware of our position in this matter: we firmly believe that penalty point schemes are overly punitive, not reasonably necessary, and result in double jeopardy as a good many of the breaches 'on the list' for penalty points are already offences under the legislation. We enclose the 36-point questionnaire devised by our lawyers to weigh up the efficacy of such schemes; we have indeed submitted this document previously

To date we have not been able to establish any relevant piece of legislation which would permit a local authority to effectively invent an in-house judicial system when the clear intention of Parliament – even though the legislation is under review at this moment – was to impose a requirement that breaches in the regulations should be tested and tried at Magistrates' Court level and nowhere else.

You may be aware that this entire premise is to be tested at Administrative Court level in Cardiff on Tuesday and Wednesday, 22 and 23 May 2012, where the council is being challenged as to the lawfulness of their penalty point scheme – and indeed such council-originated schemes generically – by a prominent local transport firm. Once again we would strongly recommend that no decision is acted upon in Cambridge until such time as a judgement is published from the Cardiff case, as that outcome could well impact nationally on licensing authority decisions in this matter.

As you can see, the gist of our message as set out in this document is: we would strongly urge the council to wait until after the 23rd May for the Cardiff judgement on penalty point schemes; and wait generally until after the Law Commission consultation has opened, but preferably wait until fresh legislation is outlined, before proceeding with either the age limit/emissions policy or enforcement policy proposals.

We hope this documentation is of assistance.

Yours faithfully
For **THE NATIONAL PRIVATE HIRE ASSOCIATION**



(Mrs) DONNA D SHORT
Director/Company Secretary

AGE POLICIES

A VIEW - AND ALTERNATIVE SUGGESTIONS **from** **THE NATIONAL PRIVATE HIRE ASSOCIATION**

BACKGROUND

The National Private Hire Association has spent some considerable time over the last twenty years addressing and, on occasion, opposing the imposition of age policies by local authorities, both in the Council Chamber and in the courts.

In preparing evidence to present to Councillors and the courts we have discovered that, very often, the perception of the licensing authority that the age of the vehicle alone should be the fundamental and controlling factor in imposing a vehicle licensing regime is flawed.

Close examination of the vehicle testing records of various councils has clearly shown that although a case can be made that vehicles are indeed affected by age and/or high mileage, there are disturbing statistics to be shown for younger and “acceptable” vehicles.

Evidence can be shown that licensed vehicles do indeed have a “shelf life”, and as maintenance problems increase the average driver will indeed replace his vehicle. Common sense indicates that diminishing returns in income are a far more telling cause for vehicle replacement than conditions of licence.

Many examples exist of vehicles, purchased as being acceptable to the licensing authority, having to be replaced within the first year of service because they proved, in service, to have serious defects. Conversely in those areas that do impose age policies, Council Committees and the courts spend many hours hearing appeals from drivers who believe that their vehicles, regardless of age, are fit to continue in service. Quite a lot of these appeals are upheld.

It follows that the questions arising from “vehicle fault statistics” (VFS), acquired both from enforcement exercises and annual routine vehicle test sheets, need careful analysis. We have found that VFS’s raise one fundamental question that often begs a considered reply and that is:- What is it exactly that the council trying to achieve? Very often the initial report to the Licensing Sub Committee fails to highlight the full nature of the problem, which in turn can lead to costly appeals to the courts and possible overturning of the initial decision.

The experience gained by the Association has led it to formulate a new philosophy in addressing those problems which councils perceive might be resolved by the adoption of such a policy.

What are those problems?

PROBLEMS

- That the local vehicle stock is of poor quality, and generally aged
- That there is evidence of lack of maintenance as evidenced by DVLA exercises
- Poor returns from the testing station and local enforcement exercises generally
- Public complaints

Faced with some or all of the evidence above, many local authorities take steps to rectify their particular perceived situation and many have reacted by introducing age policies and/or stricter or more numerous testing regimes.

Having said that, it has become apparent that many local authorities, having adopted a more rigorous regime, find that many of the problems persist and they are left with the inevitable questions: [1] Why is there little or no improvement? and, [2] Where do we go from here?

WHAT CAUSES THE PROBLEMS AND WHY THEY PERSIST

Of course, many drivers do not see that there is a problem in the first place, and they are the first to voice concerns about rules that are more draconian. That is because they are for the most part representative of the majority of the trade who look after their vehicles and ensure that, when they are presented for inspection, those vehicles are prepared for that inspection.

Amazing as it may seem, in all the many reports to Licensing Committees we have seen, there has never been a section which analysed the statistics of the better side of the trade to see if lessons could be learned from those who obviously comply with the law, and to act as a benchmark for Licensing Committees in setting new conditions. In short, only one side of the picture is given.

All the reports we have seen address that segment of the trade who never appear to worry about maintenance or vehicle condition generally. They are the ones who regularly fall foul of enforcement exercises. Furthermore, when their vehicle is due for inspection they, perversely, seem to seize upon that very inspection as merely an opportunity to find out what is wrong with the vehicle, so that they can then have those points attended to.

Of course, the introduction of an age policy or a stricter or more regular testing regime does not impact upon this section of the trade. They will always have faulty vehicles regardless of the vehicle's age.

We find that the good driver with high standards will always search for a really sound or brand new vehicle which is going to stand the test imposed upon it by our trade; and, having acquired that vehicle, he/she will maintain it properly and regularly, and will, year after year, turn up at the vehicle testing station with a fully prepared car.

The other side of the trade, of course, has a different philosophy. Instead of searching for a really sound vehicle which is going to stand the test imposed upon it by our trade, they

will go into the market to look for the cheapest possible vehicle that will do the job and pass the council's set criteria.

These drivers' maintenance schedules will not improve, and it is certain that their attitude to presenting vehicles for test will continue.

At this point we have to insert a parameter which we have never observed in any report to Licensing Committees, and that is the financial ability of the drivers to purchase sound vehicles in the first place, let alone any of the proposed new/newer vehicles.

Again this is a statistic which is available to the licensing department and testing stations but never appears for Councillors' consideration. That statistic is that the many suppliers of new vehicles to the trade, and who commonly advertise in the trade press, report that a high proportion (as high as 61% - Nissan Finance) are refused finance to purchase vehicles in the first place. These drivers are then forced to shop around for less attractive terms to enter or continue in the trade, and can pay very high APR rates (29% to 32% is not uncommon).

Many of those better drivers will then, having learned lessons from experience, ensure that their credit history is improved by meeting all repayment dates and will ensure that the vehicle is well maintained in order to protect their income, but obviously at a very high price.

So, of those who run less acceptable vehicles, a percentage will do so out of circumstance rather than choice. Statistics from the testing station can easily separate the conscientious driver of the older car from the "couldn't care less" driver. The first will maintain the vehicle, which will often pass the vehicle test first time; the latter will not maintain and consequently provides the worst VFS's, which in turn will attract the attention of licensing and enforcement officers and Councillors.

A more telling statistic will show that a percentage of those who can purchase new/newer vehicles also appear on the VFS sheets, will fall foul of enforcement exercises and be found wanting on a daily check basis.

Unfortunately, it is true to say that the "couldn't care less" attitude is not only hard to correct but, if the wrong level of enforcement is employed, it can be catching. It is hard to combat the "If he can get away with it, so can I" frame of mind.

We do not need to ask any particular licensing or enforcement officer whether he knows drivers of both categories. We are certain that all officers could probably list many of them without reference to his or her files.

Councils who have VFS problems which affect public safety must react, and age policies often appear to be an attractive solution. This seems to be the case regardless of the fact that most councils have been licensing these vehicles for over 25 years and that despite their best efforts, including age policies and more regular testing, these vehicle defect problems still remain and are still caused by the very same drivers whose lack of respect for the law led to the imposition of the policy in the first place.

It often follows that the imposition of an age policy very often places the greatest burden on those who are used to buying new/newer vehicles and cossetting those vehicles to get

maximum usage from them. What stands out to this Association is the fact that most licensing authorities would wish to support these better drivers as examples of what they would like to see as the norm in their area. It is our contention that the imposition of a blanket age restriction, rather than offering the better licence holders that support, often penalises them unjustly rather than targeting only those proprietors who should be penalised.

In the normal course of events a standard vehicle may last three, four, five years or longer; prestige vehicles will normally last much longer. As we have said, it is important to note that very often these better vehicles have to be purchased on finance, which again may be over three or four years. Age policies with narrow parameters (ie. no older than three years at first licence and off at six or seven years old) can often mean that the better driver is locked in to the "hire purchase /APR trap" and paying that APR to work for the rest of their time in the trade.

We always ask councils to remember that it is only the periods between borrowing on finance agreements which give drivers APR-free incomes. If someone is used to maintaining a vehicle for six, seven, eight years or more, the APR-free period may well be essential to secure his deposit or payment for his next vehicle.

Conversely, and in the meantime, the couldn't-care-less driver may go through two or even three bangers purchased at rock bottom price to give maximum return in the short run; and besides, who cares about conditions of licence?

TIME FOR CHANGE?

In conversation with licensing officers, we readily discover that there are always numbers of operators, proprietors and drivers who cause the council and the travelling public no problem whatsoever. The licensing officer's problem is how to deal with the cowboy element without imposing such a bevy of rules that it affects the good guys. Simple: the answer is to chase the bad guys.

But surely that is what the enforcement role of the council is supposed to encompass?

Conditions of licence are set to ensure that rules are followed in order that the public is protected. All councils set conditions, so why do so many have to revisit those conditions so often to fine tune or correct perceived problems?

We believe strongly that for those who follow and observe the rules, it is only the lawbreakers who spoil what otherwise would be a relatively simple occupation. As stated above, the fact that councils chase the lawbreakers with added conditions always impacts on the good faction of the trade, not the cowboys. Consequently we find considerable support amongst the conscientious drivers for a fine tuned and targeted enforcement role, ie. "Don't come after us - go after the cowboys."

As an alternative to continuing to implement the council's existing age policy or testing period, we suggest the introduction of what will become a self-disciplinary regime: in simple terms, the age policy guidelines should be set aside, but the council should impose three tests per year after clearly defined age limits are reached.

AGE LIMITS (TESTING PARAMETERS)

Whilst we believe that it is not sound policy to set a vehicle age limit in the hope that this will “cure” VFS problems, we do accept that there is clear evidence that older vehicles need a higher level of maintenance to keep them safe for the road.

We suggest that councils should set testing parameters based on the vehicle’s age, and not just set age limits on what they will consider for licence. For example:

- Vehicle up to three years old – test once a year
- Vehicle between three and six years old -- test twice a year
- Vehicle over six years old -- test three times a year

Many councils may retort, “We have tried that before but it did not work”; to which we reply “Ah, but then you brought in an age policy and that policy is also under constant attack either by those who are financially burdened or by those who still fail to maintain their vehicles.”

We believe that any testing regimes or age policies are not, in themselves, enough to identify and eradicate that problem element within the trade which needs correction. It is the attitude of the bad driver which must be changed; therefore we suggest that the council should introduce a “three-strikes-and-out” rule.

A search through council files will show that the worst examples of failure certificates involve major Construction and Use problems: brakes, steering, tyres etc. These are the vehicle defects which will cause a vehicle’s immediate suspension, either on routine test or on enforcement exercises.

These defects are the one easily identifiable constant in all vehicle testing procedures and disciplines and therefore should, we suggest, form the basis of new conditions.

CHANGE THE CONSEQUENCES – THREE STRIKES AND OUT

If any vehicle fails the test on, say, two to three Construction and Use items – and here we must make sure we are not being frivolous by clarifying that three cigarette burns and a scratch on the paintwork do not amount to Construction and Use problems – then the council should on the first occasion issue a warning in writing to the effect that:

“We note that your vehicle was presented for licensing in such a condition that gives us concern that the vehicle may not be being properly maintained. You are warned that on a second such failure, you will be required to go before Committee to explain yourself. A copy of this letter will be attached to your file.”

On the second such failure, the driver should be brought before Committee and should be given a formal warning and perhaps a penalty suspension, and should be issued with a letter which in effect says, “The next such failure will lead to the revocation of the vehicle licence.”

The council may also wish to consider adding to that warning, "consideration will also be given to the revocation of your proprietor's/driver's licence as being not fit and proper to hold such a licence, in that maintenance of your vehicle should have been paramount to you, especially after having had two clear written warnings."

On the third occasion the vehicle should not be allowed back for re-inspection, and a vehicle and/or driver licence refusal/revocation should be issued.

Certainly the driver has a right of appeal, but the council has more than enough evidence to show that on the three-warnings-and-out basis there are significant doubts about, on the one hand the vehicle's roadworthiness (it has a high, demonstrably non-maintained, mileage); and also demonstrably, the driver's attitude to authority is patently lacking (a point that magistrates often pick up on).

CONSULTATION AND TRADE APPROVAL

We have found that, on consultation, the majority of the trade in any area will readily vote for such a testing regime as an alternative to age policies. That majority is also identifiable as those who do indeed maintain their vehicles and consequently will not be affected by such a new regime.

They will readily grasp the fact that a licensable five year old Mercedes would be a much sounder investment - and that passengers might well prefer to travel in such a vehicle - than a three or four year old standard saloon.

It is also true to say that both the trade and the licensing officers may well look forward to the removal of those who year in and year out, regardless of vehicle age, bring the trade into disrepute.

FOCUS ON STANDARD OF SAFETY EQUIPMENT

In a large number of recent appeals both at Committee level and through the Courts, a major concern on the part of local authority licensing departments and Councillors is that the safety of the travelling public is seriously jeopardised in older hackney carriages or private hire vehicles. This rationale is often used as the sole justification for that authority to impose a restrictive age condition on either or both sides of the trade.

The general assumption is that, because of the vehicles' age, they lack modern safety equipment within their specification, whereas newer vehicles automatically are supplied with this equipment. This can include items such as driver, passenger and side air bags, side impact bars, ABS braking systems, security locking systems and alarms.

In reality, the majority of vehicles produced within the last decade that are suitable for licensing as hackney carriages or private hire vehicles are manufactured with most of this equipment as standard. Conversely, there is still a range of brand-new vehicles which still do not have this type of equipment.

Again, we would suggest that, rather than imposing a blanket age restriction, licensing authorities can set vehicle conditions which specify that vehicles being considered for first licensing – or renewal, from a reasonable date after the condition is brought in - must have such safety elements in their specification. We believe that this type of vehicle licensing

condition would stand up to any legal challenge as being “reasonably necessary”. Further, we believe that the majority of licence holders in the trade would wish to provide their customers with just such safety features.

BEST PRACTICE

We are sure that most readers of this document will by now be familiar with the Department for Transport’s Best Practice guidance document, which was published first in November 2006 and updated in March 2010. In addition to their general suggestion that licensing authorities examine carefully any licensing condition they impose on licence holders as being commensurate, in both practical and financial terms, to the benefits they wish to achieve, a more specific reference is made to age limits on vehicles:-

*“It is perfectly possible for an older vehicle to be in good condition. **So the setting of an age limit beyond which a local authority will not license vehicles may be arbitrary and inappropriate.** But a greater frequency of testing may be appropriate for older vehicles – for example, twice-yearly tests for vehicles more than five years old.”*

The Association is both heartened and encouraged to see that our suggestions within this document echo the recommendations of the Department for Transport, as our document reflects our beliefs from the very inception of the NPHA. More importantly, we believe that the potential solutions suggested within these pages can be considered a more feasible formula to achieving and maintaining a high standard of taxi fleet in any licensing area.

CONCLUSION

We ask all who read this document to carefully consider: “What is it that any policy or condition set by a local authority is trying to achieve?” We suggest that public protection is and must be the only answer. If the present policy ensures that the imposed financial burden does not in fact eradicate faulty vehicles, then we advocate that the above suggestions may be a more exacting and corrective regime.

In addition, the council is reminded that to impose an absolute age policy fetters their discretion, and this will be easily overturned in court. Neither unfortunately can they introduce a mileage policy, as this has already been tested in the case of **Sharpe -v- Nottingham City Council**.

Finally, due consideration should be given to the fare structure in any area, thereby determining whether the trade can in fact afford to maintain their vehicles in the first place, irrespective of their age. This applies to both hackney carriage drivers, whose fares are set by the council, and private hire drivers, whose fares whilst not regulated by local authorities, are more often than not pitched similarly or just below the hackney tariff.

Once again we have found that, when examined as an issue in the witness box, lack of affordability very frequently overturns a vehicle age policy if the local authority has not approved a taxi fare increase for any length of time.

It is also a provable fact that if drivers are working greatly extended hours – 60 to 80 hours being not uncommon – in order to make a living, then paying for vehicle maintenance

decreases in importance not only financially, but in time and periodicity. If a driver is working 80 hours a week, the rest of the time he will probably be asleep. Taking a day off to get a vehicle serviced may result in the driver having to put in another ten hours on the other shifts he works that week.

To illustrate, a 20-pence increase on the flagfall or initial charge in areas where drivers average 25 jobs per day over the year, will give them an increase of £1,800 per year. Due consideration should be given under Best Value to comparing existing levels of fares with local and national averages. The cost of a vehicle, and its maintenance, will not differ dramatically anywhere in the UK. Clearly income, and the ability to allow for the time off, are crucial factors in the maintenance of vehicles.

A simple example: We asked a number of drivers why they had been caught with bald tyres; the answer was always financial. Although some maintain that they had forgotten, when pressed, they affirmed that if they had had the cash available they would not have delayed.

Just such delay, and subsequent lapse in public safety, can be prevented by a re-examination of council policy as outlined in this document.

CAMBRIDGE CITY COUNCIL

REPORT OF: Jas Lally
Head of Refuse and Environment

TO: Licensing Committee

25/06/2012

WARDS: All

REVIEW OF THE HACKNEY CARRIAGE TABLE OF FARES AND UPDATE ON MECHANISMS FOR IMPLEMENTING A FUEL SURCHARGE

1 INTRODUCTION

- 1.1 The Local Government (Miscellaneous Provisions) Act 1976 provides that in respect of the charges for Hackney Carriages, the Council *"may fix the rates or fares within the district as well for time as distance, and all other charges in connection with the hire of a vehicle... by means of a table."* The existing Table of Fares (Appendix A) consists of "Hiring Charges – Distance & Time" and "Extra Charges".
- 1.2 In January 2012, the Committee revised the Table of Fares by including a £3 "Extra Charge" for journeys with 5 or more passengers travelling in the vehicle and this revision became effective on 01 March 2012. There was no variation to the distance or time parts of the tariff, but the Committee resolved to determine any future amendments to the Table of Fares by using the percentage increase as calculated by Transport for London. The Committee also requested that officers investigate the feasibility and possible mechanisms of implementing a fuel surcharge with a trigger point to commence at times of large, unexpected fuel price rises. A possible mechanism is outlined in paragraphs 3.7 & 3.8 of the report.
- 1.3 Cambridge City Licensed Taxis (CCLT) Ltd have requested that the Council review the distance part of the tariff as it has not been varied since 01 August 2011. Additionally, CCLT Ltd have again requested that the Council include a fuel surcharge in the Table of Fares. The request is attached to the report as Appendix B.

- 1.4 Any proposal to amend the Table of Fares will be subject to statutory public consultation and the subsequent consideration of any objections received prior to the setting of the Table of Fares.

2. **RECOMMENDATIONS**

2.1 Annual Revision of the “Hiring Charges” section of the Table of Fares

Members are recommended:

To vary the existing Table of Fares with effect from 15 August 2012 (subject to the statutory consultation process) by increasing the flag fall by 20p, i.e. the Table of Fares shown in Appendix D.

2.2 Mechanism for implementing a fuel surcharge

Members are recommended:

To approve the mechanism set out in paragraphs 3.7 & 3.8 of the report and decide to implement a 40 p fuel surcharge as an “Extra Charge” in the Table of Fares (subject to statutory consultation) to be implemented only if national retail diesel prices (as measured by the Arval index) reach the threshold level of 179.9 p/litre.

3. **BACKGROUND**

3.1 Annual Revision of the “Hiring Charges” Section of the Table of Fares

On 30 January 2012, the Committee resolved to continue to determine any future revisions to the Table of Fares by using the percentage increase calculated by Transport for London. On 02 February 2012, the Board of Transport for London resolved to:

3.1.1 approve an increase to taxi fares by 5.3 per cent and the making of a London Cab Order to implement the new fares, with effect from Saturday 14 April 2012....;

3.1.2 approve an increase to the taxi flag fall by 20 pence from £2.20 to £2.40 with effect from Saturday 14 April 2012....;

- 3.2 CCLT Ltd have stated in their request (Appendix B), that they do not want a percentage increase (5.3% or otherwise) in the tariff and only request that the 20 p increase in the flag fall is incorporated in to the

Table of Fares. CCLT Ltd consider that any other increase will potentially lead to a loss of business for the trade.

3.3 To give a comparison of the existing tariff in Cambridge with all other Local Authorities and London, the cost of a 2 mile journey (excluding waiting time) for each Authority is shown in the table published by the Private Hire & Taxi Monthly Magazine that is attached to the report as Appendix C. Cambridge City Council jointly has the 29th most expensive tariff for a 2 mile journey out of 363 authorities. The Table of Fares proposed by CCLT Ltd (shown in Appendix D) would mean that Cambridge City Council would jointly have the 12th most expensive tariff for a 2 mile journey out of the 363 authorities.

3.4 The proposal by CCLT Ltd, which is attached as Appendix D, seems reasonable in view of these comments despite it being less than the increase that would be permitted in accordance with the Committee's decision of 30 January 2012 to use the Transport for London percentage increase.

3.4 Clarification has been provided in the Table of Fares (Appendix D) on when the meter should be started to assist members of the public and drivers, i.e.

"...The meter must only be switched on when passengers are safely in the vehicle and the trip is about to commence...."

3.5 Fuel Surcharge

In addition to increasing the taxi fares and flag fall rate in February 2012, the Board of Transport for London resolved to:

3.5.1 authorise a 40 pence additional charge to be implemented only if London retail diesel prices (as measured by the Arval index) reach the threshold level of 179.7 p/litre between 14 April 2012 and 6 April 2013 and if implemented would not extend beyond 6 April 2013.

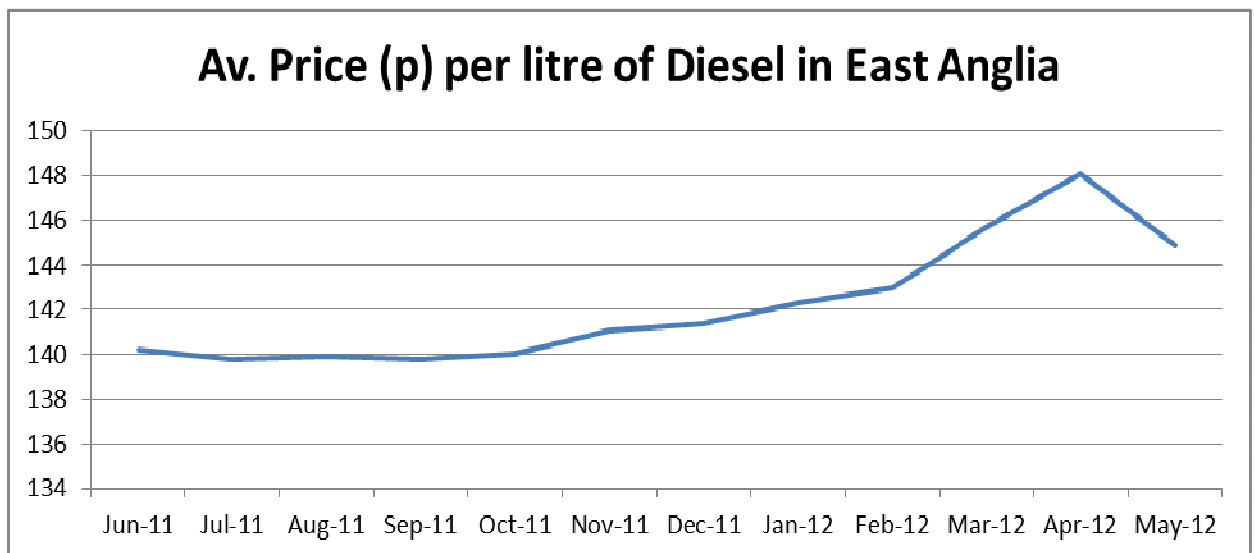
3.6 CCLT Ltd have requested that the Council include the same fuel surcharge of 40 p as an "Extra Charge" in the Table of Fares, but only if the retail diesel prices reach the threshold of 179.9 p/litre, rather than 179.7 p/litre as set by Transport for London.

3.7 A possible mechanism for implementing a fuel surcharge would be to use the Transport for London system. A threshold would be set and when the average price per litre of diesel (using the national average as published on a weekly basis by Arval UK Ltd, rather than the

London retail diesel price) reached the threshold level, the extra fuel surcharge could be charged by drivers until such time as the Table of Fares was again reviewed, regardless of how the price of diesel changed. It would be operationally unworkable to rely on the observation of fuel prices at petrol stations in Cambridge and it has not been possible to find any frequently published regional fuel price data. Once the fuel surcharge had been implemented, a flyer stating that fact would be made available to drivers.

3.8 With regard to the threshold level, it seems appropriate to use that requested by CCLT Ltd (i.e. 179.9p/litre), although it is higher than the level set by Transport for London.

3.9 The AA publish average regional mid-month fuel prices, a month in arrears and the chart below shows how the average price of diesel has varied since June 2011.



3.10 The report published by the AA shows that the national average mid-month price of diesel in May 2012 was 144.3p/litre. To reach the threshold of 179.9p/litre would approximately require a 25% increase in the national average price of diesel.

3.11 Further information published by the AA on the average running of a diesel vehicle in 2011 indicates that an increase of 1p/litre in the price of diesel would result in an average increase of 0.1 p per mile in the running cost of a diesel vehicle. Therefore an increase from 144.3p/litre to 179.9p/litre would result in an increase of 3.56p per mile. However, the cost of each journey would increase whilst the cost of diesel was rising to 179.9p/litre.

4. CONSULTATIONS

- 4.1 In accordance with the statutory procedure set out in Section 65 of the Local Government (Miscellaneous Provisions) Act 1976, the Council is required to undertake a public consultation prior to making any amendment to the Hackney Carriage Table of Fares.
- 4.2 A notice must be published in at least one local newspaper circulating in the district setting out the variation and specifying the period, which can not be less than fourteen days from the date of the first publication of the notice, within which and the manner in which objections can be made.
- 4.3 If no objection to the variation of the table of fares is made, or if all objections are withdrawn, the revised Table of Fares will come into operation on the date of the expiration of the consultation period. However, if any objections are made and not withdrawn, the Committee will consider the objections and set a further date, not later than two months after the first specified date, on which the table of fares shall come into force with or without modifications.

5. OPTIONS

5.1 Annual Revision of the "Hiring Charges" section of the Table of Fares

The Committee may resolve:

- 5.1.1 To vary the existing Table of Fares with effect from 15 August 2012 (subject to the statutory consultation process) by increasing the distance charges by 5.3% and increasing the flag fall by 20 p;
- 5.1.2 To vary the existing Table of Fares with effect from 15 August 2012 (subject to the statutory consultation process) by increasing the flag fall by 20 p, i.e. the Table of Fares shown in Appendix D; or
- 5.1.3 To vary the existing Table of Fares with effect from 15 August 2012 (subject to the statutory consultation process) in any other way.
- 5.1.4 To not vary the Table of Fares at this time.

5.2 Mechanism for implementing a fuel surcharge

The Committee may resolve:

5.2.1 To approve the mechanism set out in paragraphs 3.7 & 3.8 of the report and decide to implement a 40 p fuel surcharge as an “Extra Charge” in the Table of Fares (subject to statutory consultation) to be implemented only if national retail diesel prices (as measured by the Arval index) reach the threshold level of 179.9 p/litre; or

5.2.2 To consider any other mechanism for implementing a fuel surcharge and implement such an “Extra Charge” in the Table of Fares (subject to statutory consultation).

5.2.3 To not include a fuel surcharge in the Table of Fares.

6. **CONCLUSIONS**

6.1 Cambridge City Council has the power to fix the rates or fares within the district for time as well as distance, and all other charges in connection with the hire of a vehicle, which may include a fuel surcharge. Any request to vary the Table of Fares must be considered. All amendments to the Table of Fares are subject to statutory consultation.

7. **IMPLICATIONS**

(a) **Financial Implications**

If the Committee are mindful to vary to Table of Fares, it will be subject to statutory consultation, which will involve advertising the variation in a local newspaper. The Licence fees will cover the cost of the advertisement.

(b) **Staffing Implications**

Existing resources will arrange for any consultation and any implementation of a varied Table of Fares.

(c) **Equal Opportunities Implications**

Any proposed amendment to the Table of Fares will be subject to public consultation and all comments received will be considered prior to setting a new Table of Fares.

(d) **Environmental Implications**

There are no apparent environmental implications associated with the report.

(e) **Community Safety**

Cambridge City Council regulates Hackney Carriages to ensure the protection of the public. The setting of the maximum fares that may be charged within the district ensures that they are reasonable and proportionate for those using taxis within Cambridge, and also for the licensed trade.

APPENDICES

Appendix A

Existing Hackney Carriage Table of Fares

Appendix B

Request from CCLT for an amendment to the Table of Fares

Appendix C

Comparison table of national taxi tariffs published by Private Hire & Taxi Monthly Magazine.

Appendix D

Amended Hackney Carriage Tables Fares incorporating the increase requested by CCLT Ltd.

BACKGROUND PAPERS: The following are the background papers that were used in the preparation of this report:

- [Part II of the Local Government \(Miscellaneous Provisions\) Act 1976](#)
- [The AA's Fuel Price Reports for June 2011 – May 2012](#)
- [The AA's Car Running Costs for a Diesel Car 2011](#)

The author and contact officer for queries on the report is Robin Grey on extension 7899.

Report file:

Date originated: 14 June 2012

Date of last revision: 14 June 2012

APPENDIX A – Existing Hackney Carriage Table of Fares

Hackney Carriage Maximum Rates of Charges from 1st March 2012.
Local Government (Miscellaneous Provisions) Act 1976

Fares are calculated on a combination of distance or time or parts thereof. The meter must only be switched on when you enter the vehicle. Please be aware that all journeys taken in Hackney Carriages within the Cambridge city boundaries must be charged on the meter, this is the maximum legal fare.

HIRING CHARGES – DISTANCE OR TIME

Tariff 1: Between 0700 – 1900 hours.....£2.60
(Including initial distance of 92 metres or part thereof)

Tariff 2: Between 1900 – 0700 hours and on Sundays and Bank Holidays.....£3.60
(Including initial distance of 92 metres or part thereof)

**Tariff 3: Between 1900 hours Christmas Eve and 0700 hours Boxing Day
and 1900 hours New Year's Eve and 0700 hours New Year's Day..... £4.60**
(Including initial distance of 92 metres or part thereof)

FOR EACH SUBSEQUENT 183 METRES OR PART THEREOF.....20p

**HIRING CHARGES – WAITING TIME AS INDICATED BELOW – will be charged when the vehicle is motionless
or when it is travelling below the changeover speed of 16.79km/p/h**

For each period or part thereof 40 seconds.....20p

Extra Charges:

5 or more passengers travelling in vehicle.....£3.00

Soiling (vehicle unfit to continue working).....£80.00

Hackney fares from the Ranks:

Please be aware that all journeys in Hackney Carriages from the city centre ranks (or flags/hails) to any destination within the city boundaries must be charged on the meter, this is the maximum fare.

If you have any queries or complaints on charges contact the Taxi Licensing Office on: 01223 457888

EXCLUSIONS: e.g. the Taxicard Scheme

Any fare calculated in accordance with the Table of Fares may be subject to any concession scheme approved by the Council, provided the driver of this vehicle is a participant in such a scheme and the passenger has provided any necessary proof of entitlement to the benefit of such a scheme to the satisfaction of the driver.

COMPLAINTS: About the vehicle or driver should be made to:-

Mr Jas Lally
Head of Refuse and Environment
PO Box 700
Cambridge, CB2 1BY



APPENDIX B – Requested Amendment to the Table of Fares



Cambridge City Licensed Taxis Limited.
(Est. 2009)

Licensing Department
Cambridge City Council

18th May 2012

Dear Robin Grey

I would like to submit an application for a fare increase for the Cambridge taxis to the Licensing Committee in June 2012.

The Committee agreed to follow the London fare increase which was implemented in April 2012.

The increase in London consisted of a 20 pence increase on the drop and a 5.3% increase on distance and time.

Plus the fuel surcharge of 40 pence agreed and set to come in to force when fuel in London reaches 179.9 per litre.

If it reaches the agreed price TFL places a notice to tell the public it has come in to force.

Once implemented it remains in force until the next annual revue even if fuel comes down before the revue when it is reassessed.

As much as the trade would like to take up this increase and feel it is needed with all the extra costs. I do not believe the taxi business in Cambridge could take the same rise?

So my recommendation for Cambridge would be to give the taxis the 20 pence on the drop which on a job of £4.40 is 4.6% increase but as the job gets longer this percentage drops all the time. But it helps the driver towards costs on every job and does not penalize the customers on the longer jobs as the 5.3% on distance and time would.

Unless Members would like to follow the London increase it would help with cost but may lose business for trade. I have prepared some examples of fares to compare.

Cambridge fares for tariff 1	with the 20p added	London with increase
1 mile £4.40	1 mile £4.60	1 mile £ 5.60
1 ½ miles £5.20	1 ½ miles £5.40	
2 miles £6.20	2 miles £6.40	2 miles £ 8.40
3 miles £8.00	3 miles £8.20	
4 miles £9.80	4 miles £10.00	4 miles £ 15.00
6 miles £13.40	6 miles £13.60	6 miles £ 23.00

Cambridge fares tariff 2	with the 20p increase	London tariff 2 with increase
1 mile £ 5.40	1 mile £ 5.60	1 mile £5.60
2 miles £6.20	2 miles £6.40	2 miles £8.80
4 miles £10.80	4 miles £11.00	4 miles £16.00
6 miles £14.40	6 miles £14.60	6 miles £28.00

Cambridge tariff 3	with the 20p increase	London tariff 3 with increase
1 mile £6.40	1 mile £6.60	1mile £ 6.60
2 miles £7.20	2 miles £7.40	2 miles £ 10.20
4 miles £10.80	4 miles £11.00	4 miles £ 17.00
6 miles £14.40	6 miles £14.60	6 miles £28.00

SURCHARGE FOR FUEL INCREASE

A surcharge needs to be there for the trade in Cambridge as a safety net, whether it is the same as London or not. Fuel at the moment is about £1.44 per litre which is costing a minimum £30.00 to £40.00 extra per week and per year £1500-£2000, depending on vehicle. This is after last year's fare increase or fuel costs would be £16-£25 more per week an extra £800-£1200 per year. With income not increasing this creates a cut in income of £1500 - £2000 per year. Maintenance costs are increasing more and more every year. If fuel does reach this level of £1.79.9 per litre this would increase costs to £48.00 to £60.00 per week creating an even greater cut in income for taxi proprietors of £2496 - £3000 per year. How will they be able to survive or maintain their vehicles?

David Wratten

Director
CCLT Ltd

Registered Office: 4 Providence Way, Waterbeach, Cambs CB25 9QJ Registered No.
06894519 Registered in England

APPENDIX C - Comparison table of national taxi tariffs published by Private Hire & Taxi Monthly Magazine

Colour Code for the Table

RISE IN 2012	RISE IN 2009	RISE IN 2006
RISE IN 2011	RISE IN 2008	RISE IN 2005
RISE IN 2010	RISE IN 2007	RISE IN 2002

(Remember that the tables are sorted by the Tariff 1 two mile fare as being the lowest common denominator)

PLACE IN TABLE	COUNCIL	TARIFF 1 2 MILES
1	LUTON (AIRPORT)	£7.30
2	EPSOM & EWELL	£7.00
3	LONDON	£7.00
4	CARADON	£6.80
5	COLCHESTER	£6.80
6	ADUR	£6.60
7	HERTSMERE	£6.60
8	READING	£6.60
9	TUNBRIDGE WELLS	£6.60
10	WEST BERKSHIRE	£6.55
11	JERSEY	£6.50
12	ARUN	£6.40
13	BATH & N.E.SOMERSET	£6.40
14	GRAVESHAM	£6.40
15	MID SUSSEX	£6.40
16	ROTHER	£6.40
17	SOUTH GLOUCESTER	£6.40
18	STROUD	£6.40
19	WATFORD	£6.40
20	WEYMOUTH & PORTLAND	£6.40
21	WOKINGHAM	£6.40
22	SEVENOAKS	£6.32
23	HARROGATE	£6.30
24	MOLE VALLEY	£6.30
25	NORTH HERTS	£6.30
26	PENWITH	£6.30
27	WOKING	£6.30
28	FOREST OF DEAN	£6.27
29	BASINGSTOKE & DEANE	£6.20
30	BOURNEMOUTH	£6.20
31	BRIGHTON & HOVE	£6.20
32	CAMBRIDGE	£6.20
33	CARRICK	£6.20
34	CREWE & NANTWICH	£6.20
35	DARTFORD	£6.20
36	GUERNSEY	£6.20
37	HARLOW	£6.20
38	HART	£6.20
39	LINCOLN	£6.20
40	MENDIP	£6.20
41	NORWICH	£6.20
42	RUNNYMEDE	£6.20
43	SOUTH CAMBRIDGE	£6.20
44	TAUNTON DEANE	£6.20
45	WINCHESTER	£6.20
46	YORK	£6.20
47	KERRIER	£6.19
48	CHELMSFORD	£6.10
49	EASTLEIGH	£6.10
50	ELMBRIDGE	£6.10
51	MALVERN HILLS	£6.10
52	SPELTHORNE	£6.10
53	SWINDON	£6.10
54	VALE OF WHITE HORSE	£6.10
55	SOUTH SOMERSET	£6.08
56	ABERDEENSHIRE	£6.00
57	BRACKNELL FOREST	£6.00
58	BRENTWOOD	£6.00
59	CANTERBURY	£6.00
60	CARMARTHENSHIRE	£6.00
61	CASTLE POINT	£6.00
62	DOVER	£6.00
63	EAST HAMPSHIRE	£6.00
64	EXETER	£6.00
65	KENNET Now Wiltshire (East Zone)	£6.00
66	KETTERING	£6.00
67	LEEDS	£6.00
68	MAIDSTONE	£6.00
69	MEDWAY	£6.00
70	NORTH WILTSHIRE	£6.00
71	SOUTH LAKELAND	£6.00
72	SOUTHEND-ON-SEA	£6.00
73	STEVENAGE	£6.00
74	SWALE	£6.00
75	WEST DORSET	£6.00
76	WEST WILTSHIRE	£6.00
77	PURBECK	£5.95
78	HIGH PEAK	£5.92
79	ASHFORD	£5.90
80	CHRISTCHURCH	£5.90
81	COUNTY OF HEREFORD	£5.90
82	DUDLEY	£5.90
83	EAST DORSET	£5.90
84	POOLE	£5.90
85	SOUTHAMPTON	£5.90
86	THREE RIVERS	£5.90
87	TONBRIDGE & MALLING	£5.90
88	WALSALL	£5.90
89	HARBOROUGH	£5.86
90	TEWKESBURY	£5.86
91	NORTH DEVON	£5.85

PLACE IN TABLE	COUNCIL	TARIFF 1 2 MILES
92	BIRMINGHAM	£5.80
93	BLACKPOOL	£5.80
94	BRISTOL, CITY OF UA	£5.80
95	CHELTENHAM	£5.80
96	CHICHESTER	£5.80
97	CRAWLEY	£5.80
98	EAST DEVON	£5.80
99	EAST HERTS	£5.80
100	GLOUCESTER	£5.80
101	MIDLOTHIAN	£5.80
102	NEW FOREST	£5.80
103	REIGATE & BANSTEAD	£5.80
104	RESTORMEL	£5.80
105	SEDGEMOOR	£5.80
106	SLOUGH	£5.80
107	SOLIHULL	£5.80
108	ST ALBANS	£5.80
109	TEIGNBRIDGE	£5.80
110	TORBAY	£5.80
111	WAVERLEY	£5.80
112	WEST SOMERSET	£5.80
113	NUNEATON & BEDWORTH	£5.75
114	EAST KILBRIDE	£5.70
115	EAST LOTHIAN	£5.70
116	EASTBOURNE	£5.70
117	HASTINGS	£5.70
118	LUTON	£5.70
119	MID DEVON	£5.70
120	MONMOUTHSHIRE	£5.70
121	PLYMOUTH	£5.70
122	RYEDALE	£5.70
123	SALISBURY	£5.70
124	WELWYN HATFIELD	£5.70
125	OXFORD	£5.65
126	VALE OF GLAMORGAN	£5.65
127	CHARNWOOD	£5.63
128	BASILDON	£5.60
129	EAST LINDSEY	£5.60
130	FIFE	£5.60
131	GUILDFORD	£5.60
132	HINCKLEY & BOSWORTH	£5.60
133	IPSWICH	£5.60
134	LEWES	£5.60
135	NEWCASTLE UPON TYNE	£5.60
136	NORTH DORSET	£5.60
137	NORTHAMPTON	£5.60
138	NOTTINGHAM	£5.60
139	PORTSMOUTH UA	£5.60
140	RUSHMOOR	£5.60
141	SHEFFIELD	£5.60
142	STOCKPORT	£5.60
143	STRATFORD ON AVON	£5.60
144	SURREY HEATH	£5.60
145	TAMWORTH	£5.60
146	UTTLESFORD	£5.60
147	WAVENEY	£5.60
148	WORTHING	£5.60
149	WREXHAM	£5.60
150	WYRE	£5.60
151	DURHAM COUNTY COUNCIL	£5.55
152	ARGYLE & BUTE	£5.50
153	CARLISLE	£5.50
154	CHESTER	£5.50
155	DUMFRIES & GALLOWAY	£5.50
156	EAST STAFFORDSHIRE	£5.50
157	EDEN	£5.50
158	EDINBURGH	£5.50
159	FYLDE	£5.50
160	GWYNEDD	£5.50
161	HORSHAM	£5.50
162	HUNTINGDONSHIRE	£5.50
163	ISLE OF MAN	£5.50
164	LEICESTER	£5.50
165	MANCHESTER	£5.50
166	RUSHCLIFFE	£5.50
167	SHETLAND ISLANDS	£5.50
168	TORRIDGE	£5.50
169	DACORUM	£5.44
170	GEDLING	£5.44
171	ABERDEEN	£5.40
172	BRAINTREE	£5.40
173	CARDIFF	£5.40
174	COVENTRY	£5.40
175	DERBY	£5.40
176	FAREHAM	£5.40
177	FOREST HEATH	£5.40
178	GOSPORT	£5.40
179	GREAT YARMOUTH	£5.40
180	HAVANT	£5.40
181	ISLE OF WIGHT	£5.40
182	MID SUFFOLK	£5.40

PLACE IN TABLE	COUNCIL	TARIFF 1 2 MILES
183	MILTON KEYNES	£5.40
184	NEWARK & SHERWOOD	£5.40
185	NORTH LINCOLNSHIRE	£5.40
186	NORTH WARWICKS	£5.40
187	PEMBROKE	£5.40
188	PERTH & KINROSS	£5.40
189	RUGBY	£5.40
190	SCARBOROUGH	£5.40
191	SELBY	£5.40
192	SHEPWAY	£5.40
193	SOUTH RIBBLE	£5.40
194	SUFFOLK COASTAL	£5.40
195	TANDRIDGE	£5.40
196	WEST OXFORD	£5.40
197	WORCESTER	£5.40
198	BROXTOWE	£5.36
199	BASSETLAW	£5.35
200	BRADFORD	£5.30
201	BROMSGROVE	£5.30
202	BROXBORNE	£5.30
203	BURY ST EDMUNDS	£5.30
204	COTSWOLD	£5.30
205	CRAVEN	£5.30
206	FENLAND	£5.30
207	NORTH EAST LINCOLNSHIRE	£5.30
208	NORTH SOMERSET	£5.30
209	RIBBLE VALLEY	£5.30
210	SCOTTISH BORDERS	£5.30
211	SOUTH HAMS	£5.30
212	TENDRING	£5.30
213	THURROCK	£5.30
214	SALFORD	£5.26
215	VALE ROYAL	£5.25
216	WINDSOR & MAIDENHEAD	£5.25
217	BLABY	£5.24
218	BOLTON	£5.20
219	BOSTON	£5.20
220	BURY	£5.20
221	CHILTERN	£5.20
222	DENBIGHSHIRE	£5.20
223	ELLESMERE PORT	£5.20
224	HAMBLETON	£5.20
225	MACCLESFIELD	£5.20
226	NORTH WEST LEICESTER	£5.20
227	OLDHAM	£5.20
228	POWYS	£5.20
229	RENFREWSHIRE	£5.20
230	ROCHFORD	£5.20
231	SOUTH AYRSHIRE	£5.20
232	SUNDERLAND	£5.20
233	TRAFFORD	£5.20
234	WOLVERHAMPTON	£5.20
235	YNYS MON	£5.20
236	BRECKLAND	£5.14
237	DARLINGTON	£5.14
238	BABERGH	£5.10
239	CALDERDALE	£5.10
240	CANNOCK CHASE	£5.10
241	CLACKMANNAN	£5.10
242	DUNDEE	£5.10
243	MID BEDFORDSHIRE	£5.10
244	NEWPORT	£5.10
245	ORKNEY ISLANDS	£5.10
246	RICHMONDSHIRE	£5.10
247	SOUTH BEDFORDSHIRE	£5.10
248	SOUTH STAFFORDSHIRE	£5.10
249	WIGAN	£5.10
250	WYCOMBE	£5.10
251	CHERWELL	£5.08
252	KINGS LYNN & W. NORFOLK	£5.05
253	SOUTH HOLLAND	£5.05
254	SWANSEA	£5.05
255	CHESTERFIELD	£5.00
256	DAVENTRY	£5.00
257	EAST RIDING	£5.00
258	EREWASH	£5.00
259	LIVERPOOL	£5.00
260	NEATH PORT TALBOT	£5.00
261	PETERBOROUGH	£5.00
262	SOUTH BUCKINGHAM	£5.00
263	SOUTH LANARKSHIRE(clydsle)	£5.00
264	SOUTH NORTHANTS	£5.00
265	TAMESIDE	£5.00
266	TEST VALLEY	£5.00
267	THANET	£5.00
268	WARWICK	£5.00
269	WEST LINDSEY	£5.00
270	WEST LOTHIAN	£5.00
271	WIRRAL	£5.00
272	WYCHAVON	£5.00
273	STOKE ON TRENT UA	£4.95

PLACE IN TABLE	COUNCIL	TARIFF 1 2 MILES
274	ANGUS	£4.90
275	BRIDGEND	£4.90
276	CASTLE MORPETH	£4.90
277	CHORLEY	£4.90
278	CLYDEBANK	£4.90
279	CONGLETON	£4.90
280	DUMBARTON	£4.90
281	FLINTSHIRE	£4.90
282	HALTON	£4.90
283	KINGSTON-UPON-HULL	£4.90
284	NORTH KESTEVEN	£4.90
285	NORTH NORFOLK	£4.90
286	ROSSDALE	£4.90
287	STAFFORD	£4.90
288	TELFORD & WREKIN	£4.90
289	WANSBECK	£4.90
290	WELLINGBOROUGH	£4.90
291	REDDITCH	£4.88
292	ALLERDALE	£4.85
293	CEREDIGION	£4.85
294	ASHFIELD	£4.80
295	BEDFORD	£4.80
296	CAERPHILLY	£4.80
297	CONWY	£4.80
298	DERBYSHIRE DALES	£4.80
299	DONCASTER	£4.80
300	GATESHEAD	£4.80
301	GLASGOW	£4.80
302	LANCASTER	£4.80
303	LICHFIELD	£4.80
304	MANSFIELD	£4.80
305	MORAY	£4.80
306	NORTH TYNESIDE	£4.80
307	PRESTON	£4.80
308	RHONDDA CYNON TAFF	£4.80
309	ROCHDALE	£4.80
310	ROTHERHAM	£4.80
311	RUTHERGLEN	£4.80
312	SHROPSHIRE	£4.80
313	TORFAEN	£4.80
314	TYNEDALE	£4.80
315	SANDWELL	£4.75
316	STAFFS MOORLANDS	£4.75
317	BARNLEY	£4.70
318	BLACKBURN	£4.70
319	EAST AYRSHIRE	£4.70
320	EAST CAMBRIDGESHIRE	£4.70
321	EAST NORTHANTS	£4.70
322	HIGHLANDS	£4.70
323	HYNDBURN	£4.70
324	STIRLING	£4.70
325	WARRINGTON	£4.70
326	WEST LANCASHIRE	£4.70
327	NORTH EAST DERBYSHIRE	£4.65
328	BARROW IN FURNESS	£4.60
329	BLYTH VALLEY	£4.60
330	COPELAND	£4.60
331	FALKIRK	£4.60
332	MELTON	£4.60
333	SEFTON	£4.60
334	WAKEFIELD	£4.60
335	WYRE FOREST	£4.60
336	ALNWICK	£4.50
337	BURNLEY	£4.50
338	MERTHYR TYDFIL	£4.50
339	REDCAR & CLEVELAND	£4.50
340	STOCKTON ON TEES	£4.50
341	AMBER VALLEY	£4.40
342	CORBY	£4.40
343	EAST RENFREW	£4.40
344	KIRKLEES	£4.40
345	KNOWSLEY	£4.40
346	NORTH AYRSHIRE	£4.40
347	NORTH LANARKSHIRE	£4.40
348	OADBY & WIGSTON	£4.40
349	PENDLE	£4.40
350	SOUTH TYNESIDE	£4.40
351	ST. HELENS	£4.40
352	AYLESBURY VALE	£4.30
353	BERWICK ON TWEED	£4.30
354	BLAENAU GWENT	£4.30
355	INVERCLYDE	£4.30
356	MIDDLESBROUGH	£4.30
357	EAST DUNBARTONSHIRE	£4.20
358	NEWCASTLE-U-LYME	£4.20
359	WESTERN ISLES	£4.20
360	HAMILTON	£4.00
361	HARTLEPOOL	£3.60
362	SOUTH KESTEVEN	£3.50
363	BOLSOVER	£2.00
	NATIONAL AVERAGES	£5.40

APPENDIX D - Amended Hackney Carriage Tables Fares incorporating the increase requested by CCLT Ltd

Hackney Carriage Maximum Rates of Charges from 15th August 2012.

Local Government (Miscellaneous Provisions) Act 1976

Fares are calculated on a combination of distance or time or parts thereof. The meter must only be switched on when passengers are safely in the vehicle and the trip is about to commence. Please be aware that all journeys taken in Hackney Carriages within the Cambridge city boundaries must be charged on the meter. This is the maximum legal fare.

HIRING CHARGES – DISTANCE OR TIME

Tariff 1: Between 0700 – 1900 hours.....£2.80
(Including initial distance of 92 metres or part thereof)

Tariff 2: Between 1900 – 0700 hours and on Sundays and Bank Holidays.....£3.80
(Including initial distance of 92 metres or part thereof)

**Tariff 3: Between 1900 hours Christmas Eve and 0700 hours Boxing Day
and 1900 hours New Years Eve and 0700 hours New Years Day..... £4.80**
(Including initial distance of 92 metres or part thereof)

FOR EACH SUBSEQUENT 183 METRES OR PART THEREOF.....20p

HIRING CHARGES – WAITING TIME AS INDICATED BELOW – will be charged when the vehicle is motionless or when it is travelling below the changeover speed of 16.79km/p/h

For each period or part thereof 40 seconds.....20p

Extra Charges:

5 or more passengers travelling in vehicle.....£3.00

Soiling (vehicle unfit to continue working).....£80.00

Hackney fares from the Ranks:

Please be aware that all journeys in Hackney Carriages from the city centre ranks (or flags/hails) to any destination within the city boundaries must be charged on the meter, this is the maximum fare.

If you have any queries or complaints on charges contact the Taxi Licensing Office on: 01223 457888

EXCLUSIONS: e.g. the Taxicard Scheme

Any fare calculated in accordance with the Table of Fares may be subject to any concession scheme approved by the Council, provided the driver of this vehicle is a participant in such a scheme and the passenger has provided any necessary proof of entitlement to the benefit of such a scheme to the satisfaction of the driver.

COMPLAINTS: About the vehicle or driver should be made to:-

Mr Jas Lally
Head of Refuse and Environment
PO Box 700
Cambridge, CB2 1BY



CAMBRIDGE CITY COUNCIL

REPORT OF: Jas Lally
Head of Refuse and Environment

TO: Licensing Committee 25/06/2012

WARDS: All

Hackney Carriage Fair Fare Scheme

1. INTRODUCTION

- 1.1 Cambridge City Council regulates the maximum fare that may be charged by Hackney Carriage Drivers when undertaking a journey within the City of Cambridge, but the Council has no power to insist that drivers use the same tariff for journeys ending outside of the district.
- 1.2 Cambridge City Licensed Taxis (CCLT) Ltd have proposed a 'Cambridge Fair Fare Scheme' for out-of-district journeys and are seeking support by the Council for the scheme.
- 1.3 The request from CCLT Ltd is attached to the report as Appendix A.

2. RECOMMENDATIONS

- 2.1 Members are recommended:

To support CCLT Ltd's 'Cambridge Fair Fare Scheme' and allow CCLT Ltd to use the Cambridge City Council Crest on the sticker that will be placed in the Hackney Carriages of drivers who have signed up to the scheme.

3. BACKGROUND

- 3.1 Cambridge City Council regulates the maximum fare that may be charged by Hackney Carriage Drivers when undertaking a journey within the City of Cambridge. This is by way of the Hackney Carriage Table of Fares made pursuant to section 65 of the Local Government (Miscellaneous Provisions) Act 1976.

- 3.2 There is no statutory provision for the Council to regulate the maximum fare that may be charged by Hackney Carriage Drivers when undertaking a journey that ends outside of the City of Cambridge. However, section 66 of the Local Government (Miscellaneous Provisions) Act 1976 makes it an offence for any driver to charge a fare for such a journey that is greater than that determined by the Table of Fares unless the fare has been agreed with the hirer before the hiring is effected. As such Hackney Carriage Drivers may state any price for an out-of-district journey prior to agreeing to the hiring and may refuse to take passengers if they do not agree with the quoted price.
- 3.3 Cambridge City Licensed Taxis (CCLT) Ltd have proposed a 'Cambridge Fair Fare Scheme' for out-of-district journeys and those drivers who sign an agreement to abide by the scheme will give the hirer the choice of agreeing a fare in advance for out-of-district journeys or paying the fare shown on the meter. To demonstrate that a driver has sign up to the scheme, they will be given a sticker by CCLT Ltd to display in their vehicle (subject to approval of the advertisement by the Council). The scheme will be administered by CCLT Ltd and drivers who fail to comply with scheme will have their sticker removed by CCLT Ltd.

4. CONSULTATIONS

- 4.1 There is no proposed consultation because the scheme is neither proposed by the Council nor administered by the Council. Cambridge City Council will only be supporting the scheme and allowing the use of the Council crest.

5. OPTIONS

- 5.1 The Committee may resolve to:
- 5.1.1 Support CCLT Ltd's 'Cambridge Fair Fare Scheme' and allow CCLT Ltd to use the Cambridge City Council Crest on the sticker that will be placed in the Hackney Carriages of drivers who have signed up to the scheme.
 - 5.1.2 Support CCLT Ltd's 'Cambridge Fair Fare Scheme' but not allow CCLT Ltd to use the Cambridge City Council Crest on the stickers.
 - 5.1.3 Not support CCLT Ltd's 'Cambridge Fair Fare Scheme' and not allow the use of the Council crest.

6. CONCLUSIONS

- 6.1 There are no statutory powers for the Council to regulate all fares charged for journeys in Hackney Carriages that end outside of the district. However, by supporting the proposed 'Cambridge Fair Fare Scheme', the Council will be encouraging the charging of reasonable fares.

7. IMPLICATIONS

(a) **Financial Implications**

There are no financial implications as the scheme will not be administered by Cambridge City Council.

(b) **Staffing Implications**

There are no staffing implications as the scheme will not be administered by Cambridge City Council.

(c) **Equal Opportunities Implications**

There are no apparent equal opportunity implications.

(d) **Environmental Implications**

There are no apparent environmental implications.

(e) **Community Safety**

The scheme will encourage the charging of reasonable fares for out-of-district journeys which may encourage the use of licensed taxis.

APPENDICES

Appendix A

Request from CCLT Ltd and first draft of the proposed 'Cambridge Fair Fare Scheme' sticker

BACKGROUND PAPERS: The following are the background papers that were used in the preparation of this report:

- [Part II of the Local Government \(Miscellaneous Provisions\) Act 1976](#)

The author and contact officer for queries on the report is Robin Grey on extension 7899.

Report file:

Date originated: 14 June 2012

Date of last revision: 14 June 2012

Appendix A – Request from CCLT Ltd and proposed ‘Cambridge Fair Fare Scheme’ sticker



Cambridge City Licensed Taxis Limited.
(Est. 2009)

07 May 2012

Dear Councillors,

This is the first design for stickers and Conditions for the taxis.

My questions are:

1. Are we allowed to use the City crest?
2. Or if we remove the crest and move the writing up and put the conditions the taxis will agree to abide by for the customer to see this may be better?

The Conditions to form the agreement are:

1. All trips in and around City will be on meter because as i have said at the forum taxis are quoting prices in the City more than double the metered price which is also illegal.
2. That Customers will have choice of a fair quote for out of town jobs or on the meter if the customer wants. Drivers are quoting 30 pounds for jobs that should be about 15 pounds on meter.
3. Taxi proprietors will have to sign an agreement to abide by a joint scheme with Council?
4. So if they do not stick to the conditions they lose their rights to belong to scheme we will remove stickers and then they possibly could be prosecuted by Council?

Regards,

David Wratten

Director
CCLT Ltd

Registered Office: CCLT Ltd, 4
Providence Way, Waterbeach, Cambs CB25 9QJ
Registered No. 06894519 England



**This taxi belongs to
The Cambridge
Fair Fares Scheme**



**This taxi belongs to
The Cambridge
Fair Fares Scheme**

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CAMBRIDGE CITY COUNCIL

REPORT OF: Jas Lally
Head of Refuse and Environment

TO: Licensing Committee

25/06/2012

WARDS: All

REVIEW OF STATEMENT OF LICENSING POLICY UNDER THE LICENSING ACT 2003

1 INTRODUCTION

- 1.1 Section 5 of the Licensing Act 2003 provides that each Licensing Authority must determine and publish its policy with respect to the exercise of its licensing functions. This section further provides that the Licensing Authority must keep its policy under review and make such revisions to it, at such times, as it considers appropriate. The Council's existing Statement of Licensing Policy became effective on 21 July 2011.
- 1.2 On 25 April 2012, certain provisions of the Police Reform and Social Responsibility Act 2011 came in to force which amended parts of the Licensing Act 2003. As a result of these amendments, which are summarised in paragraph 3.1 of the report, it is necessary to review the Statement of Licensing Policy. The existing Statement of Licensing Policy is attached to the report as Appendix A with track changes highlighting the proposed amendments.
- 1.3 Any proposed revision to the Statement of Licensing Policy will be subject to consultation prior to referral to full Council for adoption.

2. RECOMMENDATIONS

2.1 Members are recommended:

To incorporate those changes to the Statement of Licensing Policy identified in Appendix A and agree to commence the statutory consultation process.

3. BACKGROUND

3.1 On 25 April 2012, the Police Reform and Social Responsibility Act 2011 amended the Licensing Act 2003 as follows:

3.1.1 The Licensing Authority and Local Authority responsible for public health became responsible authorities;

3.1.2 The vicinity test for those who make a representation was removed and 'interested parties' became 'other persons';

3.1.3 The evidential burden on Licensing Authorities has been reduced, so instead of the Sub-Committee having to take 'necessary steps' to promote the licensing objectives when determining an application, they must now take 'appropriate steps' to promote the licensing objectives;

3.1.4 A Late Temporary Event Notice may now be accepted up to 5 working days prior to the event instead of 10 working days, and the Environmental Protection Team are now a consultee for all Temporary Event Notices received by Cambridge City Council in addition to the Chief Officer of Cambridgeshire Constabulary. The time limits for temporary event notices have also been relaxed such that an event may last for up to 168 hours instead of 96 hours and events may now take place on no more than 21 days in a calendar year, instead of 15 days;

3.1.5 A Premises Licence or Club Premises Certificate must be suspended for non-payment of the statutory annual fee unless the amount payable is disputed, or non-payment is due to an administrative error in which case, a 21 day grace period is provided; and

3.1.6 The Statement of Licensing Policy must now be reviewed at 5 yearly intervals instead of 3 yearly intervals.

3.2 These changes have been incorporated (where appropriate) in to the existing Statement of Licensing Policy shown in Appendix A and are highlighted as 'track changes'.

3.3 The Statement of Licensing Policy has been further amended to reflect the new guidance published in April 2012 by the Secretary of State under section 182 of the Licensing Act 2003. Paragraphs 2.4, 8.3 and 8.4 of the Policy shown in Appendix A have been amended as Annex D of the Guidance no longer exists and there is no longer a pool of conditions.

4. CONSULTATIONS

- 4.1 Any revision to the Statement of Licensing Policy must undergo statutory consultation and it is proposed to undertake 12 weeks consultation in accordance with HM Government's Code of Practice on consultation.
- 4.2 The results of the consultation exercise will be presented to Members at the Licensing Committee meeting on 08 October 2012 for consideration prior to referral to full Council on 24 October 2012 for final determination of the Statement of Licensing Policy.

5. CONCLUSIONS

- 5.1 Cambridge City Council has a duty to determine and publish a Statement of Licensing Policy. The amendments made to the Licensing Act 2003 by the Police Reform and Social Responsibility Act 2011 mean that parts of the policy are incorrect. It therefore seems appropriate to review the policy at this time rather than retain an incorrect policy.

6. IMPLICATIONS

(a) Financial Implications

The review of the Statement of Licensing Policy is a statutory function. The cost of consultation will be covered by the fees paid by Licence and Certificate holders.

(b) Staffing Implications

Existing staff resources will carry out the consultation and apply the policy once finalised.

(c) Equal Opportunities Implications

This is a statutory policy and it promotes equal opportunities. The policy does not prohibit any person from making an application or objecting to an application where they have a statutory right to do so.

(d) Environmental Implications

There are no apparent environmental implications that will result from consulting on the draft policy.

(e) **Community Safety**

Cambridge City Council must fulfil its obligations under section 17 of the Crime and Disorder Act 1998 to do all that it reasonably can to prevent crime and disorder in Cambridge. The policy promotes that fact and states that any decision by the Licensing Authority will be with a view to promoting the licensing objectives (prevention of crime & disorder, ensuring public safety, prevention of public nuisance and protection of children from harm).

APPENDICES

Appendix A

Existing Statement of Licensing Policy with proposed amendments incorporated to reflect legislative changes.

BACKGROUND PAPERS: The following are the background papers that were used in the preparation of this report:

- [Licensing Act 2003](#)
- [Police Reform and Social Responsibility Act 2011](#)
- [Guidance Published by the Secretary of State under section 182 of the Licensing Act 2003](#)
- [Cambridge City Council's Existing Statement of Licensing Policy](#)

The author and contact officer for queries on the report is Robin Grey on extension 7899.

Report file:

Date originated: 14 June 2012

Date of last revision: 14 June 2012

Appendix A-



CAMBRIDGE CITY COUNCIL STATEMENT OF LICENSING POLICY

Cambridge is a unique blend of market town, sub-regional centre, national and international tourist attraction and centre of excellence for education and research. It is a city of great beauty and is renowned for the qualities of its streets, spaces and buildings.

Cambridge City Council (the Licensing Authority), in association with local partnerships, wants Cambridge to be vibrant, socially mixed, safe, convenient and enjoyable, where all residents feel integrated into the life of the City and a part of its success.

It is recognised that licensed entertainment provides a valuable contribution towards the economy of Cambridge and we seek to balance the needs of local business holders and licensees, whilst protecting those of local residents.

1. Introduction

1.1 This Licensing Policy Statement has been produced in accordance with the requirements of the Licensing Act 2003 ('the Act') and is in line with guidance issued under Section 182 of the Act.

1.2 The policy relates to all those licensing activities identified as falling within the provisions of the Act, namely: -

- Retail sale of alcohol
- Supply of alcohol by or on behalf of a club, or to the order to a member of the club
- The provision of regulated entertainment
- The provision of late night refreshment

1.3 The policy relates to all types of premises covered by the Act.

1.4 The Licensing Authority will take the policy into account where its discretion is engaged (i.e. at a hearing following representations).

~~1.5 There is no provision for a licensing authority itself to make representations, and in the absence of any relevant representations in~~

~~respect of an application, the authority is obliged to issue the licence on the terms sought.~~

- 1.5 Nothing in this policy will undermine the right of any individual to apply under the terms of the Act for a variety of permissions and to have any such application considered on its individual merits.
- 1.6 The Licensing Authority may depart from this policy if the individual circumstances of any case merit such a decision in the interest of the promotion of the licensing objectives. Full reasons will be given for departing from the policy.

2. Objectives

- 2.1 The Licensing Authority has a duty under the Act to carry out its licensing functions by promoting the licensing objectives, which are: -
 - The prevention of crime and disorder
 - Public safety
 - The prevention of public nuisance, and
 - The protection of children from harm.

Each objective has equal importance.

- 2.2 In carrying out its licensing functions, the Licensing Authority must also have regard to the licensing objectives, its Policy Statement and any statutory guidance under the Act and is bound by The Human Rights Act 1998. The Council must also fulfil its obligations under section 17 of the Crime and Disorder Act 1998 to do all that it reasonably can to prevent crime and disorder in Cambridge.
- 2.3 It is recognised that the licensing function is only one means of securing the delivery of the above objectives and should not be seen as a means for solving all problems within the community. However, the licensing function is an important means of achieving the objectives. The Licensing Authority will continue to work in partnership with its neighbouring authorities, the police, other agencies, local liaison groups, businesses and individuals towards the achievement of the licensing objectives through good practice.
- 2.4 The Licensing Authority will expect individual applicants to address the licensing objectives in their operating schedule having regard to the type of premises, the licensable activities to be provided, the operational procedures, the nature of the location and the needs of the local community. Applicants should include in their operating schedule the steps which they consider necessary to promote the licensing objectives. If the steps are insufficient, or if the information given in the operating schedule does not enable a responsible authority or ~~interested party~~ any other person to assess whether the steps

proposed are satisfactory, it is more likely that relevant representations will be received, usually leading to a ~~contested~~ hearing. ~~Applicants are specifically referred to Annex D of the Guidance issued by the Secretary of State under section 182 of the Licensing Act 2003. This Annex sets out pools of conditions relating to each of the licensing objectives. Applicants are encouraged to consider the conditions and include such of them as are relevant in their operating schedule. The Guidance is at www.homeoffice.gov.uk.~~

3. Consultation

3.1 In preparing this policy statement the Licensing Authority has consulted with the following:

- the Chief Officer of Police for Cambridgeshire
- the Chief Officer of the Cambridgeshire Fire and Rescue Service
- persons/bodies representative of the Local Authority with the function of public health
- persons/bodies representative of local holders of premises licences
- persons/bodies representative of local holders of club premises certificates
- persons/bodies representative of local holders of personal licences
- persons/bodies representative of businesses and residents in the City of Cambridge
- the child protection agency
- other organisations as appear to the Licensing Authority to be affected by licensing matters, including local community, cultural, educational and entertainment organisations.

3.2 We have considered the views of all those consulted prior to determining this policy.

4. Fundamental Principles

4.1 Licensing is about regulating licensable activities on premises, such as qualifying clubs, pubs and temporary events which fall within the terms of the Act. Any conditions imposed will focus on matters that individual licensees and others in possession of relevant authorisations are able to control.

4.2 In addressing these matters, the Licensing Authority will primarily focus on the direct impact the activities taking place at the licensed premises will have on those living, working or engaged in normal activity in the area concerned.

4.3 Licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from the licensed premises and, therefore, beyond the direct control of the individual, club or business holding the licence, certificate or

permission concerned. Nonetheless, it is a key aspect of such control and licensing law will always be part of a holistic approach to the management of the evening and night-time economy in Cambridge.

5. The cumulative impact of a concentration of licensed premises

5.1 Cumulative impact is the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area e.g. the potential impact on crime and disorder or public nuisance.

5.2 The cumulative impact of licensed premises on the promotion of the licensing objectives is a matter which the Licensing Authority can take into account. This should not, however, be confused with 'need' which concerns the commercial demand for a particular type of premises e.g., a pub, restaurant or hotel. The issue of 'need' is therefore primarily a matter for the market to decide and does not form part of this licensing policy statement.

5.3 The Licensing Authority can only adopt a special policy on cumulative impact if there is evidence that a significant number of licensed premises concentrated in one area is causing a cumulative impact on one or more of the licensing objectives. The Licensing Authority will keep the situation as to whether an area is nearing this point under review.

5.4 The absence of a special policy does not prevent any responsible authority or ~~interested party~~other person making representations on a new application for the grant or variation of a licence on the grounds that the premises will give rise to a detrimental cumulative impact on one or more of the licensing objectives in a particular area.

5.5 The Licensing Authority has received representations from Cambridgeshire Constabulary that within the Cambridge Leisure Park, Cambridge City Centre, ~~and~~ Mill Road and Hills Road areas, a high concentration of licensed premises has produced a detrimental impact upon the licensing objectives.

5.6 In response to these representations the Licensing Authority has undertaken the following steps in considering whether to adopt a special policy on cumulative effect within this statement of licensing policy:

- Identified concern about crime and disorder or public nuisance
- Considered whether there is good evidence that crime and disorder are happening and are caused by customers of licensed premises and that the risk of cumulative impact is imminent

- Identified the boundaries of the areas where problems are occurring
- Consulted with those specified in section 5(3) of the Licensing Act 2003, on the proposal for a special policy in relation to new applications and variations to existing premises licences and club premises certificates and considered the outcome of the consultation

5.7 Having considered the available evidence and undertaken consultation, the Licensing Authority considers that it is appropriate and necessary to control cumulative impact. The Licensing Authority ~~is-has adopting~~ adopted a special policy relating to cumulative impact to the areas set out in paragraph 5.8 below.

Special Policy on Cumulative Effect

5.8 The Licensing Authority ~~is-has adopting~~ adopted a special policy relating to cumulative impact in relation to the areas of the City:

- Within the city centre marked on the map at Appendix 1
- At the Cambridge Leisure Park marked on the map at Appendix 2. ~~With effect from 21st July 2011~~ This area also includes the section of Cherry Hinton Road opposite the leisure park running from Hills Road to Clifton Road (both sides of the road).
- The entire length of Mill Road Cambridge (excluding Brookfields)
- ~~With effect from 21st July 2011~~ The section of Hills Road running from the city to Purbeck Road (both sides of the road).

5.9 The evidence for this special policy is set out in Appendix 3

5.10 This special policy creates a rebuttable presumption that applications within the areas set out in paragraph 5.8 for new premises licences or club premises certificates or variations that are likely to add to the existing cumulative impact will normally be refused, if relevant representations are received about the cumulative impact on the licensing objectives, unless the applicant can demonstrate why the operation of the premises involved will not add to the cumulative impact already being experienced.

5.11 Applicants will need to address the special policy issues in their operating schedules in order to rebut such a presumption.

5.12 Despite the presumption against grant, responsible authorities and ~~or interested parties~~ other persons will still need to make a relevant representation before the Licensing Authority may lawfully consider giving effect to its special policy i.e. if no representation is received, the application must be granted (subject to such conditions as are consistent with the operating schedule and any mandatory conditions required by the Licensing Act 2003). Responsible authorities and ~~interested parties~~ other persons can make a written representation

referring to information, which had been before the Licensing Authority when it developed its statement of licensing policy.

5.13 The Licensing Authority recognises that a special policy should never be absolute. The circumstances of each application will be considered properly and applications for licences and certificates that are unlikely to add to the cumulative impact on the licensing objectives may be granted. After receiving representations in relation to a new application or for a variation of a licence or certificate, the licensing authority will consider whether it would be justified in departing from its special policy in the light of the individual circumstances of the case. The impact can be expected to be different for premises with different styles and characteristics. If the Licensing Authority decides that an application should be refused, it will still need to show that the grant of the application would undermine the promotion of the licensing objectives and that necessary conditions would be ineffective in preventing the problems involved.

5.14 This special policy will not be used:

- as a ground for revoking an existing licence or certificate when representations are received about problems with those premises
- to justify rejecting applications to vary an existing licence or certificate except where those modifications are directly relevant to the policy (as would be the case with an application to vary a licence with a view to increasing the capacity limits of the premises) and are strictly necessary for the promotion of the licensing objectives
- to include any provisions for a terminal hour in any particular area which might impose a fixed closing time akin to that under the 'permitted hours' provisions of the Licensing Act 1964
- to impose quotas - based on either the number of premises or the capacity of those premises - that restrict the consideration of any application on its individual merits or which seek to impose limitations on trading hours in particular areas. Quotas have no regard to individual characteristics of the premises concerned. Proper regard will be given to those differences and the differing impact they will have on the promotion of the licensing objectives

5.15 This special policy will be reviewed regularly to assess whether it is still needed or should be expanded

Other mechanisms for controlling cumulative impact

5.16 Once away from the licensed premises, a minority of consumers will behave badly and unlawfully. However, there are other mechanisms, both within and outside the licensing regime, that are available for addressing such issues. For example:

- planning controls
- positive measures to create a safe and clean environment in partnership with local businesses, transport operators and others

- the provision of CCTV and ample taxi ranks
 - powers to designate parts of the city as places where alcohol may not be consumed publicly
 - confiscation of alcohol from adults and children in designated areas
 - police enforcement of the law with regard to disorder and anti-social behaviour, including the issuing of fixed penalty notices
 - police powers to close some premises for up to 24 hours on the grounds of disorder, the likelihood of disorder or excessive noise
 - the power of police, local businesses or residents to seek a review of the licence or certificate
 - enforcement action against those selling alcohol to people who are drunk.
- 5.17 The above can be supplemented by other local initiatives that similarly address these problems, for example, through the Cambridge Community Safety Partnership in line with the strategic objectives for crime and disorder reduction within the City.

6. Licensing Hours

- 6.1 Flexible licensing hours for the sale of alcohol can help to ensure that concentrations of customers leaving premises simultaneously are avoided. This can help to reduce the potential for disorder and disturbance. Licensing hours should not inhibit the development of a thriving and safe evening and night-time economy. This is important for investment, local employment, tourism and local services associated with the night-time economy. Providing customers with greater choice and flexibility is an important consideration, but should always be balanced carefully against the duty to promote the four licensing objectives and the rights of local residents to peace and quiet.
- 6.2 Subject to the policies regarding cumulative impact in the areas of the City specified in paragraph 5.8, shops, stores and supermarkets will generally be permitted to provide sales of alcohol for consumption off the premises at any times when the retail outlet is open for shopping, unless representations raise good reasons based on the licensing objectives, for restricting those hours, for example, a limitation may be appropriate following police representations in the case of shops known to be a focus of disorder and disturbance.
- 6.3 The Licensing Authority will deal with the issue of licensing hours on the individual merits of each application. When issuing a licence, following receipt of relevant representations, stricter conditions on noise control are likely to be imposed in the case of premises which are situated in predominantly residential areas. However, this should not limit opening hours without regard to the individual merits of any application.

7. Children and Licensed Premises

- 7.1 There are a great variety of premises for which licences may be sought including theatres, cinemas, restaurants, pubs, nightclubs, cafes, take aways, community halls and schools. Access by children to any premises will not be limited unless it is considered necessary for the prevention of physical, moral or psychological harm to them.
- 7.2 Conditions requiring the admission of children to any premises cannot be attached to licences or certificates. Where no licensing restriction is necessary, this should remain a matter for the discretion of the individual licensee or club or person who has been given a temporary event notice.
- 7.3 When deciding whether to limit access to children, the Licensing Authority will consider each application on its merits. Particular areas that will give rise to concern in respect of children, would include premises –
- where entertainment or services of an adult or sexual nature are commonly provided
 - where there is a strong element of gambling on the premises
 - with a known association with drug taking or dealing
 - where there have been convictions of members of the current staff at the premises for serving alcohol to minors or with a reputation for underage drinking
 - where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.
- 7.4 The range of alternatives which may be considered for limiting access to children where that is necessary for the prevention of harm to children are:
- limitations on the hours when children may be present
 - age limitations (below 18)
 - limitations on the exclusion of the presence of children under certain ages when particular specified activities are taking place
 - requirements for accompanying adults
 - full exclusion of those people under 18 from the premises when any licensable activities are taking place
 - limitations on the parts of premises to which children might be given access.
- 7.5 In the case of premises which are used for film exhibitions conditions will be imposed restricting access only to those who meet the required age limit in line with any certificate granted by the British Board of Film Classification or, in specific cases, a certificate given to the film by the Council itself.

- 7.6 The Licensing Authority recognises the Office of Children and Young People's Services (Social Care) of Cambridgeshire County Council as being competent to advise on matters relating to the protection of children from harm.
- 7.7 The Licensing Authority commends the Portman Group Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks. The Code seeks to ensure that drinks are packaged and promoted in a socially responsible manner and only to those who are 18 years old or older.

8. Licence Conditions

8.1 A key concept of the Act is for conditions to be attached to licences and certificates, which are tailored to the individual style and characteristics of the premises and events concerned. This is essential to avoid the imposition of disproportionate and overly burdensome conditions on premises where there is no need for such conditions.

8.2 The Licensing Authority cannot attach conditions to premises licences and club premises certificates unless they are considered **necessary appropriate** for the promotion of the licensing objectives. The Licensing Authority may only attach conditions (except for statutory mandatory conditions and conditions drawn from the operating schedule) if relevant representations have been received. Conditions will generally be considered unnecessary if they are already adequately covered by other legislation. **Blanket standard conditions will not be imposed without regard to the merits of the individual case.**

~~8.3 Where appropriate, the Licensing Authority will draw upon pools of conditions contained in Annex D of the Guidance issued by the Secretary of State under section 182 of the Licensing Act 2003 and attach necessary and proportionate conditions (see further paragraph 2.4). Blanket standard conditions will not be imposed without regard to the merits of the individual case.~~

~~8.4 The model conditions cover, among other things, issues surrounding—~~

~~crime and disorder,
public safety (including fire safety and means of escape)
theatres and cinemas (promotion of public safety)
public nuisance
protection of children from harm.~~

8.3 Crime Prevention: conditions attached to premises licences and club premises certificates will, so far as possible, reflect local crime prevention strategies e.g. the **provision-use** of closed circuit television cameras in certain premises.

8.4 In deciding what conditions should be attached to licences and certificates to promote the licensing objectives, the Licensing Authority will be aware of the need to avoid measures which might deter live music, dancing or theatre by imposing indirect costs of a substantial nature. Only ~~necessary, proportionate and reasonable~~appropriate conditions will be imposed on such events. Where there is any indication that such events are being deterred by licensing requirements, the policy will be revisited with a view to investigating how the situation might be reversed.

8.5 Applicants should consider the measures which they propose to control noise nuisance from the premises or from departing customers. Depending on the individual circumstances, this may include:

- Sound limitation devices
- Acoustic lobbies
- Acoustic double glazing
- Noise insulation
- Specifying non amplified or acoustic music only
- Notices requesting customers to leave quietly
- A dedicated taxi service
- Use of door supervisors at exit points
- A winding down period during which music is turned down and lights up, alcohol service ceases and sales of food and hot and cold soft drinks continues and requests are made for customers to leave quietly.

9. Integrating Strategies and the avoidance of duplication

9.1 By consultation and liaison, the Licensing Authority will secure the proper integration of this licensing policy with local crime prevention, planning, transport, tourism, race equality and equal opportunity schemes, cultural strategies and any other plans introduced for the management of the city and the night-time economy. Many of these strategies directly impact upon the four licensing objectives.

9.2 Transport: Where any protocols to be agreed with the police identify a particular need to disperse people from the city swiftly and safely to avoid concentrations which could lead to disorder and disturbance, the Licensing Authority will aim to inform those responsible for providing local transportation so that arrangements can be made to reduce the potential for problems to occur.

9.3 Tourism, employment, planning and building control: The Council's Licensing Committee will receive, when appropriate, reports on -

- the needs of the local tourist economy for the area to ensure that these are reflected in their considerations
 - the employment situation in the area and the need for new investment and employment where appropriate.
- 9.4 Planning, building control and the licensing regimes will be separated to avoid duplication and inefficiency. Licensing applications will not be a re-run of the planning application and will not cut across decisions taken by the planning committee or following appeals against decisions taken by that committee. When a terminal hour has been set as a condition of planning permission that is different from the licensing hours, the applicant must observe the earlier of the two closing times.
- 9.5 So far as is possible, the policy is not intended to duplicate existing legislation and regulatory regimes that already place obligations on employers and operators.
- 9.6 Cultural strategies: The Licensing Authority will monitor the impact of licensing on the provision of regulated entertainment, and particularly live music and dancing. As part of implementing cultural strategies, proper account will be taken of the need to encourage and promote a broad range of entertainment, particularly live music, dancing, circus activity, street art and theatre, including the performance of a wide range of traditional and historic plays for the wider cultural benefit of the community which also balances the evening economy. The Licensing Authority will balance the prevention of disturbance in neighbourhoods with these wider cultural benefits, particularly the cultural benefits for children. Only necessary, proportionate and reasonable conditions will be imposed on such events.
- 9.7 The absence of cultural provision in any area can lead to young people being diverted into anti-social activities that damage local communities and the young people involved themselves.
- 9.8 Cambridge City Council has an important role in coordinating events in the City and to ensure that cultural diversity thrives. The Council currently has five licensed open spaces. These are: Parkers Piece; Jesus Green; Midsummer Common; Coldhams Common and the grounds of Cherry Hinton Hall.
- 9.9 Promotion of Racial Equality: The Race Relations Act 1976, as amended by the Race Relations (Amendment) Act 2000, places a legal obligation on public authorities to have due regard to the need to eliminate unlawful discrimination; and to promote equality of opportunity and good relations between persons of different ethnicity.
- 9.10 Applicants will be encouraged to make themselves aware of any relevant planning and transportation policies, tourism and cultural strategies or local crime prevention strategies and to have taken these

into account, where appropriate, when formulating their operating schedule.

- 9.11 The Licensing Authority will have regard to equality and will expect an applicant to meet their statutory obligations in this area and not unlawfully discriminate or refuse service on grounds of race, gender, disability or age, or display discriminatory signs.

10. Licence Reviews

- 10.1 The process set out in the Licensing Act 2003 for reviewing premises licences represents a key protection for the community where problems associated with the licensing objectives are occurring after the grant or variation of a premises licence.

- 10.2 ~~The Licensing Authority cannot itself initiate the review process. Only~~ Responsible authorities (including the Licensing Authority) and ~~interested parties~~ other parties (i.e. local residents, local organisations and councillors) can apply for the review of a licence.

- 10.3 The Licensing Authority will work in partnership with responsible authorities to achieve the promotion of the licensing objectives and will give Licence or Certificate holders early warning of any concerns identified at a premises. The Licensing Authority will also encourage responsible authorities to do the same. ~~give licensees early warning of any concerns identified at a premises.~~

- 10.4 When a review has been requested the role of the Licensing Authority will be to administer the process and determine its outcome at a hearing. Where the Licensing Authority has applied to review an authorisation, there will be a clear separation of responsibilities to ensure procedural fairness and eliminate conflicts of interest. (See paragraph 12.3).

- 10.5 The Licensing Authority may decide that no action is necessary if it finds that the review does not require it to take any appropriate steps ~~necessary~~ to promote the licensing objectives. In appropriate cases the Authority may issue an informal warning to the licence holder and/or recommend improvement within a particular period of time. Any warnings or recommendations will be issued in writing.

- 10.6 Where the Licensing Authority considers that action under its statutory powers is necessary appropriate it may take any of the following steps:

- to modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition);
- to exclude a licensable activity from the scope of the licence;
- to remove the designated premises supervisor;

- to suspend the licence for a period not exceeding three months;
- to revoke the licence.

10.7 In cases where the crime prevention objective is being undermined the Licensing Authority will give serious consideration to revoking the licence even in the first instance.

11. Enforcement

11.1 The Licensing Authority intends to establish protocols with the police and any other relevant enforcement body on enforcement issues. These protocols will provide for the targeting of agreed problem and high-risk premises, which require greater attention, while providing a lighter touch approach in respect of low risk premises which are well run.

11.2 In general, action will only be taken in accordance with the Council's enforcement policy, as adopted at the time, which reflects the Council's obligations relating to enforcement and is consistent with the Regulators Compliance Code. To this end, the key principles of consistency, openness, proportionality, clear standards and practices, courtesy and helpfulness and training will be maintained. Cambridge City Council's enforcement policy is available on our website www.cambridge.gov.uk

12. Administration, exercise and delegation of functions

12.1 The functions of the Licensing Authority under the Act may be carried out by the Licensing Committee, by a Sub-Committee or by one or more officers acting under delegated authority.

12.2 Many of the decisions and functions will be largely administrative in nature. In the interests of speed, efficiency and cost-effectiveness these will, for the most part, be delegated to officers [as set out in the Cambridge City Council Constitution](#).

12.3 In determining applications where the Licensing Authority has acted as a responsible authority, there will be a clear separation of responsibilities to ensure procedural fairness and eliminate conflicts of interest. This will be achieved by allocating distinct functions to different officials within the authority, so the Officer presenting the report to the Sub-Committee and advising the Members will be a different individual to the Officer who is acting as the responsible authority. The Officer acting as the responsible authority will not be involved in the decision making process.

13. Effective Date and Review

- 13.1 This policy statement will take effect on ~~21st July 2011~~ 24th October 2012.
- 13.2 The policy statement will be kept under review and will remain in existence for a period of up to ~~3-5~~ years. It will be subject to review and further consultation before ~~7th January 2014~~ 24th October 2017, or as required by law.

14. Contact details, advice and guidance

- 14.1 Applicants can obtain further details about the licensing and application processes, including application forms and fees from:

website: www.cambridge.gov.uk

e-mail: licensing@cambridge.gov.uk

telephone: 01223 457879

fax: 01223 457909

post: Licensing, Refuse and Environment Service,
Cambridge City Council, PO Box 700,
Cambridge, CB1 0JH

in person: Customer Service Centre, Mandela House, 4,
Regent Street, Cambridge, CB2 1BY (Monday to
Friday 08:00- 18:00)

- 14.2 The Licensing Authority has also published further documents to accompany this policy containing additional details about each type of application and the review process. These can be viewed at <http://www.cambridge.gov.uk/ccm/navigation/business/licensing-and-permissions/alcohol-and-entertainment-licensing/>
- 14.3 This policy can be made available in large print on request and similarly translations can be made available in a variety of languages. Please contact us for further help or assistance.
- 14.4 The Council, Police and Fire Authorities will be willing to give advice and guidance to applicants.
- 14.5 Informal discussion is encouraged prior to the application process in order to resolve any potential problems and avoid unnecessary hearings and appeals.

15. Responsible Authorities are: - (for sending copies of applications)

The Chief Officer of Police

The Chief Officer, Cambridgeshire Constabulary, Southern Division, Police Station, Parkside, Cambridge, CB1 1JG
Telephone: 01223 823397 Fax: 01223 823232

The Fire Authority

The Chief Fire Officer, Cambridgeshire Fire & Rescue Service, Cambridge Fire Station, Parkside, Cambridge, CB1 1JF.
Attention: Licensing
Telephone: 01223 376200 Fax: 01223 376229
e-mail: alanpi@cambsfire.gov.uk

Health & Safety

The Food & Occupational Safety Team, Refuse and Environment Service, Cambridge City Council, PO Box 700, Cambridge, CB1 0JH
Telephone: 01223 457900 Fax: 01223 457909
e-mail: env.services@cambridge.gov.uk
[or for relevant premises](#)
[The Health & Safety Executive \(HSE\)](#)
[Woodlands](#)
[Manton Lane](#)
[Manton Lane Industrial Estate](#)
[Bedford](#)
[MK41 7LW](#)
Telephone: 0845 345 0055 Fax: 01234 220633
e-mail: formsadmin.Luton@hse.gsi.gov.uk

Planning

Environment & Planning, Cambridge City Council, The Guildhall, Cambridge, CB2 3QJ
Telephone: 01223 457100 Fax: 01223 457109
e-mail: planning@cambridge.gov.uk

Environmental ~~Services~~Protection

The Environmental Health ~~Manager~~[Protection Team Leader](#), Refuse and Environment Service, Cambridge City Council, PO Box 700, Cambridge, CB1 0JH
Telephone: 01223 457890 Fax: 01223 457909
e-mail: env.services@cambridge.gov.uk

Child Protection

Audit Manager, Child Protection and Review Unit, Licensing Applications, PO Box CC1010, Room C007, Castle Court, Shire Hall, Cambridge, CB3 0AP
Telephone: 01223 706380 Fax: 01223 475965
e-mail: peter.wilson@cambridgeshire.gov.uk

Trading Standards

Cambridgeshire County Council, PO Box 450, Cambridge City, CB3 6ZR

e-mail: trading.standards@cambridgeshire.gov.uk

Local Authority Responsible for Public Health

[Head of Public Health Programmes](#)

[Oak Tree Centre](#)

[Public Health G49](#)

[1 Oak Drive](#)

[Huntingdon](#)

[Cambridgeshire](#)

[PE29 7HN](#)

Kate.Parker@cambridgeshire.nhs.uk and

liz.robins@cambridgeshire.nhs.uk

In addition, for vessels:

Environment Agency

The Team Leader, Great Ouse & Stour Waterways, The Environment Agency, Kingfisher House, Goldhay Way, Orton Goldhay, Peterborough, PE2 5ZR.

Telephone: 01733 464072

e-mail: enquiries@environment-agency.gov.uk, quoting Great Ouse & Stour Waterways

Conservators of the River Cam

The River Manager

Conservators of the River Cam

Baits Bite Lock, Fen Road, Milton, Cambridge, CB24 6AF

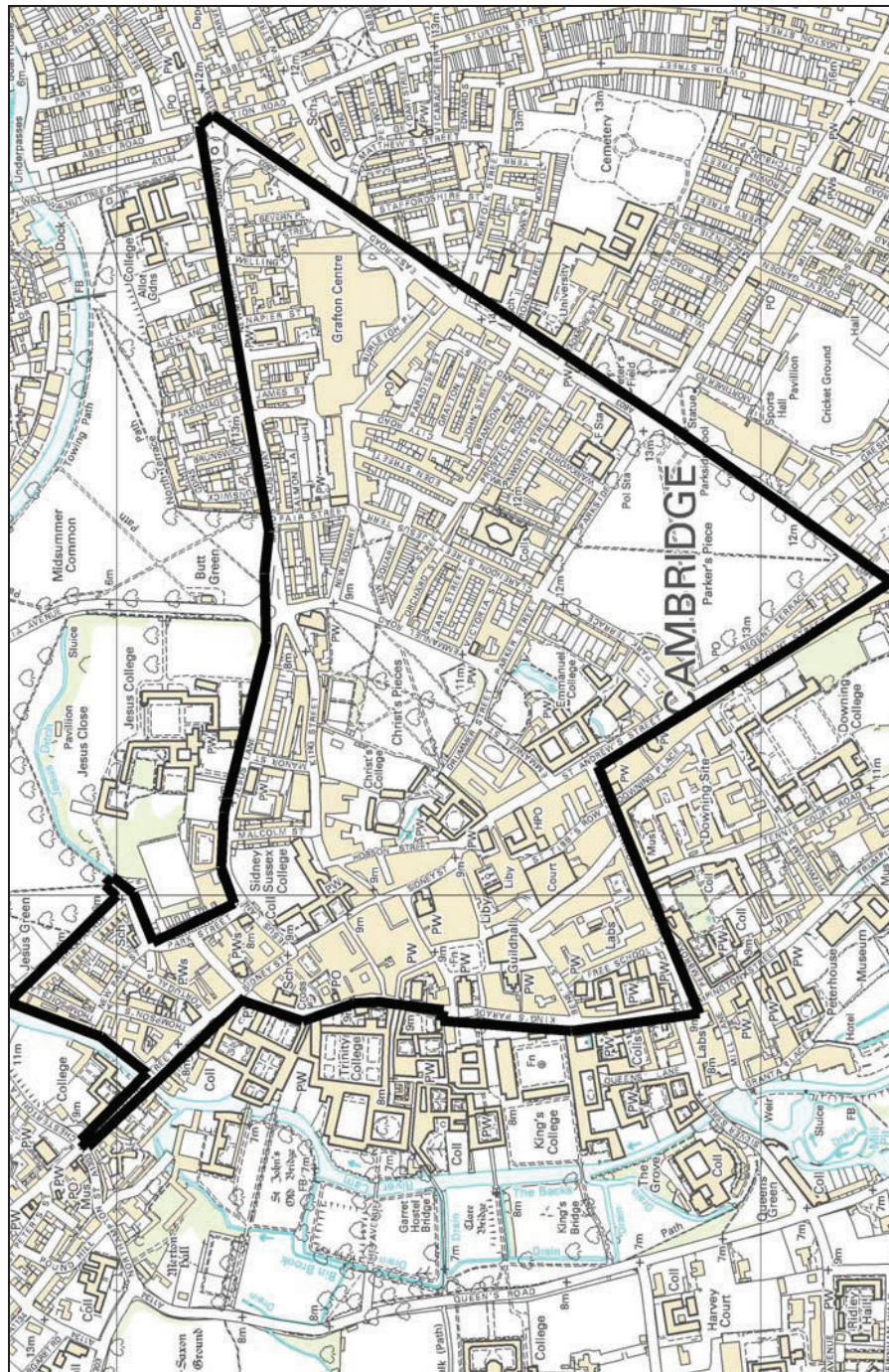
Telephone/Fax 01223 863785

e-mail river.manager@camconservators.org.uk

Maritime & Coastguard Agency

Surveyor in Charge, Harwich Marine Office, Maritime & Coastguard Agency, East Terrace, Walton-on-Naze, Essex, CO14 8PY

Appendix 1
Cumulative Impact Area City Centre



Appendix 2

Cumulative Impact Area – Cambridge Leisure Park



Appendix 3

Mrs Christine Allison
The Licensing Officer
Environmental Services
Mandela House
4 Regent Street
Cambridge CB2 1BY

1st September 2010

Dear Mrs Allison

Licensing Act 2003 - Response to Consultation on the review of the Statement of Licensing Policy and the inclusion of a Cumulative Impact Policy

I write in response to the above consultation. Having considered the available evidence I strongly recommend that the Licensing Authority continues the adoption of the existing cumulative impact areas of the Cambridge City Centre, Cambridge Leisure Park and Mill Road. In these areas a high concentration of licensed premises has continued to have a negative impact upon the Licensing Objectives, in particular the prevention of crime and disorder, public safety, and the prevention of public nuisance.

Furthermore, following local concerns, additional analytical work has been conducted regarding Hills Road, specifically in relation to the length of Hills Road between the junctions of Regent Street and Purbeck Road. The analysis highlights that although the whole of Hills Road has a relatively low density of licensed premises and alcohol-related crime and anti-social behaviour, the majority (94%) of the licensed premises and alcohol-related crime and anti-social behaviour (94%) fall within the section of Hills Road running from the City to Purbeck Road. Hills Road now has a higher percentage of alcohol-related offences than Mill Road and over twice the amount of alcohol-related anti-social behaviour than Cambridge Leisure Park, even though it has a lower density of licensed premises.

It is therefore requested that the section of Hills Road running from the City to Purbeck Road is considered for adoption as a Cumulative Impact Area.

The document attached supports the statement that Cambridge City Centre, Cambridge Leisure Park, Mill Road and Hills Road areas are subject to high levels of alcohol related disorder, violent crime and anti-social behaviour, and that this impact is linked to the concentration of licensed premises.

I am confident that the adoption of those areas within the licensing policy will assist our continued work in partnership to create a safer, pleasant, environment for those working, living, and visiting our city.

Yours Sincerely

Rob Needle
Chief Superintendent
Divisional Commander





Creating a safer
Cambridgeshire

Cambridge City Cumulative Impact Policy Review 2010

V3



Background

The Licensing Act 2003 provides a clear focus on the promotion of four statutory objectives which must be addressed when licensing functions are undertaken. They are:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

In areas where there is a significant concentration of licensed premises and there is sufficient evidence of negative impact on the statutory objectives The Licensing Act gives provision for the adoption of a Cumulative Impact Policy. The effect of adopting such a policy is to create a rebuttable presumption that applications for new premises licenses or major variations will be refused if representations are made about the likely impact of the proposals on the licensing objectives. This effectively requires the applicant to demonstrate that the operation of the premises involved will not add to the cumulative impact already being experienced.

In 2007 Cambridge City Council Licensing Committee adopted a Cumulative Impact Policy covering areas of Cambridge City Centre, Mill Road and Cambridge Leisure Park.

Purpose

The purpose of this report is to review whether there are ongoing significant levels of crime and disorder that can be reasonably attributed to a high concentration of licensed premises within the Cumulative Impact Area and subsequently recommend whether any changes need to be made to the current area boundaries.

Methodology & Data Sources

The location of all licensed premises in Cambridge City was sourced from the licensed premises database by PC Pete Sinclair licensing officer. Licensed premises analysed included premises licensed for the sale of alcohol (licensed public houses, restaurants, off-licences, café/take-aways, leisure/cinema/sports, clubs, wine bars, schools/colleges and hotels) and premises with a late night refreshment license. The licensed premises were mapped enabling the concentration of premises and proximity to crime and disorder hotspots to be ascertained.

The following data sets were extracted from the Force data warehouse using i2 workstation:

- Cambridge City violent crime¹ and criminal damage offences and anti-social behaviour incidents which occurred between 01/04/2007 and 31/03/2010.
- Alcohol related² Cambridge City violent crime and criminal damage offences and anti social behaviour incidents which occurred between 01/04/2007 and 31/03/2010.

These records were then mapped using Blue 8 software to show the locations of the highest concentrations of offences and incidents in Cambridge City.

¹ Throughout this document violent crime includes public order and affray offences.

² Alcohol – related offences and disorder were measured using an i2 query searching notes for keywords of 'alcohol', 'drinking', 'drunk' or 'intoxicated'.

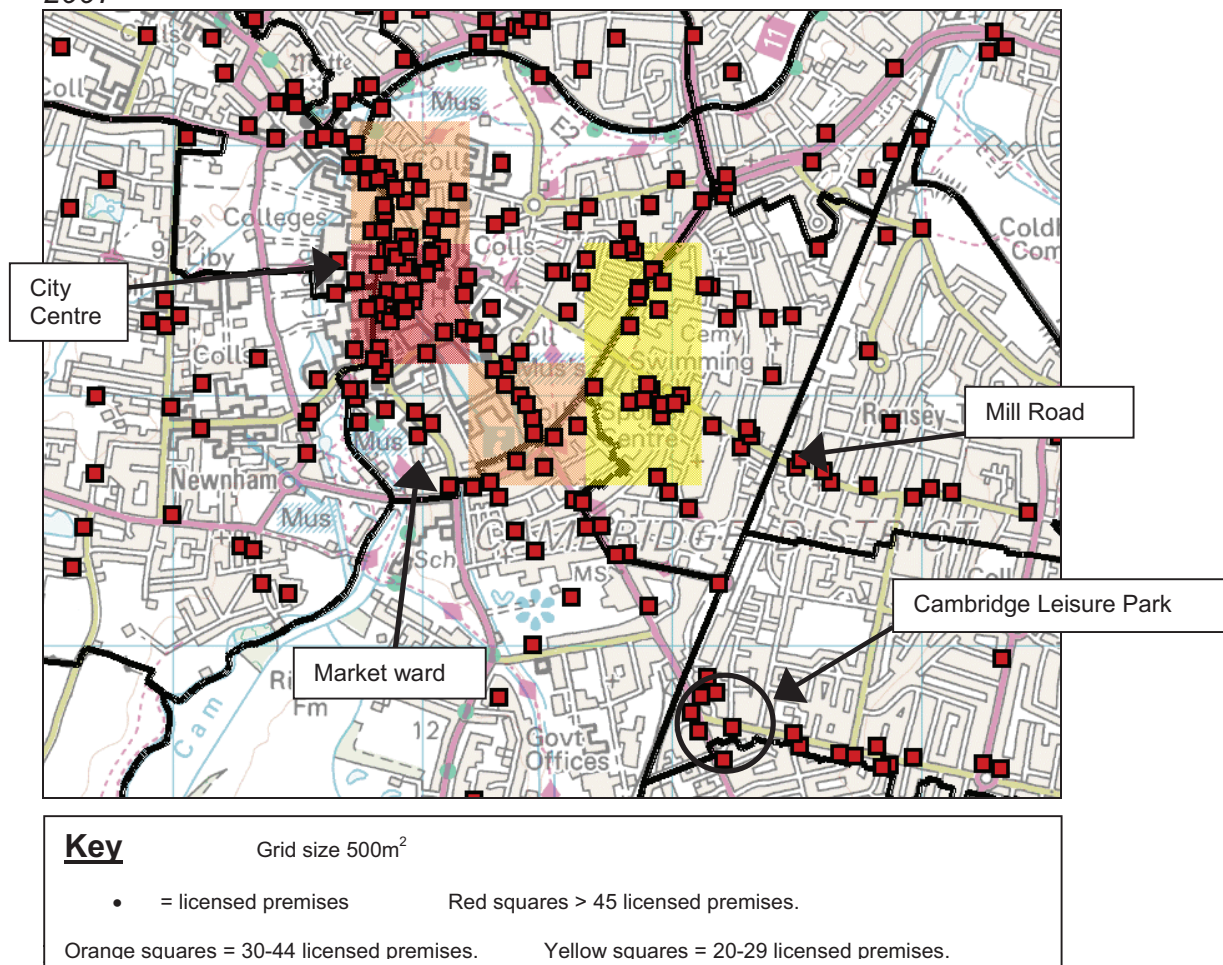
1. Licensed Premises in Cambridge City Overview

At the time of writing³ there are 522 licensed premises⁴ within Cambridge City. Market ward has the highest number, 173 (33%), and density, 1.0 per hectare, of licensed premises.

Fig. 1 Number and density of licensed premises with Cambridge City by ward

Beat	Number	%	Area (hectares)	Density per hectare
Market	173	33%	169	1.0
Petersfield	60	11%	105	0.6
West Chesterton	33	6%	152	0.2
Coleridge	32	6%	192	0.2
Romsey	21	4%	148	0.1
Arbury	18	3%	149	0.1
Castle	34	7%	341	0.1
Newnham	41	8%	443	0.1
Kings Hedges	12	2%	157	0.1
East Chesterton	14	3%	260	0.1
Abbey	20	4%	393	0.1
Trumpington	36	7%	730	0.0
Cherry Hinton	17	3%	367	0.0
Queen Ediths	10	2%	450	0.0

Fig.2 Licensed premises within Market ward and surrounding area August 2007



⁴ This includes licensed public houses, restaurants, off-licences, café/take-aways, leisure/cinema/sports, clubs, wine bars, and hotels. This does not include betting shops, amusement arcades, conference centres, village/community halls and 'other' licensed premises.

The map of licensed premises in Figure 2 illustrates that the majority of the licensed premises in Market ward are clustered in the area bounded by Sidney Street, Kings Parade and Benet Street. There is also a high density of licensed premises along Regent Street and St Andrews Street and along East Road. These areas fall within the current City Centre Cumulative Impact Area.

Figure 4 overleaf shows a more detailed map of the City with the current Cumulative Impact Area and licensed premises shown. The numbers of licensed premises in each particular location are marked on the map. This illustrates the Cumulative Impact Area locations of City Centre, Mill Road and Cambridge Leisure Park cover the areas of high density of licensed premises. There are however also several areas identified through mapping not included in the current Cumulative Impact Area that have a relatively high density of licensed premises as shown in the table below.

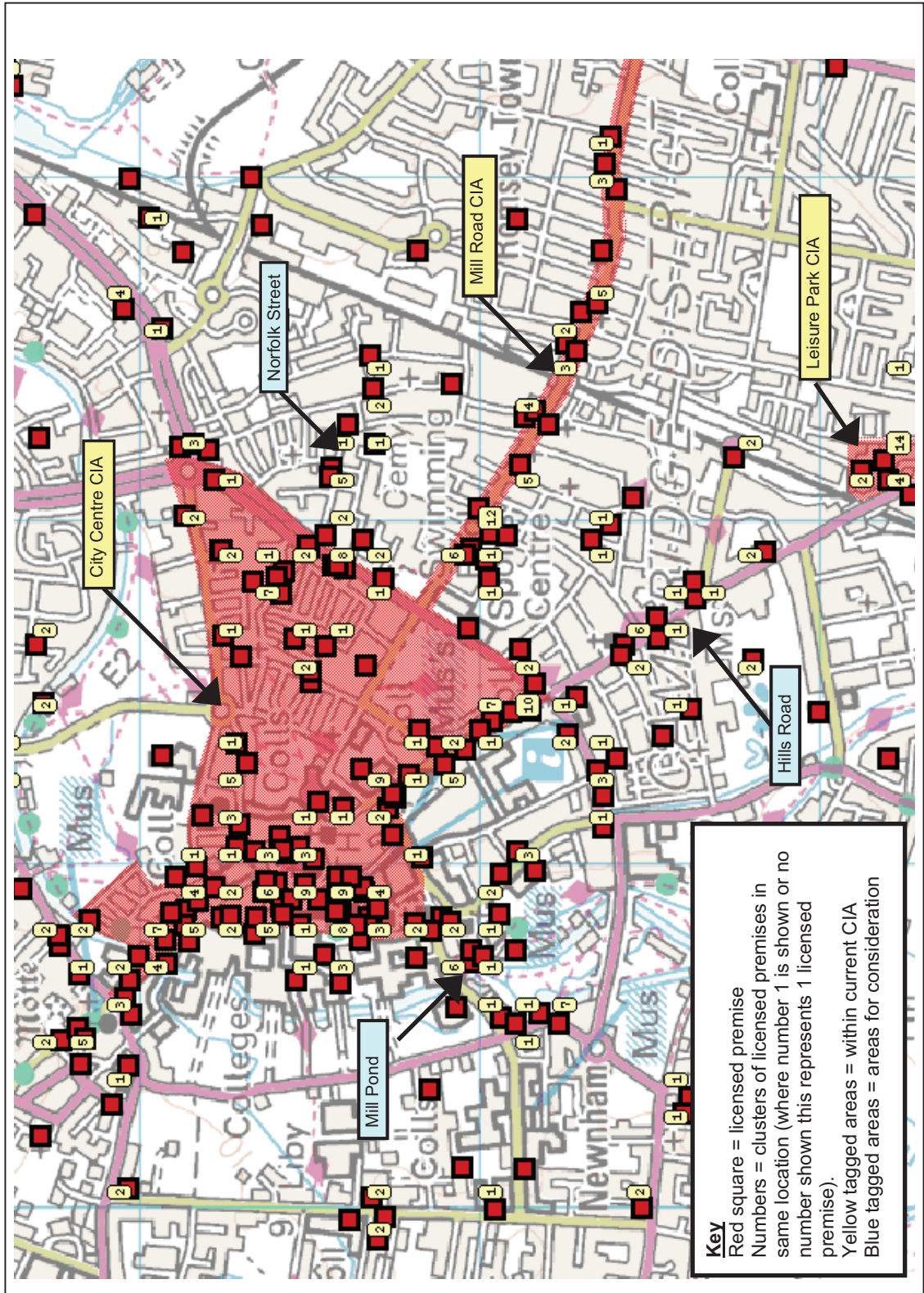
Fig. 3 Number and density of licensed premises within current CIA and other areas.

Type	Areas	Number licensed premises	% of total City	Area (hectares)	Density per hectare
Sector	Cambridge City	522	100%	4070	0.1
Ward	Market Ward	172	33%	169	1.0
Current Cumulative Impact Area	City Centre	173	33	89	2.0
	Mill Road	40	8	10	4.0
	Leisure Park	17	3	3	5.7
Other areas with high density of licensed premises	Hills Road ⁵	17	3	19	0.9
	Norfolk Street	7	1	1	7.0
	Mill pond area	10	4	4	2.5

These other high licensed premises density areas will also be reviewed within this document to establish whether there is a high level of alcohol related crime and disorder that can reasonably be attributed to the presence of licensed premises. Consideration can subsequently be given to including them within the Cumulative Impact Area.

⁵ Not including Addenbrookes.

Fig. 4 Map to show licensed premises in and around current Cambridge City Cumulative Impact Area



2. Violent crime and anti-social behaviour in Cambridge City overview

Over the past three years total violent crime and anti-social behaviour has decreased⁶ in Cambridge City. Alcohol-related violent crime has however risen. In 2009/10 39% of violent crime was classified as alcohol-related compared to 25% in 2007/08. Some of this increase may be due to improved recording of alcohol-related offences.

Alcohol related anti-social behaviour has fallen however the percentage of total anti-social behaviour that is alcohol-related has slightly increased.

This illustrates that alcohol-related crime and disorder is a continuing problem within Cambridge City.

Fig. 5 Table to show violent crime offences and anti-social behaviour incidents occurring in Cambridge City between 07/08 and 09/10.

Offence/incident	2007/08	2008/09	2009/10	% change 2007/08 to 2009/10
Violent crime	2952	2804	2519	- 15%
Anti-social behaviour	10675	10227	8686	-19%
Alcohol-related violent crime (% of total violent crime)	727 (25%)	832 (30%)	976 (39%)	+ 34% (+ 14%)
Alcohol-related ASB (% of total ASB)	2372 (22%)	2391 (23%)	2080 (24%)	-12% (+2%)

The grid analysis below indicates the main hotspot for alcohol-related violent crime and anti-social behaviour over the past three years was the City Centre area. The hotspots identified through this grid analysis all fall within the current City Centre cumulative impact area⁷.

Fig.. 6 Grid analysis of alcohol-related violent crime and anti-social behaviour in Cambridge City 07/08 to 09/10.

⁶ Offences and incidents are taken from data warehouse based on date occurred.

⁷ The hotspots shown by the yellow and lower orange square are caused by the high density of alcohol related crime and disorder along Regent Street and St Andrews Street and therefore do fall within the City Centre CIA area.

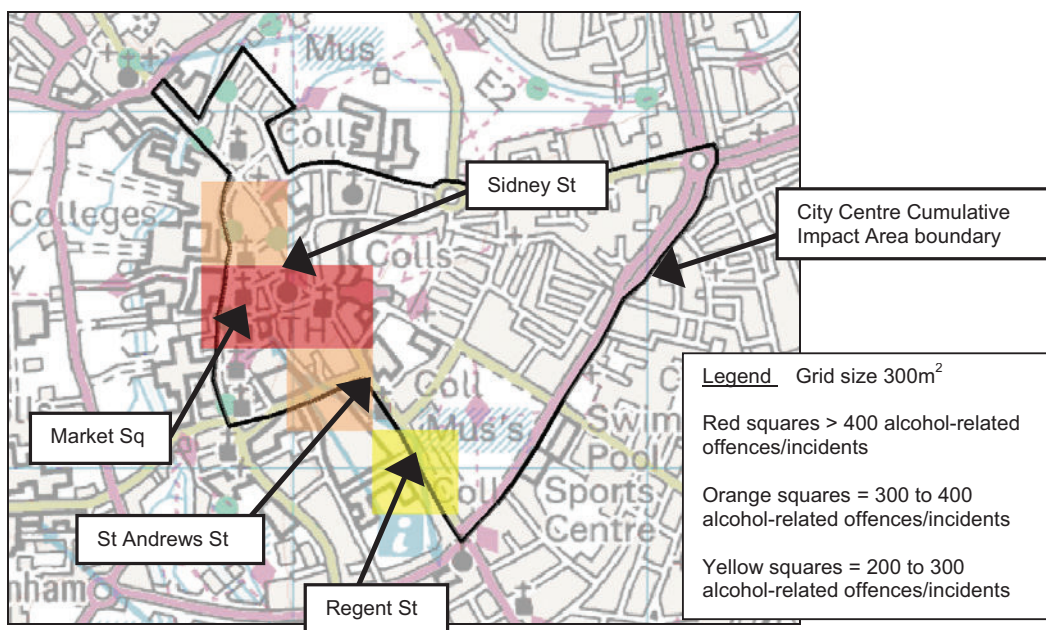


Fig. 7 Table to show violent Crime and anti-social behaviour 2009/10 by area.

		VIOLENT CRIME			ANTI-SOCIAL BEHAVIOUR		
		Violent Crime	Density ⁸	3 year trend ⁹	ASB	Density	3 year trend
Sector	Cambridge City	2519	0.6	↓	8685	2.1	↓
Ward	Market Ward	835	4.9	↓	1759	10.4	↓
Current CIA	City Centre	820	9.2	↓	1613	18.1	↓
	Mill Road	62	6.2	↓	195	19.5	↓
	Leisure Park	30	10.0	↑	41	13.7	↓
	Total current CIA	912	8.9	↓	1849	18.1	↓
Other areas with high density of licensed premises	Hills Road¹⁰	22	1.2	↓	97	5.1	↓
	Norfolk Street	3	3.0	=	29	29.0	=
	Mill Pond Area	6	1.5	↓	38	9.5	↓

⁸ Offences/incidents per hectare.

⁹ 3 year trend is measured as the difference between 2009/10 and 2007/08 figures. If difference is >or <5% and/or 5 incidents then an arrow illustrating the direction of change is shown.

¹⁰ Not including Addenbrookes.

Fig. 8 Table to show alcohol-related violent crime and anti-social behaviour 2009/10 by area.

		VIOLENT CRIME			ANTI-SOCIAL BEHAVIOUR			TOTAL ALCOHOL RELATED		
		Violent Crime	Density	3 year trend	ASB	Density	3 year trend	Total	Density	3 year trend
Sector	Cambridge City	976 (39%)	0.2	↑	2080 (24%)	0.5	↓	3056 (27%)	0.8	=
Ward	Market Ward	405 (49%)	2.4	↑	750 (43%)	4.4	↓	1155 (45%)	6.8	=
Current CIA	City Centre	356 (43%)	4.0	↑	670 (42%)	7.5	↓	1026 (42%)	11.5	=
	Mill Road	18 (29%)	1.8	↓	55 (28%)	5.5	↓	73 (28%)	7.3	↓
	Leisure Park	10 (33%)	3.3	↑	14 (34%)	4.7	↓	24 (34%)	8.0	=
	Total current CIA	384 (42%)	3.8	↑	739 (40%)	7.2	↓	1123 (41%)	11.0	↓
Other areas with high density of licensed premises	Hills Road¹⁰	8 (36%)	0.4	=	33 (34%)	1.7	=	41 (34%)	2.2	=
	Norfolk Street	2 (67%)	2.0	=	15 (52%)	15.0	↑	17 (53%)	17.0	↑
	Mill Pond Area	5 (83%)	1.3	↓	25 (66%)	6.3	↑	30 (68%)	7.5	=

The tables in Fig 8 & 9 show violent crime and ASB data and alcohol-related offences/incidents for the identified areas. This data will be analysed in the following section where each geographical area will be considered in more detail.

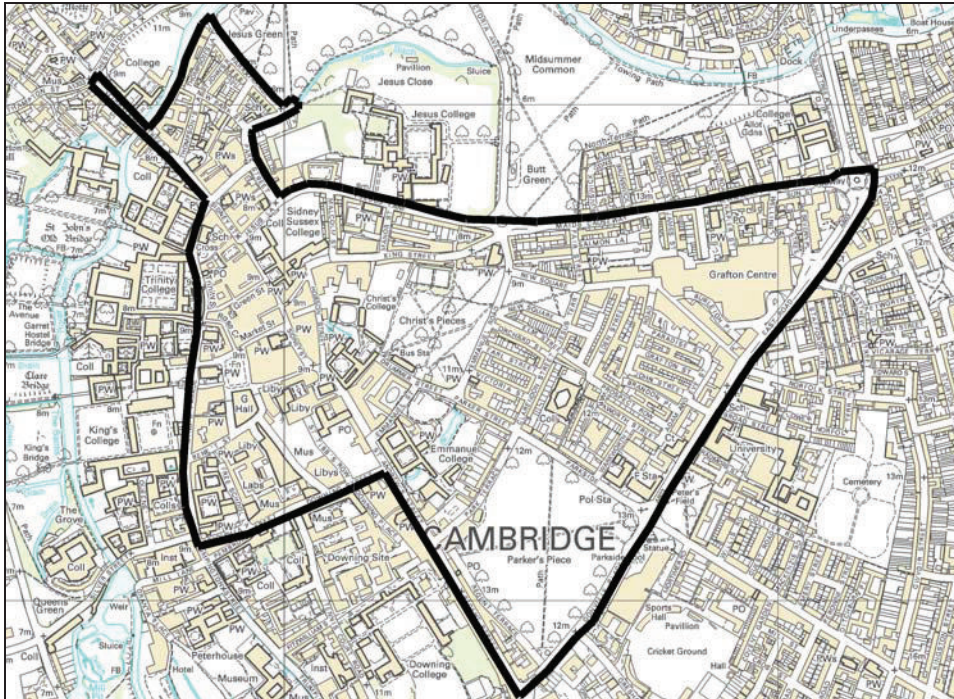
3. Analysis by area

3.1 Current Cumulative Impact Area

City Centre Cumulative Impact Area

The area encompasses the main city centre area following the boundary of Gonville Place, East Road, Maids Causeway, Jesus Lane, Park Street, Pak Parade, Quayside, Magdalene Street, Kings Parade, Downing Street, St Andrews Street, and Regent Street. A comprehensive list of streets enclosed in the area can be found in Appendix A. The area includes both sides of the road boundaries.

Fig.9 Current City Centre Cumulative Impact Area



Of note the area contains:

- 172 licensed premises in 89 hectares (2 premises per hectare).
- All of the City Centre nightclubs (6) – Ballare, Fez Club, Soul Tree, The Place, Niche (Pure), Kamar.
- 46 pubs/bars including large venues such as The Regal (Wetherspoons), B bar, Revolution, The Slug and Lettuce.
- 63 restaurants/cafes.
- 15 off licensed premises.
- 8 late night licensed take-aways including two fast food vans located on Market Square.
- The main taxi rank on Sidney Street.

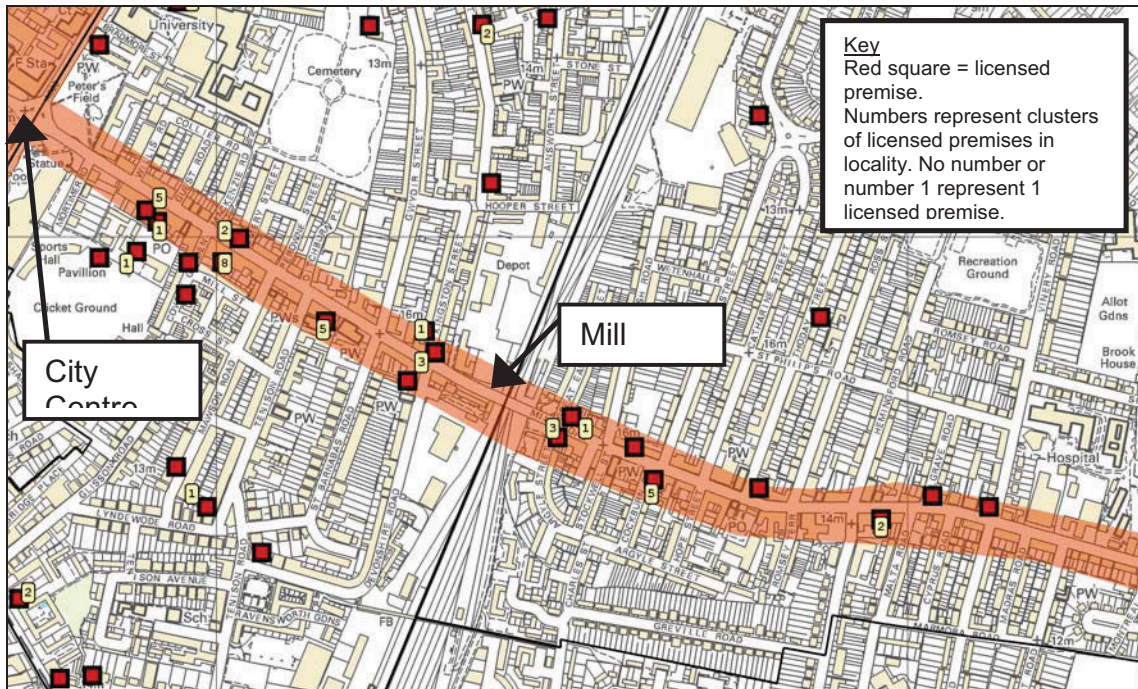
Total violent crime and anti-social behaviour have reduced in this area over the three year period however alcohol-related violent crime has increased and offences involving alcohol make up a high percentage of the total violent crime and anti-social behaviour (42%). There is also a high density of alcohol-related crime and disorder (11.5 per hectare compared to 0.8 per hectare across Cambridge City).

It is recommended this area remains as a Cumulative Impact Area.

Mill Road Cumulative Impact Area

Fig 10. Map to show Mill Road¹¹ and licensed premises in area

¹¹ Shaded red area highlights Mill Road and does not illustrate boundaries of Cumulative Impact Area.

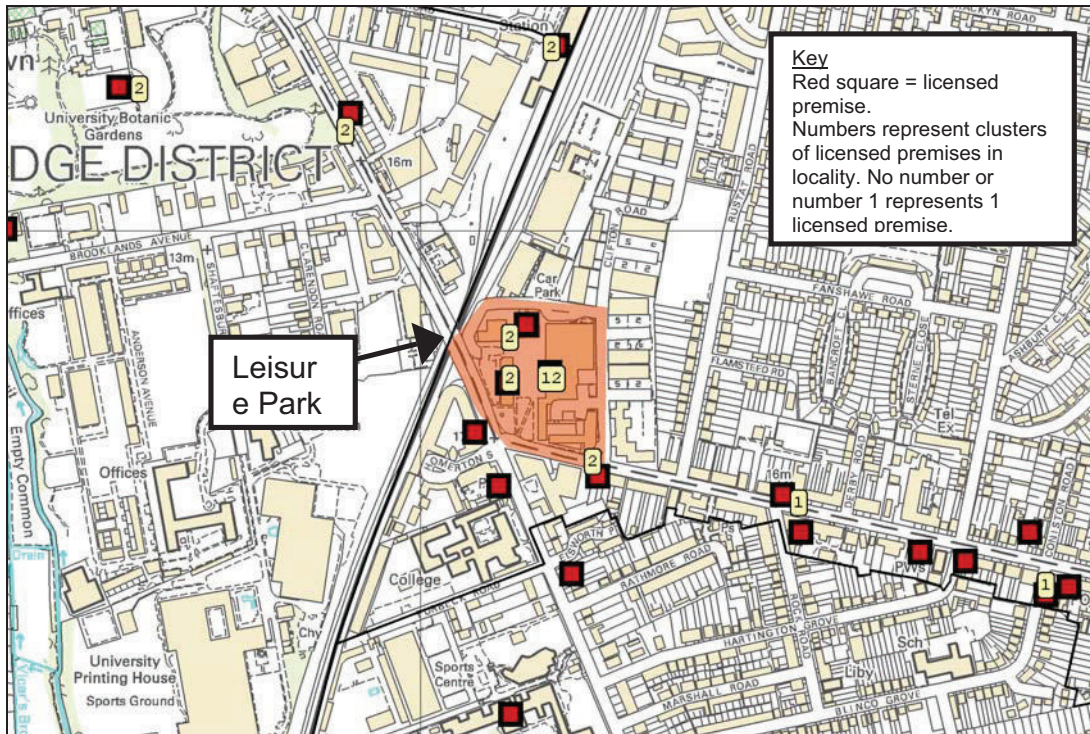


Mill Road is a busy thoroughfare into the City Centre. 42% of all licensed premises in Petersfield are on Mill Road (25). A further 15 licensed premises are located on the Romsey section of Mill Road. This gives Mill Road a total of 40 licensed premises and a high density of 4.0 licensed premises per hectare. The majority of these licensed premises are made up of off-licences (14), restaurants (12) and cafés/take-aways (7). There are also 4 public houses.

Total violent crime and anti-social behaviour and alcohol related offences have reduced over the three year period with Mill Road being the only area analysed to show a decrease in alcohol related violent crime and the lowest proportion of alcohol-related anti-social behaviour (28%, compared to 45% in City Centre CIA). This may be due to the robust policing strategy in the area to tackle historical problems of alcohol related crime. Although offence levels have decreased Mill Road still has a high level of total anti-social behaviour as well as a high density of licensed premises, particularly off-licences. It is recommended that Mill Road remains as a Cumulative Impact Area.

Cambridge Leisure Park Cumulative Impact Area

Fig. 11 Map to show Cambridge Leisure Park and licensed premises in area



Cambridge Leisure Park has a particularly high density of licensed premises. The leisure park contains 17 licensed premises in an area of 3 hectares giving a density of 5.7 licensed premises per hectare.

The licensed premises are as follows:

- 1 nightclub - The Junction.
- 6 bars – Nusha, Travelodge, bowling alley, Cineworld, David Lloyd, Junction Theatre
- 8 restaurants/cafes.
- 1 kebab van located in bus lay-by outside Leisure Park on Cherry Hinton Road.
- 1 theatre – The Junction Theatre.
- 1 Off licence – Tesco Express

The Leisure Park is the only area analysed where total violent crime and alcohol-related violent crime has increased over the period. Although numbers of offences in the Leisure Park are relatively low in comparison to other areas (30 violent crime offences over past year) the density of offences per hectare is high (10 per hectare).

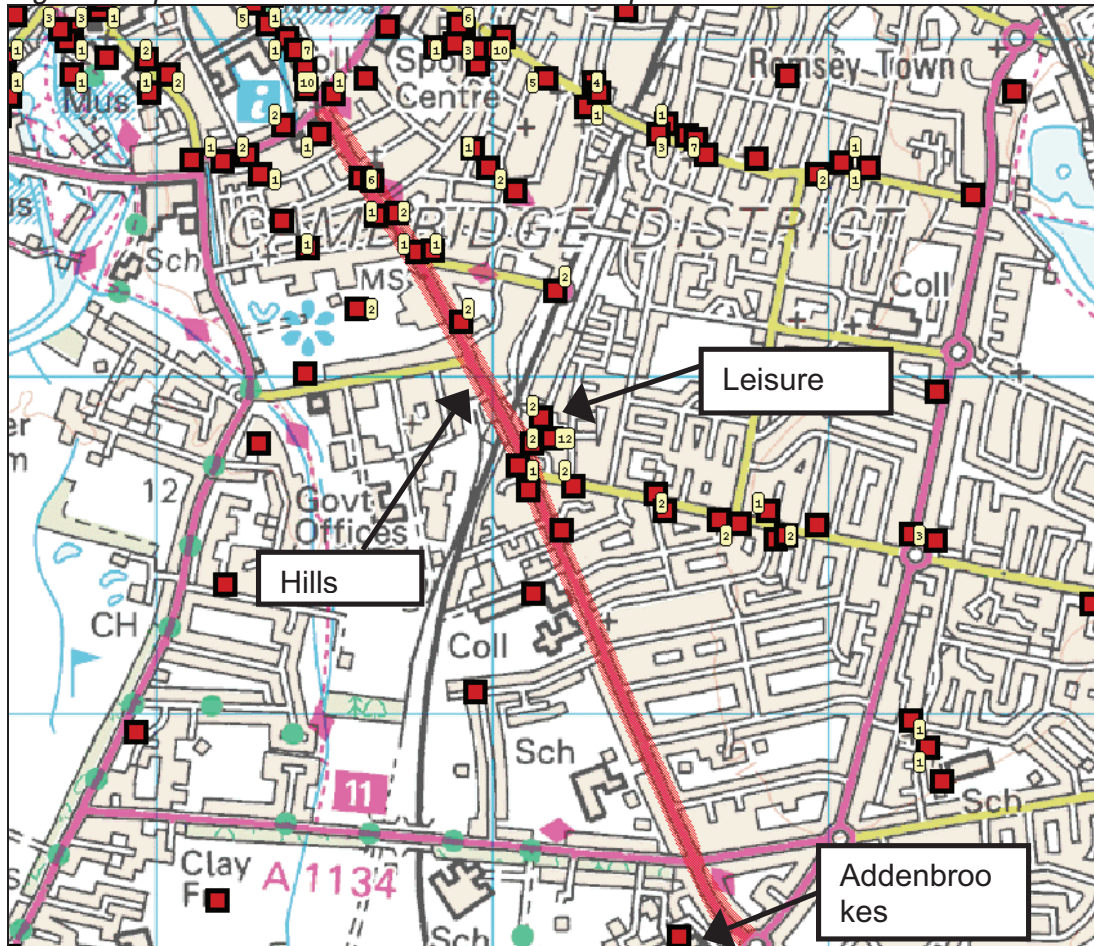
It is recommended that Cambridge Leisure Park remains as a Cumulative Impact Area. Due to the close proximity to the Leisure Park, and Hills Road¹² it is also recommended that the section of Cherry Hinton road opposite the leisure park (running from Hills Road to Clifton Road) is also included in the Leisure Park Cumulative Impact Area.

¹² See page 11.

3.2 Other areas for consideration

Hills Road

Fig. 12 Map to show Hills Road and licensed premises in area



Hills Road leads out of the City Centre to The Leisure Park and Addenbrookes Hospital and is a busy thoroughfare into and out of the City. For the purposes of this analysis licensed premises and offences/incidents occurring at Addenbrookes Hospital have been removed.

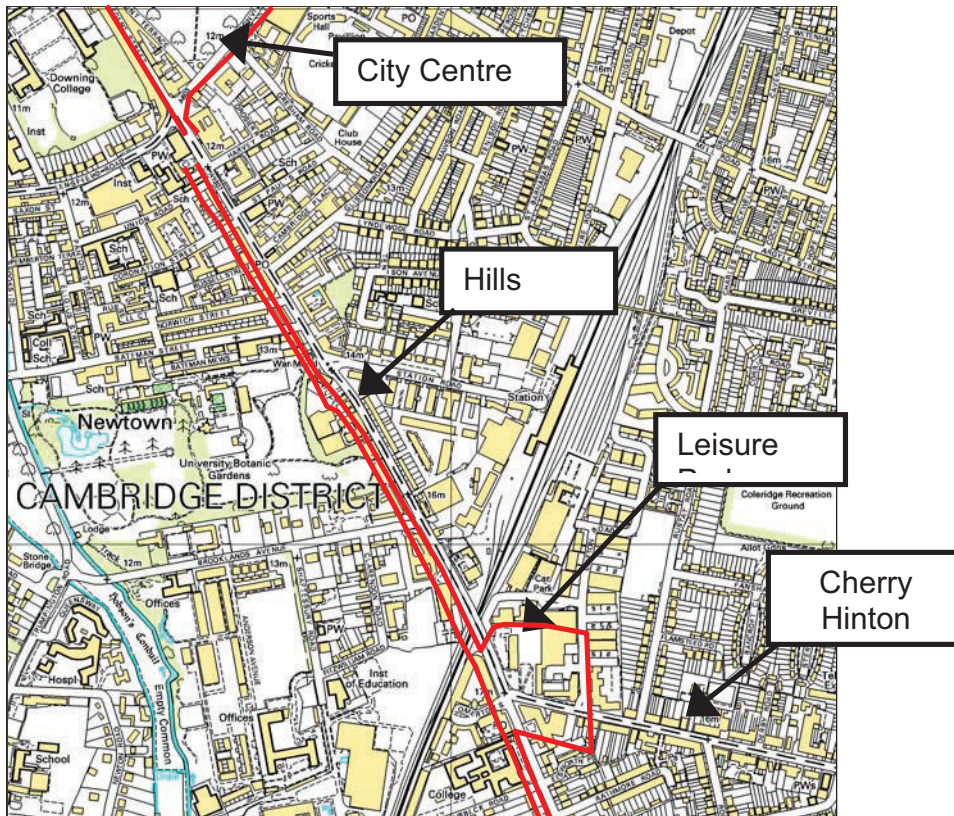
There are 17 licensed premises giving a density of 1.1 licensed premises per hectare which is a lower density than the other areas considered however still significantly higher than the density for Cambridge City of 0.1. There are 5 restaurant/cafés, 4 off-licensed premises, 4 pubs, 2 hotels, 1 social clubs and 1 college bar. The majority (13) of these premises are found within a short section of the road nearest to the City Centre.

Although Hills Road has a relatively low density of licensed premises and alcohol-related crime and anti-social behaviour it should be noted that the majority (94%) of the licensed premises and alcohol-related crime and anti-social behaviour (94%) fall within the section of Hills Road running from the City to Purbeck Road¹³. When this section of the

¹³ See Figure 13.

road is analysed the density of licensed premises increases to 1.9 and the density of alcohol-related crime and anti-social behaviour to 4.

Fig. 13 Map to show section of Hills Road between City Centre and Purbeck Road



Alcohol-related violent crime and anti-social behaviour has remained stable over the 3 year period however notably Hills Road has a higher percentage of alcohol-related offences than Mill Road and over twice the amount of alcohol-related anti-social behaviour than the leisure park.

It is recommended that the section of Hills Road running from the City to Purbeck Road is considered for adoption as a Cumulative Impact Area.

Norfolk Street

Fig. 14 Map to show Norfolk Street and licensed premises in area



Norfolk Street is situated off East Road and contains 7 licensed premises in a small area (1 hectare) giving a high density of 7 licensed premises per hectare. These consist of 3 off licensed premises, 3 restaurants and 1 pub.

Although Norfolk Street has a high density of licensed premises there were only 3 violent offences occurring on the street over the past year. The area has a high density of anti-social behaviour due to its short length however actual numbers of incidents are low. It is not recommended that Norfolk Street is considered for adoption as a Cumulative Impact Area.

Mill Pond Area

Fig. 15 Map to show Mill Pond licensed premises in area

Appendix A

Streets in suggested Cumulative Impact Area Market Ward			
Adam and Eve Street	Eden Street	Malcolm Street	Quayside
All Saints Passage	Elm Street	Manor Street	Regent Street
Beaufort Place	Emmanuel Street	Market Hill	Regent Terrace
Belmont Place	Fair Street	Market Passage	Round Church Street
Benet Street	Fitzroy Lane	Market Street	Salmon Lane
Brandon Place	Fitzroy Street	Melbourne Place	Severn Place
Burleigh Place	Free School Lane	Napier Street	Short Street
Burleigh Street	Gonville Place	New Park Street	Sidney Street
Clarendon Street	Grafton Street	New Square	St Andrews Street
Camden Court	Green Street	Newmarket Road	St Johns Road
Causeway Passage	Guildhall Place	Orchard Street	St Marys Street
Christ Church Street	Hobson Street	Paradise Street	St Tibbs Row
Christs Lane	Hobsons Passage	Park Parade	Sun Street
City Road	James Street	Park Street	Sussex Street
Corn Exchange Street	Jesus Lane	Park Terrace	Thompson's Lane
Crispin Place	John Street	Parkside	Trinity Street
Dover Street	King Street	Parsons Court	Warkworth Street
Downing Street	Kings Parade	Peas Hill	Warkworth Terrace
Drummer Street	Lower Park Street	Petty Cury	Wellington Street
Earl Street	Magdalene Street	Portugal Place	Willow Place
East Road	Maids Causeway	Prospect Row	Willow Walk

CAMBRIDGE CITY COUNCIL

REPORT OF: Jas Lally
Head of Refuse and Environment

TO: Licensing Committee

25/06/2012

WARDS: All

REVIEW OF STATEMENT OF GAMBLING PRINCIPLES

1 INTRODUCTION

- 1.1 Section 349 of the Gambling Act 2005 requires that before each successive period of three years, the Licensing Authority must prepare and publish a statement of principles that it proposes to apply in exercising its functions under the Act during that three-year period.
- 1.2 The Council last published its Statement of Principles (Appendix A) on 21 December 2009 and it has proved extremely satisfactory in guiding applicants, officers and Members in the consideration and determination of applications.
- 1.3 There have been no legislative changes that affect the policies set out in the Statement of Principles, no revised guidance has been published by the Gambling Commission and no challenges have been made to any of the policies. It therefore seems unnecessary to amend the Statement of Principles at this time other than to update the consultation and publication dates shown in paragraphs 2.6 and 2.8 of the policy, the contact details of the Licensing section shown in paragraphs 2.7 and 2.9 of the policy and the list of consultees shown in Appendix B of the Statement of Principles.
- 1.4 The Statement of Principles must be subject to consultation prior to final determination by full Council. The final Statement must be published no later than 21 December 2012 so that it comes in to effect no later than 18 January 2013 in order for the Council's statutory duty to be fulfilled.

2. RECOMMENDATIONS

2.1 Members are recommended:

To commence the statutory consultation process on the existing Statement of Principles (Appendix A).

3. BACKGROUND

3.1 The Gambling Act 2005 came fully in to effect on 1 September 2007. It created a new system of licensing and regulation for commercial gambling in this country. Amongst other changes, it gave Local Authorities new and extended responsibilities for licensing premises for gambling, some of which were transferred to the Local Authorities from the local licensing justices.

3.2 The Act gives Licensing Authorities a number of important regulatory functions in relation to gambling. The main functions are to:

- license premises for gambling activities;
- consider notices given for the temporary use of premises for gambling;
- grant permits for gaming and gaming machines in clubs and miners' welfare institutes;
- regulate gaming and gaming machines in alcohol licensed premises;
- grant permits to family entertainment centres for the use of certain lower stake gaming machines;
- grant permits for prize gaming;
- consider occasional use notices for betting at tracks; and
- register small societies' lotteries

3.3 In addition, section 349 of the Gambling Act 2005 requires that the Council prepares and publishes a Statement of Principles that it proposes to apply in exercising its function under the Act, before each successive period of three years. The existing Statement of Principles under the Gambling Act 2005 was adopted by the Council on 22 October 2009 and published on 21 December 2009. It is therefore necessary for the Council to prepare its third Statement of Gambling Principles for the next three year period.

3.4 The Statement of Principles must be formulated in accordance with Regulations and Guidance issued by the Gambling Commission. The final policy must be published, following approval by full Council, no later 21 December 2012.

4. CONSULTATIONS

- 4.1 Any revision to the Statement of Principles must undergo statutory consultation and it is proposed to undertake 12 weeks consultation in accordance with HM Government's Code of Practice on consultation.
- 4.2 The results of the consultation exercise will be presented to Members at the Licensing Committee meeting on 08 October 2012 for consideration prior to referral to full Council on 24 October 2012 for final determination of the Statement of Principles.

5. CONCLUSIONS

- 5.1 Cambridge City Council has a duty to determine and publish a Statement of Principles no later than 21 December 2012. The consultation process must therefore be commenced in order for the Council's statutory duty to be fulfilled. Failure to do so will mean that the Council is not complying with its statutory duty under section 349 of the Gambling Act 2005.

6. IMPLICATIONS

(a) **Financial Implications**

The review of the Statement of Principles is a statutory function. The cost of consultation will be covered by the fees paid by Licence and permit holders.

(b) **Staffing Implications**

Existing staff resources will carry out the consultation and apply the policy once finalised.

(c) **Equal Opportunities Implications**

This is a statutory policy and it promotes equal opportunities. The policy does not prohibit any person from making an application or objecting to an application where they have a statutory right to do so.

(d) **Environmental Implications**

There are no apparent environmental implications that will result from consulting on the draft policy.

(e) **Community Safety**

The Statement of Principles will ensure that in carrying out its statutory duties, the Licensing Authority will promote the licensing objectives:

- (i) preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
- (ii) ensuring that gambling is conducted in a fair and open way; and

(iii) protecting children and other vulnerable persons from being harmed or exploited by gambling.

APPENDICES

Appendix A

Existing Statement of Principles.

BACKGROUND PAPERS: The following are the background papers that were used in the preparation of this report:

- [Gambling Act 2005](#)
- [Guidance Published by the Gambling Commission in May 2009](#)

The author and contact officer for queries on the report is Robin Grey on extension 7899.

Report file:

Date originated: 14 June 2012

Date of last revision: 14 June 2012

**CAMBRIDGE CITY COUNCIL
DRAFT STATEMENT OF PRINCIPLES
Gambling Act 2005**



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This Statement of Licensing Principles was approved by Full Council on 22nd October 2009. All references to the Guidance refer to the Gambling Commission's Guidance to Licensing Authorities 3rd Edition published May 2009.

Preface

Under the Gambling Act 2005, a new regime for regulating gambling and betting was introduced throughout the United Kingdom from 1 September 2007. Apart from the National Lottery and spread betting, gambling and betting is regulated by the Gambling Commission, whose duties include licensing the operators and individuals involved in providing gambling and betting facilities.

Cambridge City Council, along with other local licensing authorities, has a duty under the Act to licence premises where gambling is take place and to licence certain other activities (such as registering small society lotteries). This document sets out how we carry out these duties.

PART A

1. The Licensing Objectives

- 1.1 In exercising most of their functions under the Gambling Act 2005, licensing authorities must have regard to the licensing objectives as set out in Section 1 of the Act. The licensing objectives are:
- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime
 - Ensuring that gambling is conducted in a fair and open way
 - Protecting children and other vulnerable persons from being harmed or exploited by gambling
- 1.2 It should be noted that the Gambling Commission has stated: “The requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling”.
- 1.3 This licensing authority is aware that, as per Section 153, in making decisions about premises licences and temporary use notices it should aim to permit the use of premises for gambling in so far as it thinks is:
- in accordance with any relevant code of practice issued by the Gambling Commission
 - in accordance with any relevant guidance issued by the Gambling Commission
 - reasonably consistent with the licensing objectives and
 - in accordance with the authority’s statement of licensing principles

2. Introduction

- 2.1 Cambridge City Council is situated in Cambridgeshire, which contains 5 District Councils in total. The Council area has a population of 108,856 (2001 Census). In terms of area, it covers 4070 Hectares. The Council area is urban in nature. This area is shown in the map appended to the statement of principles at Appendix A.
- 2.2 Licensing authorities are required by the Gambling Act 2005 to publish a statement of the principles which they proposed to apply when exercising their functions. This statement must be published at least every three years. The statement must also be reviewed from “time to time” and any amended parts re-consulted upon. The statement must then be re-published.
- 2.3 Cambridge City Council consulted widely upon this statement before finalising and publishing it.

- 2.4 The Gambling Act requires that the following parties are consulted by Licensing Authorities:
- The Chief Officer of Police;
 - One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area;
 - One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Gambling Act 2005.
- 2.5 A full list of persons this authority consulted is set out in Appendix B to this statement of principles. It should be noted that unsolicited comments were received from other persons but we have not listed all of these.
- 2.6 Our consultation took place between TBC and TBC and we followed the HM Government Code of Practice (published July 2008) which is available at: <http://www.berr.gov.uk/files/file47158.pdf>
- 2.7 The full list of comments made and the consideration by the Council of those comments is available by request to Licensing Section, Refuse & Environment, Department. (Contact details are set out below)
- 2.8 The statement of principles was approved at a meeting of the Full Council on TBC and was published via our website on TBC. Copies were placed in the public libraries of the area as well as the Guildhall and other Council Offices, during normal opening hours.
- 2.9 Should you have any comments as regards this statement of principles please send them via e-mail or letter to the following contact:
- Name: The Licensing Manager, Refuse & Environment
Address: Cambridge City Council
PO Box 700
Cambridge, CB1 0JH
E-mail: licensing@cambridge.gov.uk
- 2.10 It should be noted that this statement of principles will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence, as each will be considered on its own merits and according to the statutory requirements of the Gambling Act 2005.

3. Declaration

- 3.1 In producing the final statement, this licensing authority declares that it has had regard to the licensing objectives of the Gambling Act 2005, the guidance issued by the Gambling Commission, and any responses from those consulted on the statement.

4. Responsible Authorities

- 4.1 The licensing authority is required by regulations to state the principles it will apply in exercising its powers under Section 157(h) of the Act to designate, in writing, a body which is competent to advise the authority about the protection of children from harm. The principles are:
- the need for the body to be responsible for an area covering the whole of the licensing authority's area; and
 - the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group.
- 4.2 In accordance with the suggestion in the Gambling Commission's Guidance for local authorities, this authority designates the Local Safeguarding Children Board for this purpose.
- 4.3 The contact details of all the Responsible Authorities under the Gambling Act 2005 are set out in Appendix C of this statement and are also available via the Council's website at:

<http://www.cambridge.gov.uk/public/pdfs/Gambling%20statement%20of%20principles.pdf>

5. Interested parties

- 5.1 Interested parties can make representations about licence applications, or apply for a review of an existing licence. These parties are defined in the Gambling Act 2005 as follows:
- “For the purposes of this Part a person is an interested party in relation to an application for or in respect of a premises licence if, in the opinion of the licensing authority which issues the licence or to which the applications is made, the person -
- a) lives sufficiently close to the premises to be likely to be affected by the authorised activities, and or
 - b) has business interests that might be affected by the authorised activities, or
 - c) represents persons who satisfy paragraph (a) or (b)”
- 5.2 The licensing authority is required by regulations to state the principles it will apply in exercising its powers under the Gambling Act 2005 to determine whether a person is an interested party. The principles are:

5.3 Each case will be decided upon its merits. This authority will not apply a rigid rule to its decision-making. It will have regard to the examples of considerations provided in the Gambling Commission's Guidance to Licensing Authorities at 8.11 to 8.18 which states: -

"8.11 Section 158 of the Act defines interested parties. To accept a representation from an interested party, the licensing authority must take the view that the person:

- (a) lives sufficiently close to the premises to be likely to be affected by the authorised activities
- (b) has business interests that might be affected by the authorised activities
- (c) represents persons in either of these two groups.

8.12 Interested parties can be people who are democratically elected such as councillors and MPs. Where appropriate, this will include county, parish and town councillors. Other than these persons, authorities should require written evidence that a person 'represents' someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or business interests that might be affected by the authorised activities. A letter from one of these persons requesting the representation is sufficient.

8.13 The following gives further advice on how licensing authorities can determine whether someone is an interested party.

People living close to the premises

8.14 The approach taken by licensing authorities in determining who is an interested party is also a function that should be dealt with in their Licensing Authority Statement of Policy.

8.15 The factors that licensing authorities should take into account when determining what "sufficiently close to the premises" means (in each case) might include:

- the size of the premises;
- the nature of the premises;
- the distance of the premises from the location of the person making the representation;
- the potential impact of the premises (number of customers, routes likely to be taken by those visiting the establishment); and
- the circumstances of the complainant. This is not the personal characteristics of the complainant, but the interests of the complainant, which may be relevant to the distance from the premises. For example, it could be reasonable for an authority to conclude that "sufficiently close to be likely to be affected" could have a different meaning for (a)

a private resident (b) a residential school for children with truanting problems and (c) a residential hostel for vulnerable adults.

The nature and scope of business interests that could be affected'

8.16 It could be argued that any gambling business could be affected by another gambling business expanding into any part of Great Britain. But that is unlikely to be enough to satisfy the test of being "a person with business interests that might be affected by the premises" under consideration. For example, an operator in a particular sector (be it casino, bingo, betting etc) should not be able to lodge representations on every application put in by a rival operator anywhere in the country, simply because they are in competition within the same gambling sector. The licensing authority should be satisfied that the relevant business is likely to be affected. In this respect, licensing authorities should bear in mind that the "demand test" from the 1963 and 1968 Acts is not continued in the 2005 Act. Factors that are likely to be relevant include:

- the size of the premises;
- the 'catchment' area of the premises (i.e. how far people travel to visit); and
- whether the person making the representation has business interests in that catchment area, that might be affected"

People representing those in the above categories

8.17 Licensing authorities should include guidance in the Licensing Authority Statement of Policy on whom they consider comes within this category. For example, it should include democratically elected representatives such as local councillors and MPs and could include bodies such as trade associations and trade union and residents' and tenants' associations. In other cases licensing authorities should satisfy themselves in a case-by-case basis and possibly request written evidence, that a person does represent interested parties. For example, a school head or governor might act in representing the interests of pupils or parents and a community group might represent vulnerable people living near to the proposed premises.

8.18 Licensing authorities will need to have regard to anything an interested party says about their status to make representations.

- 5.4 This licensing authority will also consider the Gambling Commission's Guidance that "has business interests" should be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices.

- 5.5 Interested parties can be persons who are democratically elected such as councillors and MP's. No specific evidence of being asked to represent an interested person will be required as long as the councillor / MP represents the ward/s likely to be affected. Likewise, parish councils likely to be affected will be considered to be interested parties. Other than these however, this authority will generally require written evidence that a person/body (e.g. an advocate / relative) 'represents' someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation is sufficient.
- 5.6 If individuals wish to approach councillors to ask them to represent their views then care should be taken that the councillors are not part of the Licensing Committee dealing with the licence application. If there are any doubts then please contact the licensing section (please refer to page 4 for details).

6. Exchange of Information

- 6.1 Licensing authorities are required to include in their statements the principles to be applied by the authority in exercising the functions under sections 29 and 30 of the Act with respect to the exchange of information between it and the Gambling Commission, and the functions under section 350 of the Act with respect to the exchange of information between it and the other persons listed in Schedule 6 to the Act.
- 6.2 The principle that this licensing authority applies is that it will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information which includes the provision that the Data Protection Act 1998 will not be contravened. The licensing authority will also have regard to any Guidance issued by the Gambling Commission on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.
- 6.3 Should any protocols be established as regards information exchange with other bodies then they will be made available.

7. Enforcement

- 7.1 Licensing authorities are required by regulation under the Gambling Act 2005 to state the principles to be applied by the authority in exercising the functions under Part 15 of the Act with respect to the inspection of premises; and the under the powers of Section 346 of the Act to institute criminal proceedings in respect of the offences specified.

- 7.2 This licensing authority's principles are that:
It will be guided by the Gambling Commission's Guidance to Licensing Authorities and will endeavour to be:
- Proportionate: regulators should only intervene when necessary: remedies should be appropriate to the risk posed, and costs identified and minimised;
 - Accountable: regulators must be able to justify decisions, and be subject to public scrutiny;
 - Consistent: rules and standards must be coherent and implemented fairly;
 - Transparent: regulators should be open, and keep regulations simple and user friendly; and
 - Targeted: regulation should be focused on the problem, and minimise side effects.
- 7.3 This licensing authority will endeavour to avoid duplication with other regulatory regimes so far as possible.
- 7.4 This licensing authority has adopted and implemented a risk-based inspection programme, based on;
- The licensing objectives
 - Relevant codes of practice
 - Guidance Issued by the Gambling Commission, in particular Part 36
 - The principles set out in this statement of licensing policy
- 7.5 The main enforcement and compliance role for this licensing authority in terms of the Gambling Act 2005 is to ensure compliance with the premises licences and other permissions which it authorises. The Gambling Commission is the enforcement body for the operating and personal licences. It is also worth noting that concerns about manufacture, supply or repair of gaming machines will not be dealt with by the licensing authority but will be notified to the Gambling Commission.
- 7.6 This licensing authority also keeps itself informed of developments as regards the work of the Better Regulation Executive in its consideration of the regulatory functions of local authorities.
- 7.7 Bearing in mind the principle of transparency, this licensing authority's enforcement/compliance protocols/written agreements are available upon request to the licensing section (please see page 4 for details). Our risk methodology is also be available upon request.

8. Licensing Authority functions

- 8.1 Licensing Authorities are required under the Act to:

- Be responsible for the licensing of premises where gambling activities are to take place by issuing Premises Licences
- Issue Provisional Statements
- Regulate members' clubs and miners' welfare institutes who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits
- Issue Club Machine Permits to Commercial Clubs
- Grant permits for the use of certain lower stake gaming machines at unlicensed Family Entertainment Centres
- Receive notifications from alcohol licensed premises (under the Licensing Act 2003) for the use of two or fewer gaming machines
- Issue Licensed Premises Gaming Machine Permits for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where there are more than two machines
- Register small society lotteries below prescribed thresholds
- Issue Prize Gaming Permits
- Receive and Endorse Temporary Use Notices
- Receive Occasional Use Notices
- Provide information to the Gambling Commission regarding details of licences issued (see section above on 'information exchange')
- Maintain registers of the permits and licences that are issued under these functions

8.2 It should be noted that local licensing authorities will not be involved in licensing remote gambling at all, which is regulated by the Gambling Commission via operating licences.

PART B PREMISES LICENCES

1. General Principles

- 1.1 Premises licences are subject to the requirements set-out in the Gambling Act 2005 and regulations, as well as specific mandatory and default conditions which are detailed in regulations issued by the Secretary of State. Licensing authorities are able to exclude default conditions and also attach others, where it is believed to be necessary.
- 1.2 This licensing authority is aware that in making decisions about premises licences it should aim to permit the use of premises for gambling in so far as it thinks it is:
- in accordance with any relevant code of practice issued by the Gambling Commission;
 - in accordance with any relevant guidance issued by the Gambling Commission;

- reasonably consistent with the licensing objectives; and
- in accordance with the authority’s statement of licensing principles.

1.3 It is appreciated that as per the Gambling Commission's Guidance to Licensing Authorities "moral objections to gambling are not a valid reason to reject applications for premises licences" (except as regards any 'no casino resolution' - see section on Casinos below – page 16) and also that unmet demand is not a criterion for a licensing authority.

1.4 **Definition of “premises”** - Premises is defined in the Act as including “any place”. Section 152 therefore prevents more than one premises licence applying to any place. But a single building could be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. This approach has been taken to allow large, multiple unit premises such as a pleasure park, pier, track or shopping mall to obtain discrete premises licences, where appropriate safeguards are in place. However, licensing authorities should pay particular attention if there are issues about sub-divisions of a single building or plot and should ensure that mandatory conditions relating to access between premises are observed.

The Gambling Commission states in the third edition of its Guidance to Licensing Authorities that: “In most cases the expectation is that a single building / plot will be the subject of an application for a licence, for example, 32 High Street. But, that does not mean 32 High Street cannot be the subject of separate premises licences for the basement and ground floor, if they are configured acceptably. Whether different parts of a building can properly be regarded as being separate premises will depend on the circumstances. The location of the premises will clearly be an important consideration and the suitability of the division is likely to be a matter for discussion between the operator and the licensing officer. However, the Commission does not consider that areas of a building that are artificially or temporarily separated, for example by ropes or moveable partitions, can properly be regarded as different premises.”

1.5 This licensing authority takes particular note of the Gambling Commission’s Guidance to Licensing Authorities which states that:

licensing authorities should take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular they should be aware of the following:

- The third licensing objective seeks to protect children from being harmed by gambling. In practice that means not only preventing them from taking part in gambling, but also preventing them from being in close proximity to gambling. Therefore premises should be configured so that children are not

invited to participate in, have accidental access to or closely observe gambling where they are prohibited from participating.

- Entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised and people do not “drift” into a gambling area. In this context it should normally be possible to access the premises without going through another licensed premises or premises with a permit.
- Customers should be able to participate in the activity named on the premises licence.

The Guidance also gives a list of factors which the licensing authority should be aware of, which may include:

- Do the premises have a separate registration for business rates
- Is the premises’ neighbouring premises owned by the same person or someone else?
- Can each of the premises be accessed from the street or a public passageway?
- Can the premises only be accessed from any other gambling premises?

This authority will consider these and other relevant factors in making its decision, depending on all the circumstances of the case.

The Gambling Commission’s relevant access provisions for each premises type are reproduced below:

7.25:

Casinos

- The principal access entrance to the premises must be from a street (as defined at 7.23 of the Guidance)
- No entrance to a casino must be from premises that are used wholly or mainly by children and/or young persons
- No customer must be able to enter a casino directly from any other premises which holds a gambling premises licence

Adult Gaming Centre

- No customer must be able to access the premises directly from any other licensed gambling premises

Betting Shops

- Access must be from a street (as per para 7.23 Guidance to Licensing Authorities) or from another premises with a betting premises licence

- No direct access from a betting shop to another premises used for the retail sale of merchandise or services. In effect there cannot be an entrance to a betting shop from a shop of any kind and you could not have a betting shop at the back of a café – the whole area would have to be licensed.

Tracks

- No customer should be able to access the premises directly from:
 - a casino
 - an adult gaming centre

Bingo Premises

- No customer must be able to access the premise directly from:
 - a casino
 - an adult gaming centre
 - a betting premises, other than a track

Family Entertainment Centre

- No customer must be able to access the premises directly from:
 - a casino
 - an adult gaming centre
 - a betting premises, other than a track

Part 7 of the Gambling Commission’s Guidance to Licensing Authorities contains further guidance on this issue, which this authority will also take into account in its decision-making.

(iii) Premises “ready for gambling”

The Guidance states that a licence to use premises for gambling should only be issued in relation to premises that the licensing authority can be satisfied are going to be ready to be used for gambling in the reasonably near future, consistent with the scale of building or alterations required before the premises are brought into use.

If the construction of a premises is not yet complete, or if they need alteration, or if the applicant does not yet have a right to occupy them, then an application for a provisional statement should be made instead.

In deciding whether a premises licence can be granted where there are outstanding construction or alteration works at a premises, this authority will determine applications on their merits, applying a two stage consideration process:-

- First, whether the premises ought to be permitted to be used for gambling
- Second, whether appropriate conditions can be put in place to cater for the situation that the premises are not yet in the state in which they ought to be before gambling takes place.

Applicants should note that this authority is entitled to decide that it is appropriate to grant a licence subject to conditions, but it is not obliged to grant such a licence.

More detailed examples of the circumstances in which such a licence may be granted can be found at paragraphs 7.59-7.66 of the Guidance.

1.6 Location - This licensing authority is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives are relevant to its decision-making. As per the Gambling Commission's Guidance to Licensing Authorities, this authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder. Should any specific policy be decided upon as regards areas where gambling premises should not be located, this statement will be updated. It should be noted that any such policy does not preclude any application being made and each application will be decided on its merits, with the onus upon the applicant showing how potential concerns can be overcome.

1.7 Planning -

The Gambling Commission Guidance to Licensing Authorities states:

7.59 – In determining applications the licensing authority has a duty to take into consideration all relevant matters and not to take into consideration any irrelevant matters, i.e. those not related to gambling and the licensing objectives. One example of an irrelevant matter would be the likelihood of the applicant obtaining planning permission or building regulations approval for their proposal.

This authority will not take into account irrelevant matters as per the above guidance. In addition this authority notes the following excerpt from the Guidance:

7.66 - When dealing with a premises licence application for finished buildings, the licensing authority should not take into account whether those buildings have or comply with the necessary planning or building consents. Those matters should be dealt with under relevant planning control and building regulation powers, and not form part of the consideration for the premises licence. Section 210 of the 2005 Act prevents licensing authorities taking into account the likelihood of the proposal by the applicant

obtaining planning or building consent when considering a premises licence application. Equally the grant of a gambling premises licence does not prejudice or prevent any action that may be appropriate under the law relating to planning or building.

- 1.8 ***Duplication with other regulatory regimes*** - This licensing authority will seek to avoid any duplication with other statutory / regulatory systems where possible, including planning. This authority will not consider whether a licence application is likely to be awarded planning permission or building regulations approval, in its consideration of it. It will though, listen to, and consider carefully, any concerns about conditions which are not able to be met by licensees due to planning restrictions, should such a situation arise.
- 1.9 When dealing with a premises licence application for finished buildings, this authority will not take into account whether those buildings have to comply with the necessary planning or buildings consents. Fire or health and safety risks will not be taken into account, as these matters are dealt with under relevant planning control, buildings and other regulations and must not form part of the consideration for the premises licence.
- 1.10 ***Licensing objectives*** - Premises licences granted must be reasonably consistent with the licensing objectives. With regard to these objectives, this licensing authority has considered the Gambling Commission's Guidance to Licensing Authorities and some comments are made below.
- 1.11 **Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime** - The Gambling Commission takes a leading role in preventing gambling from being a source of crime. The Gambling Commission's Guidance does however envisage that licensing authorities should pay attention to the proposed location of gambling premises in terms of this licensing objective. Thus, where an area has known high levels of organised crime this authority will consider carefully whether gambling premises are suitable to be located there and whether conditions may be suitable such as the provision of door supervisors. This licensing authority is aware of the distinction between disorder and nuisance and will consider factors such as whether police assistance was required and how threatening the behaviour was to those who could see it, so as to make that distinction.
- 1.12 **Ensuring that gambling is conducted in a fair and open way** - The Gambling Commission has stated that it generally does not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will be addressed via operating and personal licences. There is however, more of a role with regard to tracks which is explained in more detail in the 'tracks' section below – page 17.

- 1.13 **Protecting children and other vulnerable persons from being harmed or exploited by gambling** - The Gambling Commission's Guidance to Licensing Authorities states that this objective means preventing children from taking part in gambling (as well as restriction of advertising so that gambling products are not aimed at or are, particularly attractive to children). The licensing authority will, therefore, consider as suggested in the Gambling Commission's Guidance, whether specific measures are required at particular premises with regard to this licensing objective. Appropriate measures may include supervision of entrances / machines, segregation of areas etc.
- 1.14 This licensing authority will also make itself aware of the Gambling Commission Codes of Practice, which the Gambling Commission issues as regards this licensing objective, in relation to specific premises.
- 1.15 As regards the term "vulnerable persons" it is noted that the Gambling Commission does not seek to offer a definition but states that "it will for regulatory purposes assume that this group includes people who gamble more than they want to; people who gamble beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs." This licensing authority will consider this licensing objective on a case-by-case basis.
- 1.16 **Conditions** - Any conditions attached to licences will be proportionate and will be:
- relevant to the need to make the proposed building suitable as a gambling facility;
 - directly related to the premises and the type of licence applied for;
 - fairly and reasonably related to the scale and type of premises; and
 - reasonable in all other respects.
- 1.17 Decisions upon individual conditions will be made on a case by case basis, although there will be a number of measures this licensing authority will consider utilising should there be a perceived need, such as the use of supervisors, appropriate signage for adult only areas etc. There are specific comments made in this regard under some of the licence types below. This licensing authority will also expect the licence applicant to offer his/her own suggestions as to the way in which the licensing objectives can be met effectively.
- 1.18 This licensing authority will also consider specific measures which may be required for buildings which are subject to multiple premises licences. Such measures may include the supervision of entrances; segregation of gambling from non-gambling areas frequented by children; and the supervision of gaming machines in non-adult gambling specific premises in

order to pursue the licensing objectives. These matters are in accordance with the Gambling Commission's Guidance.

1.19 This authority will also ensure that where category C or above machines are on offer in premises to which children are admitted:

- all such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
- only adults are admitted to the area where these machines are located;
- access to the area where the machines are located is supervised;
- the area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and
- at the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

These considerations will apply to premises including buildings where multiple premises licences are applicable.

1.20 This licensing authority is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. As per the Gambling Commission's Guidance, this licensing authority will consider the impact upon the third licensing objective and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

1.21 It is noted that there are conditions which the licensing authority cannot attach to premises licences which are:

- any condition on the premises licence which makes it impossible to comply with an operating licence condition;
- conditions relating to gaming machine categories, numbers, or method of operation;
- conditions which provide that membership of a club or body be required. The Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated; and
- conditions in relation to stakes, fees, winning or prizes.

1.22 **Door Supervisors** - The Gambling Commission advises in its Guidance to Licensing Authorities that if a licensing authority is concerned that a premises may attract disorder or be subject to attempts at unauthorised access (for example by children and young persons) then it may require that the entrances to the premises are controlled by a door supervisor, and is entitled to impose a premises licence to this effect.

1.23 Where it is decided that supervision of entrances / machines is appropriate for particular cases, a consideration of whether these need to be SIA licensed or not will be necessary. It will not be automatically assumed that they need to be licensed, as the statutory requirements for different types of premises vary (as per the Guidance, Part 33).

2. Adult Gaming Centres

2.1 This licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to, for example, ensure that under 18 year olds do not have access to the premises.

2.2 This licensing authority may consider measures to meet the licensing objectives, such as:

- Proof of age schemes
- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- Self-exclusion schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare.

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

3. (Licensed) Family Entertainment Centres:

3.1 This licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority, for example, that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas.

3.2 This licensing authority may consider measures to meet the licensing objectives such as:

- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry

- Notices / signage
- Specific opening hours
- Self-exclusion schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare.
- Measures / training for staff on how to deal with suspected truant school children on the premises

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

- 3.3 This licensing authority will, as per the Gambling Commission's guidance, refer to the Commission's website to see any conditions that apply to operating licences covering the way in which the area containing the category C machines should be delineated. This licensing authority will also make itself aware of any mandatory or default conditions on these premises licences, when they have been published.

4. Casinos

- 4.1 This licensing authority has not passed a 'no casino' resolution under Section 166 of the Gambling Act 2005, but is aware that it has the power to do so. Should this licensing authority decide in the future to pass such a resolution, it will update this statement of principles with details of that resolution. Any such decision will be made by the Full Council.

5. Bingo premises

- 5.1 This licensing authority notes that the Gambling Commission's Guidance states:

18.4 - Licensing authorities will need to satisfy themselves that bingo can be played in any bingo premises for which they issue a premises licence. This will be a relevant consideration where the operator of an existing bingo premises applies to vary their licence to exclude an area of the existing premises from its ambit and then applies for a new premises licence, or multiple licences, for that or those excluded areas.

This authority also notes the Guidance at paragraph 18.8 regarding the unusual circumstances in which the splitting of a pre-existing premises into two adjacent premises might be permitted, and in particular that it is not permissible to locate sixteen category B3 gaming machines in one of the resulting premises, as the gaming machine entitlement for that premises would be exceeded.

18.7 Children and young people are allowed into bingo premises; however they are not permitted to participate in the bingo and if category B or C machines are made available for use these must be separated from areas where children and young people are allowed.

6. Betting premises

- 6.1 *Betting machines* - This licensing authority will, as per the Gambling Commission's Guidance, take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer.

7. Tracks

- 7.1 This licensing authority is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. As per the Gambling Commission's Guidance, this licensing authority will especially consider the impact upon the third licensing objective (i.e. the protection of children and vulnerable persons from being harmed or exploited by gambling) and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.
- 7.2 This authority will therefore expect the premises licence applicant to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. It is noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, but that they are still prevented from entering areas where gaming machines (other than category D machines) are provided.
- 7.3 This licensing authority may consider measures to meet the licensing objectives, such as:
- Proof of age schemes
 - CCTV
 - Supervision of entrances / machine areas
 - Physical separation of areas
 - Location of entry
 - Notices / signage
 - Specific opening hours
 - Self-exclusion schemes

- Provision of information leaflets / helpline numbers for organisations such as GamCare

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

- 7.4 *Gaming machines* - Where the applicant holds a pool betting operating licence and is going to use his entitlement to four gaming machines (other than category D machines), these machines should be located in areas from which children are excluded.
- 7.5 *Betting machines* - This licensing authority will, as per Part 6 of the Gambling Commission's Guidance, take into account the size of the premises and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer.
- 7.6 *Applications and plans* - The Gambling Act (s51) requires applicants to submit plans of the premises with their application, in order to ensure that the licensing authority has the necessary information to make an informed judgement about whether the premises are fit for gambling. The plan will also be used for the licensing authority to plan future premises inspection activity. (See Guidance to Licensing Authorities, para 20.28).

Plans for tracks do not need to be in a particular scale, but should be drawn to scale and should be sufficiently detailed to include the information required by regulations. (See Guidance to Licensing Authorities, para 20.29).

Some tracks may be situated on agricultural land where the perimeter is not defined by virtue of an outer wall or fence, such as point-to-point racetracks. In such instances, where an entry fee is levied, track premises licence holders may erect temporary structures to restrict access to premises (See Guidance to Licensing Authorities, para 20.31).

In the rare cases where the outer perimeter cannot be defined, it is likely that the track in question will not be specifically designed for the frequent holding of sporting events or races. In such cases betting facilities may be better provided through occasional use notices where the boundary premises do not need to be defined. (See Guidance to Licensing Authorities, para 20.32).

This authority appreciates that it is sometimes difficult to define the precise location of betting areas on tracks. The precise location of where betting facilities are provided is not required to be shown on track plans, both by

virtue of the fact that betting is permitted anywhere on the premises and because of the difficulties associated with pinpointing exact locations for some types of track. Applicants should provide sufficient information that this authority can satisfy itself that the plan indicates the main areas where betting might take place. For racecourses in particular, any betting areas subject to the “five times rule” (commonly known as betting rings) must be indicated on the plan. (See Guidance to Licensing Authorities, para 20.33).

8. Travelling Fairs

- 8.1 It will fall to this licensing authority to decide whether, where category D machines and / or equal chance prize gaming without a permit is to be made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.
- 8.2 The licensing authority will also consider whether the applicant falls within the statutory definition of a travelling fair.
- 8.3 It is noted that the 27-day statutory maximum for the land being used as a fair, is per calendar year, and that it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. This licensing authority will work with its neighbouring authorities to ensure that land which crosses our boundaries is monitored so that the statutory limits are not exceeded.

9. Provisional Statements

- 9.1 Developers may wish to apply to this authority for provisional statements before entering into a contract to buy or lease property or land to judge whether a development is worth taking forward in light of the need to obtain a premises licence. There is no need for the applicant to hold an operating licence in order to apply for a provisional statement.

S204 of the Gambling Act provides for a person to make an application to the licensing authority for a provisional statement in respect of premises that he or she:

- (a) expects to be constructed;
- (b) expects to be altered; or
- (c) expects to acquire a right to occupy.

The process for considering an application for a provisional statement is the same as that for a premises licence application. The applicant is obliged to give notice of the application in the same way as applying for a premises licence. Responsible authorities and interested parties may make representations and there are rights of appeal.

In contrast to the premises licence application, the applicant does not have to hold or have applied for an operating licence from the Gambling Commission (except in the case of a track) and they do not have to have a right to occupy the premises in respect of which their provisional application is made.

The holder of a provisional statement may then apply for a premises licence once the premises are constructed, altered or acquired. The licensing authority will be constrained in the matters it can consider when determining the premises licence application, and in terms of representations about premises licence applications that follow the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless:

- they concern matters which could not have been addressed at the provisional statement stage, or
- they reflect a change in the applicant's circumstances.

In addition, the authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:

- which could not have been raised by objectors at the provisional statement stage;
- which in the authority's opinion reflect a change in the operator's circumstances; or
- where the premises has not been constructed in accordance with the plan submitted with the application. This must be a substantial change to the plan and this licensing authority notes that it can discuss any concerns it has with the applicant before making a decision.

10. Reviews:

10.1 Requests for a review of a premises licence can be made by interested parties or responsible authorities, however, it is for the licensing authority to decide whether the review is to be carried-out. This will be on the basis of whether the request for the review is relevant to the matters listed below;

- in accordance with any relevant code of practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission;
- reasonably consistent with the licensing objectives; and
- in accordance with the authority's statement of licensing principles.

The request for the review will also be subject to the consideration by the authority as to whether the request is frivolous, vexatious, will certainly not cause

this authority to wish to alter/revoke/suspend the licence, or whether it is substantially the same as previous representations or requests for review.

10.2 The licensing authority can itself also initiate a review of a licence on the basis of any reason which it thinks is appropriate.

10.3 Once a valid application for a review has been received by the licensing authority, representations can be made by responsible authorities and interested parties during a 28 day period. This period begins 7 days after the application was received by the licensing authority, who will publish notice of the application within 7 days of receipt.

The licensing authority must carry out the review as soon as possible after the 28 day period for making representations has passed.

10.4 The purpose of the review will be to determine whether the licensing authority should take any action in relation to the licence. If action is justified, the options open to the licensing authority are:-

- (a) add, remove or amend a licence condition imposed by the licensing authority;
- (b) exclude a default condition imposed by the Secretary of State or Scottish Ministers (e.g. opening hours) or remove or amend such an exclusion;
- (c) suspend the premises licence for a period not exceeding three months; and
- (d) revoke the premises licence.

In determining what action, if any, should be taken following a review, the licensing authority must have regard to the principles set out in section 153 of the Act, as well as any relevant representations.

In particular, the licensing authority may also initiate a review of a premises licence on the grounds that a premises licence holder has not provided facilities for gambling at the premises. This is to prevent people from applying for licences in a speculative manner without intending to use them.

10.5 Once the review has been completed, the licensing authority must, as soon as possible, notify its decision to:

- the licence holder
- the applicant for review (if any)
- the Commission
- any person who made representations
- the chief officer of police or chief constable; and

Her Majesty's Commissioners for Revenue and Customs

PART C
Permits / Temporary & Occasional Use Notice

1. Unlicensed Family Entertainment Centre (“FEC”) gaming machine permits (Statement of Principles on Permits - Schedule 10 paragraph 7)

- 1.1 Where a premises does not hold a premises licence but wishes to provide gaming machines, it may apply to the licensing authority for this permit. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use (Section 238).
- 1.2 The Gambling Act 2005 states that a licensing authority may prepare a statement of principles that they propose to consider in determining the suitability of an applicant for a permit and in preparing this statement, and/or considering applications, it need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Commission under Section 25. The Gambling Commission’s Guidance to Licensing Authorities also states: “In their three year licensing policy statement, licensing authorities may include a statement of principles that they propose to apply when exercising their functions in considering applications for permits..., licensing authorities will want to give weight to child protection issues.” (24.6)
- 1.3 Guidance also states: “...An application for a permit may be granted only if the licensing authority is satisfied that the premises will be used as an unlicensed FEC, and if the chief officer of police has been consulted on the application.... Licensing authorities might wish to consider asking applicants to demonstrate:
- a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs;
 - that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act; and
 - that staff are trained to have a full understanding of the maximum stakes and prizes. (24.7)
- 1.4 It should be noted that a licensing authority cannot attach conditions to this type of permit.
- 1.5 **Statement of Principles.** This licensing authority will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits, however, they may include appropriate measures / training for staff as regards

suspected truant school children on the premises, measures / training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on / around the premises. This licensing authority will also expect, as per Gambling Commission Guidance, that applicants demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs; that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act); and that staff are trained to have a full understanding of the maximum stakes and prizes.

2. (Alcohol) Licensed premises gaming machine permits - (Schedule 13 paragraph 4(1))

2.1 There is provision in the Act for premises licensed to sell alcohol for consumption on the premises, to automatically have 2 gaming machines, of categories C and/or D. The premises merely need to notify the licensing authority. The licensing authority can by making an order under Section 284 of the Gambling Act 2005 remove the automatic authorisation in respect of any particular premises if:

- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
- gaming has taken place on the premises that breaches a condition of Section 282 of the Gambling Act (i.e. that written notice has been provided to the licensing authority, that a fee has been provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with);
- the premises are mainly used for gaming; or
- an offence under the Gambling Act has been committed on the premises.

2.2 If a licensed premises wishes to have more than 2 machines, then an application needs to be made for a permit and the licensing authority must consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Gambling Act 2005, and “*such matters as they think relevant.*” This licensing authority considers that “such matters” will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines. Measures which will satisfy the authority that there will be no access may include the adult machines being in sight of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18. Notices and signage may also help. As regards the protection of vulnerable persons applicants may wish to

consider the provision of information leaflets / helpline numbers for organisations such as GamCare.

- 2.3 It is recognised that some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would most likely need to be applied for, and dealt with as an Adult Gaming Centre premises licence.
- 2.4 It should be noted that the licensing authority can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached.
- 2.5 It should also be noted that the holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine.

3. Prize Gaming Permits - (Statement of Principles on Permits - Schedule 14 paragraph 8 (3))

- 3.1 The Gambling Act 2005 states that a licensing authority may “prepare a statement of principles that they propose to apply in exercising their functions under this Schedule” which “may, in particular, specify matters that the licensing authority propose to consider in determining the suitability of the applicant for a permit”.
- 3.2 This licensing authority has prepared a Statement of Principles which is that the applicant should set out the types of gaming that he or she is intending to offer and that the applicant should be able to demonstrate:
 - that they understand the limits to stakes and prizes that are set out in Regulations;
 - that the gaming offered is within the law
 - Clear policies that outline the steps to be taken to protect children from harm
- 3.4 The licensing authority will determine each application on its own merits.
- 3.5 In making its decision on an application for this permit the licensing authority does not need to (but may) have regard to the licensing objectives but must have regard to any Gambling Commission guidance.
- 3.6 It should be noted that there are conditions in the Gambling Act 2005 by which the permit holder must comply, but that the licensing authority cannot attach conditions. The conditions in the Act are:
 - the limits on participation fees, as set out in regulations, must be complied with;

- all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played;
- the prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize); and
- participation in the gaming must not entitle the player to take part in any other gambling.

4. Club Gaming and Club Machines Permits

- 4.1 Members Clubs and Miners' welfare institutes (but not Commercial Clubs) may apply for a Club Gaming Permit or a Clubs Gaming machines permit. The Club Gaming Permit will enable the premises to provide gaming machines (3 machines of categories B, C or D), equal chance gaming and games of chance as set-out in forthcoming regulations. A Club Gaming machine permit will enable the premises to provide gaming machines (3 machines of categories B, C or D).
- 4.2 Gambling Commission Guidance states: "Members clubs must have at least 25 members and be established and conducted "wholly or mainly" for purposes other than gaming, unless the gaming is permitted by separate regulations. It is anticipated that this will cover bridge and whist clubs, which will replicate the position under the Gaming Act 1968. A members' club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include working men's clubs, branches of Royal British Legion and clubs with political affiliations."
- 4.3 The Commission Guidance also notes that "licensing authorities may only refuse an application on the grounds that:
- (a) the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied;
 - (b) the applicant's premises are used wholly or mainly by children and/or young persons;
 - (c) an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
 - (d) a permit held by the applicant has been cancelled in the previous ten years; or
 - (e) an objection has been lodged by the Commission or the police.
- 4.4 There is also a 'fast-track' procedure available under the Act for premises which hold a Club Premises Certificate under the Licensing Act 2003

(Schedule 12 paragraph 10). As the Gambling Commission's Guidance to Licensing Authorities states: "Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the ground upon which an authority can refuse a permit are reduced." and "The grounds on which an application under the process may be refused are:

- (a) that the club is established primarily for gaming, other than gaming prescribed under schedule 12;
- (b) that in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
- (c) that a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled."

- 4.5 There are statutory conditions on club gaming permits that no child uses a category B or C machine on the premises and that the holder complies with any relevant provision of a code of practice about the location and operation of gaming machines.

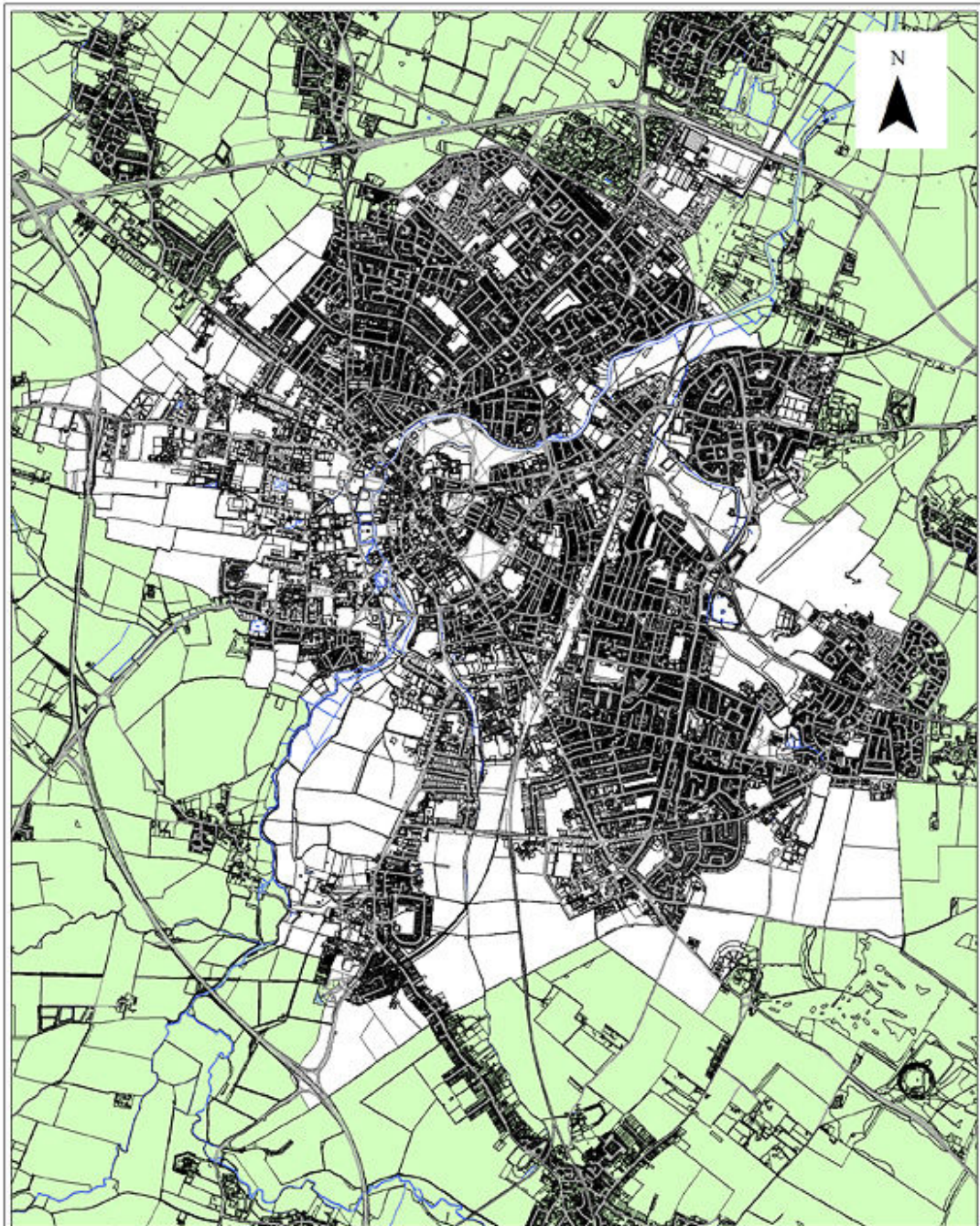
5. Temporary Use Notices

- 5.1 Temporary Use Notices allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that might be suitable for a Temporary Use Notice, according to the Gambling Commission, would include hotels, conference centres and sporting venues.
- 5.2 The licensing authority can only grant a Temporary Use Notice to a person or company holding a relevant operating licence, i.e. a non-remote casino operating licence.
- 5.3 The Secretary of State has the power to determine what form of gambling can be authorised by Temporary Use Notices, and at the time of writing this Statement the relevant regulations (SI no 3157: The Gambling Act 2005 (Temporary Use Notices) Regulations 2007) state that Temporary Use Notices can only be used to permit the provision of facilities or equal chance gaming, where the gaming is intended to produce a single winner, which in practice means poker tournaments.
- 5.4 There are a number of statutory limits as regards temporary use notices. Gambling Commission Guidance is noted that "The meaning of "premises" in Part 8 of the Act is discussed in Part 7 of the Gambling Commission Guidance to Licensing Authorities. As with "premises", the definition of "a set of premises" will be a question of fact in the particular circumstances of each notice that is given. In the Act "premises" is defined as including "any place". In considering whether a place falls within the definition of "a set of

premises", licensing authorities will need to look at, amongst other things, the ownership/occupation and control of the premises...This licensing authority expects to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises, as recommended in the Gambling Commission's Guidance to Licensing Authorities.

6. Occasional Use Notices:

- 6.1 The licensing authority has very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. This licensing authority will though consider the definition of a 'track' and whether the applicant is permitted to avail him/herself of the notice.



Cambridge City Council Area- Appendix A

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Project Location & Name: J:\Projects\A\GIS_Projects\Basemap; Layout Name: i/a

Date:	6th July 2006
Produced by:	Themis Kantara
Section/Department:	Environmental Health, Environment & Planning
Scale:	1:45,000



APPENDIX B

List of Consultees

Responsible Authorities:

The Licensing Authority, Cambridge City Council,
The Gambling Commission
The Chief Officer of Police, Cambridgeshire Constabulary
Cambridgeshire Fire & Rescue Service
Food & Occupational Safety, Cambridge City Council
Environment and Planning, Cambridge City Council
The Environmental Protection Manager, Refuse & Environment, Cambridge City Council
Local Safeguarding Children Board
HM Revenue and Customs
The Environment Agency
Conservators of the River Cam

Persons representing the interests of persons carrying on gambling businesses in the authority's area, persons who are likely to be affected by the authority's functions under the Act and businesses who are, or will be, holders of premises licences:

Business in Sport and Leisure Ltd
British Beer and Pub Association
The Bingo Association
Casino Operators Association of the UK
British Casino Association
British Amusement and Catering Trade Association (BACTA),
Association of British Bookmakers
The British Institute of Innkeeping
The British Association of Leisure Parks, Piers and Attractions
Racecourse Association
British Holiday Parks Association
Gamestec Leisure Ltd
Leisure Link Ltd
Claremont Automatics
Games Media Ltd
Petron Amusements Ltd
Sceptre Leisure Solutions Ltd
Talarius Ltd
Inspired Gaming (UK) Ltd
Fairground Association of Great Britain
Cambridgeshire Chamber of Commerce and Industry
Licensed Victuallers Association
Cambridge Pub and Club Watch

Security Industry Authority
 Punch Taverns Ltd
 Adnams plc
 Charles Wells Brewery
 Mitchells & Butlers Retail Ltd,
 The Laurel Pub Company
 Spirit Group Ltd
 Greene King Brewing and Retailing Ltd
 Greene King Pub Partners
 JD Wetherspoons plc
 Bob Dixon (Cambridge) Ltd (2 branches)
 Coral Racing Ltd (6 branches)
 Ladbrokes Betting & Gaming Ltd (6 branches)
 Joe Jennings Bookmakers Ltd (3 branches)
 Done Bros (Cash Betting) Ltd (1 branch & Head Office)
 William Hill Organisation Ltd (1 branch & Head Office)
 Betfred
 Asda Staff Club
 Tesco Staff Club
 Cambridge Working Men's Club
 Cambridge Tenpin
 Quick Silver (2 branches & Head Office)
 Gala Leisure Ltd
 WT Snooker & Sporting Club
 Mickey Flynn's
 Cambridge Traincrew Welfare & Social Club
 Newnham Croft Social & Sports Club

Licensed Premises in Cambridge holding permits or notifications (TBC)

The Alma	The Anchor	Anglia Students Union
The Avery	Bath House	The Bakers Arms
Ballare	BRB The Cow	The Baron of Beef
Bird in Hand	The Boathouse	The British Queen
The Brook	Burleigh Arms	The Bun Shop
Carlton Arms	Cambridge Arms	Cambridge Tenpin
Carpenters Arms	The Castle	Clarendon Arms
The Cornerhouse	The Place	The Cricketers
Cross Keys	Delice de France	Devonshire Arms
Dobblers Inn	Duke of Argyle	The Elm Tree
The Empress	Five Bells	Fleur de Lys
Flying Pig	Fort St George	The Globe
Golden Hind	The Graduate	The Granta
The Grapes	Green Dragon	Green Man
Greens Health & Fitness	Greyhound	The Grove
Earl of Beaconsfield	Earl of Derby	Hat & Feathers
Dog & Pheasant	Cellar Bar 8	Haymakers
Henry's Café Bar	Hopbine	Jolly Waterman
The Jubilee	King Street Run	Man on the Moon
Master Mariner	The Mill	Milton Arms
Mitre Tavern	Nusha	Old Orleans

Osborne Arms	Panton Arms	The Pickerel
Penny Ferry	Portland Arms	Prince Regent
Queen Edith	The Regal	Red Bull
Robin Hood & Little John	The Rock	Rosemary Branch
Salisbury Arms	Soul Tree	Seven Stars
The Ship	Sir Issac Newton	Slug & Lettuce
Tally Ho	The Druids	Tram Depot
Travellers Rest	The Volunteer	Wok & Grill
The Wrestlers	Anglia Ruskin Univ.	Sir Isaac Newton

Voluntary and Community organisations working with children and young people:

The Community Voluntary Service,
YMCA,
Centre 33
Community Safety Partnership
Mencap
Chair, Cambridge University Bursars
Cambridge Regional College

Trade Unions:

Community Trade Union
TUC
Cambridge University Students Union
Anglia Ruskin Students Union
Cambridge & District Trades Unions Council

Faith groups:

East of England Faiths Agency
Diocese of Ely
Salvation Army.
Cambridge Inter-Faiths Group

Organisations working with people who are problem gamblers:

Gamcare
Gamblers Anonymous
The Responsibility in Gambling Trust,
National Debtline.
The Bridge

Advocacy organisations:

Citizens' advice bureau
Cambridge Business Against Crime
Cambridge Law Centre

Other tiers of local government/government agencies:

The Chief Executive, Cambridgeshire County Council
Trading Standards, Cambridgeshire County Council

Cambridge City Children's' Team
The Child Protection and Review Unit, Cambridgeshire County Council
Maritime & Coastguard Agency
GO East

Other areas of Cambridge City Council:

Strategy and Partnerships
Data Protection Manager
Strategy Officer (Equalities)
Community Safety Partnership
Head of Tourism & City Centre Management
Active Communities
Children & Young Persons Participation Service (CHYPPS)
All Cambridge City Councillors
Other areas listed above as responsible authorities

Medical/Primary Care Trust:

Director of Public Health, Cambridgeshire Primary Care Trust.
Cambridgeshire Drug and Alcohol Action Team
Addenbrookes Hospital

Libraries/Council offices:

Copies were also placed:

- in public libraries within Cambridge
- at The Guildhall and Customer Service Centre, Mandela House.
- On Cambridge City Council's website

Meetings/forums:

Officers attended public meetings of the four Cambridge City Council Area Committees and the Cambridge Licensing Forum.
Cambridge Ethnic Community Forum

APPENDIX C

Responsible Authorities



The Licensing Authority

The Licensing Section, Refuse & Environment, PO Box 700, Cambridge, CB1 0JH.

Telephone: 01223 457879 Fax: 01223 457909

Email: licensing@cambridge.gov.uk

The Gambling Commission

4th Floor, Victoria Square House, Victoria Square, Birmingham B2 4BP

Telephone: 0121 230 6500, Fax: 0121 237 2236

Email: info@gamblingcommission.gov.uk

The Chief Officer of Police

The Chief Officer, Cambridgeshire Constabulary, Southern Division, Police Station, Parkside, Cambridge, CB1 1JG

Telephone: 01223 823397 Fax: 01223 823232

The Fire and Rescue Authority

The Chief Fire Officer, Cambridgeshire Fire & Rescue Service, Cambridge Fire Station, Parkside, Cambridge, CB1 1JF.

Attention: Licensing

Telephone: 01223 376224 Fax: 01223 376229

Email: alanpi@cambsfire.gov.uk

Planning Authority

Environment & Planning, Cambridge City Council, PO Box 700, Cambridge, CB1 0JH

Telephone: 01223 457100 Fax: 01223 457109

Email: planning@cambridge.gov.uk

Environmental Health

The Environmental Health Manager, Refuse & Environment, Cambridge City Council, PO Box 700, Cambridge, CB1 0JH

Telephone: 01223 457890 Fax: 01223 457909

Email: env.health@cambridge.gov.uk

Local Safeguarding Children Board

FAO: Joanne Little, LSCB Administrator, 7 The Meadows, Meadow Lane, St Ives, Cambs, PE27 4LG

Telephone: 01480 376699

Email: Joanne.Little@cambridgeshire.gov.uk

HM Revenue and Customs:

National Registration Unit, Portcullis House, 21 India House, Glasgow, G2 4PZ

In addition, for vessels:

Environment Agency

The Team Leader, Great Ouse & Stour Waterways, The Environment Agency, Kingfisher House, Goldhay Way, Orton Goldhay, Peterborough, PE2 5ZR. Telephone: 01733 464072

Email: enquiries@environment-agency.gov.uk, quoting Great Ouse & Stour Waterways

Conservators of the River Cam

Clerks to the Conservators of the River Cam, Archer & Archer Solicitors
Clerks, Market Place, Ely, Cambridgeshire, CB7 4QN

Telephone: 01353 662203 Fax: 01353 667714

Email: info@archerandarcher.co.uk

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CAMBRIDGE CITY COUNCIL

REPORT OF: Jas Lally
Head of Refuse and Environment

TO: Licensing Committee

25/06/2012

WARDS: All

DELEGATION OF FUNCTIONS UNDER THE LICENSING ACT 2003

1 INTRODUCTION

- 1.1 On 25 April 2012, certain provisions of the Police Reform and Social Responsibility Act 2011 came in to force which amended parts of the Licensing Act 2003. The changes, which are summarised in paragraph 3.1 of the report, have imposed additional duties on the Licenising Authority and it therefore seems appropriate to review the delegation of licensing functions under the Licensing Act 2003.
- 1.2 All licensing functions, save for the determination of the Statement of Licensing Policy under section 5(1) of the Licensing Act 2003, are delegated to the Licensing Committee by virtue of section 7(1) of the Licensing Act 2003 and paragraph 5.5 of the Cambridge City Council Constitution. The Licensing Committee can therefore delegate functions under the Licensing Act 2003 without subsequent approval needed from the Civic Affairs Committee.
- 1.3 The proposed scheme of delegation of licensing functions under the Licensing Act 2003 in the interest of achieving speed, efficiency and cost-effectiveness is shown in paragraph 3.6 of the report.

2. RECOMMENDATIONS

- 2.1 Members are recommended:

To delegate licensing functions under the Licensing Act 2003 to the Licensing Sub-Committees and the Head of Refuse and Environment as set out in paragraph 3.6 of the report.

3. BACKGROUND

- 3.1 On 25 April 2012, the Police Reform and Social Responsibility Act 2011 amended the Licensing Act 2003 as follows:
- 3.1.1 The Licensing Authority and Local Authority responsible for public health became responsible authorities;
 - 3.1.2 The vicinity test for those who make a representation was removed and 'interested parties' became 'other persons';
 - 3.1.3 The evidential burden on Licensing Authorities has been reduced, so instead of the Sub-Committee having to take 'necessary steps' to promote the licensing objectives when determining an application, they must now take 'appropriate steps' to promote the licensing objectives;
 - 3.1.4 A Late Temporary Event Notice may now be accepted up to 5 working days prior to the event instead of 10 working days, and the Environmental Protection Team are now a consultee for all Temporary Event Notices received by Cambridge City Council in addition to the Chief Officer of Cambridgeshire Constabulary. Where an objection notice is served in response to a late temporary event notice, the Licensing Authority must serve a counter notice and the event cannot go ahead. The time limits for temporary event notices have been relaxed such that an event may last for up to 168 hours instead of 96 hours and events may now take place on no more than 21 days in a calendar year, instead of 15 days;
 - 3.1.5 A Premises Licence or Club Premises Certificate must be suspended for non-payment of the statutory annual fee unless the amount payable is disputed, or non-payment is due to an administrative error in which case, a 21 day grace period is provided; and
 - 3.1.6 The Statement of Licensing Policy must now be reviewed at 5 yearly intervals instead of 3 yearly intervals.
- 3.2 The Secretary of State has also published new Guidance under section 182 of the Licensing Act 2003 that reflects the above changes. The Guidance refers to the administration, exercise and delegation of functions (para 13.61-13.63) and provides that "*Many of the decisions and functions will be purely administrative in nature and statements of licensing policy should underline the principle of delegation in the interests of speed, efficiency and cost-effectiveness.*" The Statement of Licensing Policy states that such administrative decisions will be delegated to Officers.

- 3.3 It is therefore proposed that the suspension of Premises Licences and Club Premises Certificates for non-payment of annual fees is delegated to the Head of Refuse & Environment in the interest of speed, efficiency and cost-effectiveness of the service. This is a duty that the Licensing Authority must carry out unless the amount payable has been disputed in advance or there is an administrative error, in which case a 21-day grace period is given.
- 3.4 It is proposed that where objection notices are received in response to late temporary event notices, the serving of counter notices is delegated to the Head of Refuse & Environment. This is because there is no discretion given to the Licensing Authority and a counter notice must be served.
- 3.5 It is also proposed that the responsible authority function of the licensing authority is delegated to the Head of Refuse & Environment. Where this power is used to make a representation or apply to review an authorisation, there will be clear distinction between the Officer acting as the responsible authority and the Officer presenting the report to the Sub-Committee. To achieve this separation, the responsible authority function will be delegated by the Head of Refuse & Environment to the Environmental Health Manager whilst any reports or advice to Sub-Committees will continue to be provided by and on behalf of the Head of Refuse & Environment.
- 3.6 The proposed scheme of delegation of licensing functions is therefore:

Matter to be Deal With	Full Committee	Sub Committee	Head of Refuse & Environment
Matters relating to maintenance of the Public Register (s.8)			All cases
Application for a Premises Licence / Provisional Statement / Club Premises Certificate		If relevant representation is made	If no relevant representation is made
Application to vary a Premises Licence / Club Premises Certificate		If relevant representation is made	If no relevant representation is made
Decision whether to consult other responsible authorities on minor variation applications			All cases
Determination of minor variation applications			All cases
Application to Vary a Designated Premises Supervisor (DPS)		If a Police Objection is made	If no Police Objection is made

Request to be Removed as a DPS		All cases
Determination of an application to vary a Premises Licence at a community premises to include the alternative licence condition	If a Police objection is made	If no Police objection is made
Application to Transfer a Premises Licence	If a Police Objection is made	If no Police Objection is made
Application for an Interim Authority Notice	If a Police Objection is made	If no Police Objection is made
Application to review a Premises Licence / Club Premises Certificate	All cases	
Decision on whether a representation is irrelevant, frivolous, vexatious etc		All cases
Decision to make a representation when the Licensing Authority is the relevant Licensing Authority		All cases
Decision to make a representation when the Local Authority is a consultee and not the relevant authority considering the application		All cases
Suspension of a Premises Licence / Club Premises Certificate for non-payment of annual fee		All cases
Withdrawal of a Club Premises Certificate where the Club Ceases to be a Qualifying Club under the Act (s.90)		All cases
Acknowledgement of a temporary event notice		All cases
Determination of an objection to a standard temporary event notice	All cases	
Serving of a counter-notice to a late temporary event notice where an objection notice is received		All cases
Serving of a counter-notice to a temporary event notice where Permitted Limits are		All cases

Exceeded		
Application for the Grant / Renewal of a Personal Licence	If a Police Objection is made	If no Police objection is made
Determination of an Objection Notice in Response to a Notification of Convictions Coming to Light after Grant / Renewal of a Personal Licence	All cases	
Updating of Premises Licences (under s.56), Club Premises Certificates (under s.93) and Personal Licences (under s.134)		All cases
Issuing copies of Premises Licences and Summaries (under s.25), Club Premises Certificates and Summaries (under s.79), Temporary Event Notices (under s.110) and Personal Licences (under s.126) due to theft, lost etc.		All cases
Authorisation of Officers Generally under the Act and specifically under Parts 3 and 4 and section 108(5)		All cases
Instigation of proceedings for an offence		All cases

4. CONSULTATIONS

4.1 No statutory consultation is required and as all licensing functions, save for the determination of the Statement of Licensing Policy, are delegated to the Licensing Committee by virtue of section 7(1) of the Licensing Act 2003 and paragraph 5.5 of the Cambridge City Council Constitution, the Licensing Committee can delegate functions under the Licensing Act 2003 without subsequent approval from the Civic Affairs Committee.

5. OPTIONS

5.1 The Committee may resolve to:

5.1.1 Delegate licensing functions under the Licensing Act 2003 to the Licensing Sub-Committees and the Head of Refuse and Environment as set out in paragraph 3.6 of the report

5.1.2 Delegate licensing functions under the Licensing Act 2003 in any other way.

6. CONCLUSIONS

- 6.1 Cambridge City Council has a duty to carry out its licensing functions and ensure an efficient and cost-effective service is provided. The proposed delegation of functions is within the Committee's powers and will ensure that functions are carried out efficiently and within the statutory timescales.

7. IMPLICATIONS

(a) Financial Implications

The delegation of powers will ensure that a cost-effective service is provided. The licence fees cover the cost of carrying out all licensing functions.

(b) Staffing Implications

Existing staff resources will carry out the proposed delegated functions..

(c) Equal Opportunities Implications

There are no apparent equal opportunities implications.

(d) Environmental Implications

There are no apparent environmental implications.

(e) Community Safety

There are no apparent community safety implications.

BACKGROUND PAPERS: The following are the background papers that were used in the preparation of this report:

- [Licensing Act 2003](#)
- [Police Reform and Social Responsibility Act 2011](#)
- [Guidance Published by the Secretary of State under section 182 of the Licensing Act 2003](#)
- [The Cambridge City Council Constitution](#)

The author and contact officer for queries on the report is Robin Grey on extension 7899.

Report file:

Date originated: 14 June 2012

Date of last revision: 14 June 2012