



Public Document Pack

Cambridge City Council

LICENSING COMMITTEE

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

Alternates – Councillors Hipkin, Stuart and Marchant-Daisley

Despatched: Friday, 28 September 2012

Date: Monday, 8 October 2012

Time: 10.00 am

Venue: Committee Room 1 & 2 - Guildhall

Contact: Toni Birkin

Direct Dial: 01223 457012

AGENDA

1 DECLARATIONS OF INTEREST

2 APOLOGIES FOR ABSENCE

3 MINUTES OF THE PREVIOUS MEETING (*Pages 1 - 4*)

4 REVIEW OF THE STREET TRADING POLICY

Enclosed separately

5 EMISSION STANDARDS FOR TAXI VEHICLES (*Pages 5 - 36*)

6 REVISION OF SCHEME OF DELEGATION OF FUNCTION UNDER THE GAMBLING ACT 2005 (*Pages 37 - 46*)

7 REVIEW OF STATEMENT OF GAMBLING PRINCIPLES (*Pages 47 - 50*)

8 OUTCOME OF REVIEW OF STATEMENT OF LICENSING POLICY
(*Pages 51 - 58*)

Information for the Public

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LICENSING COMMITTEE18 July 2012
10.00 - 11.05 am

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

Officers Present

Head of Tourism and City Centre Management – Emma Thornton
Licensing Manager – Robin Grey
Legal Advisor – Jane Connell
Committee Manager – Martin Whelan

FOR THE INFORMATION OF THE COUNCIL**12/20/LIC Apologies for absence**

Apologies were received from Councillor Smith, Councillor McPherson, Councillor Gawthrope and Councillor Hart.

12/21/LIC Declarations of Interest

There were no declarations of interest.

12/22/LIC Law Commission Review - Reforming the law of Taxi and Private Hire Services

The committee received a report from the Licensing Manager, regarding the Law Commission Review – Reforming the law of Taxi and Private Hire Services.

The committee made the following comments on the report

i. Clarification was requested on the status of paragraphs 3.6, 3.7, 3.8 and 3.9 of the committee report. The Chair explained that due to the timing of the next meeting it was necessary to confirm the consultation response outside of the committee. It was explained that due to the nature of the proposed changes it

had been agreed that it was important for the City Council to submit a response.

ii. Following discussion it was agreed to remove the “may” from the first sentence of paragraph 3.9, to strengthen the recommendation. It was agreed that it was important for the City Council to release a press release to alert the local trade to the proposals.

iii. An explanation was requested on the nature of the proposed minimum safety standards. The Licensing Manager explained that at present the consultation only proposed the principle of a minimum standard and the actual minimum safety standards would be set by Regulations, which would be subject to separate consultation. Concern was also expressed whether the proposed standards would be adequate.

iv. Members questioned the motivation behind the Law Commission proposals, and whether they were truly a fresh approach or merely change for the sake of change. Whilst it was acknowledged that the proposed changes had the potential to create new or additional complexity, it was also agreed that the current system was also overly complex and hopelessly out of date.

v. Clarification was requested on the reference to proposed changes to the rules related to leisure use of vehicles. The Chair explained that the proposal was to allow vehicles to be “off duty”.

Resolved (Unanimously) to

i. Endorse paragraphs 3.6 to 3.9 of the committee report, subject to the removal of the word “may” from the first paragraph.

ii. Agree to provide any further comments to the Licensing Team by 10th August 2012, to allow them to be incorporated into the final version.

iii. Authorise the Chair and Vice-Chair to agree the final version of the response to be submitted before the close of the consultation.

12/23/LIC Review of the Street Trading Policy

The committee received a report from the Head of Tourism and City Centre Management regarding the review of the Street Trading Policy.

The committee made the following comments on the report

i. The appropriateness of section 4 of the proposed was questioned, and it was suggested that the content should be incorporated into the current section 5. A request was made for the section regarding the delegations to the Director of Environment to be simplified.

ii. The following comments were made on the drafting of the document

- Sections 5.2.81 and 5.2.82 do not relate to equal opportunities, and it was suggested a heading was missing.

- In section 7, the reference to appendix 4 should be replaced with a reference to appendix 3

- In section 5.4.6, the reference to section 2 should be section 3.

iii. It was agreed that the Market Trader Federation (Street Traders Branch) should be added to the list of formal consultees in section 2.1.

iv. Clarification was requested on whether the previous proposal to have a health check had been dropped. The Head of Tourism and City Centre Management confirmed that the street trading review incorporated the principle of the health check approach used by other authorities.

v. The Head of Tourism and City Centre Management was asked regarding the rationale behind the proposal for formal reviews every three-years, instead of five years suggested by the Market Traders Federation. The committee were advised that either suggestion was equally valid, and would be explored through the consultation process. The committee noted the existing process involved a formal review each year.

vi. The possibility of exploring alternative decision making mechanisms in the event of a contested, new or vacant pitch such as an officer recommendation was suggested.

vii. It was suggested whether the policy should consider the issue of perceived monopolies; particularly those were multiple members of the same family held licences under the umbrella of the same company. The comment was noted.

viii. Concern was expressed about whether the time period between the Licensing Committee in October and the proposed deadline for applications. The Head of Tourism and City Centre Management noted the concern, however it was explained that if necessary the deadline could be extended but at this stage this was not expected to be required.

The Chair invited the committee to consider any streets, which should be, explored as potential new consent or prohibited streets. The Legal Advisor explained the process for designating a new street. The following streets were suggest as potential new consent streets,

- Christ's Lane
- Sussex Street
- Pikes Walk
- Milton Walk

It was also agreed that the status of pathways on Parkers Piece should be explored.

Resolved (Unanimously) to

Authorise the Head of Tourism and City Centre Management to consult on the draft Street Trading Policy subject to the changes raised in the meeting, and to bring a report back to Licensing Committee on 8th October, which will summarise the feedback on the consultation and outline any proposed changes to the policy as a result of the consultation.

The meeting ended at 11.05 am

CHAIR

CAMBRIDGE CITY COUNCIL

REPORT OF: Jas Lally, Head of Refuse and Environment

TO: Licensing Committee

8/10/2012

WARDS: All

AGE LIMITS AND EMISSION STANDARDS FOR HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES

1 INTRODUCTION

1.1 On 16th March 1998 the Environment Committee resolved to adopt an age policy in relation to Hackney Carriage licensed vehicles as:
All Hackney Carriage Vehicles must be less than 8 years of age. No vehicle will be relicensed after its 8th birthday.

Upon change of vehicle, the new Hackney Carriage Vehicle must be less than 4 years old

1.2 On 9th November 1999 the Environment Committee resolved the adopt the same age policy in relation to private hire licensed vehicles

1.3 On 25th June 2012, the Licensing Committee received a report about age limits and emissions for taxi vehicles and resolved to adopt a policy to address air quality, as follows:

"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 9 years old AND it meets the Euro 4 Standard or higher.

This will only affect those applying for a new vehicle license and those with a Euro 3 standard vehicle after 1st September 2012"

(Appendix A)

- 1.4 At the Committee meeting officers advised that all vehicles registered after January 2005 would meet at least the Euro 4 standard and after September 2009 would meet at least Euro 5 standard and consequently officers believed only six vehicles currently licensed, that were Euro 3 standard, would need to be replaced earlier than expected as a result of the proposed change in policy.
- 1.5 Since the 25th June 2012 further work by officers on the exact Euro standards revealed that many more vehicles registered after January 2005 were Euro 3 standard than previously believed. This discrepancy arose because some manufacturers had either not kept to the original deadlines set by EU legislation or because there had been a longer time delay between manufacture and date of registration. In terms of the taxi and private hire fleet in Cambridge it is now clear that there are 92 vehicle (as at August 15th 2012) classified as Euro 3, and therefore this new policy would require replacement of all these vehicles. Some of these replacements have not been planned for, as the majority of these vehicles would not otherwise have needed to be replaced for another couple of years under the original policy.
- 1.6 As a consequence of this the Director of Environment made an urgent decision on 6th August 2012 to defer the implementation of part ii) of the policy and that a further report go to Licensing Committee on 8th October so that members can consider a revised implementation date in relation to the part of the policy that deals with renewals. (Appendix B)
- 1.7 The revised date needs to allow for vehicle owners, who are going to be affected by this policy, time to put a business plan together in order for them to replace their vehicle with a newer one, earlier than expected under the original policy.
- 1.8 There will be a transitional period between 8th October 2012 and the new implementation date, where a provision needs to be in place to allow the continuation of renewing vehicle licenses.
- 1.9 The hackney carriage and private hire trade have also expressed concern over the policy, and the practicalities of obtaining information to confirm what the Euro standards are of vehicles they are proposing to purchase or replace.
- 1.10 The only accurate way this can be achieved is by obtaining the Certificate of Conformity from the manufacturer. There is a cost to this and it could take up to 3 weeks to obtain it.

- 1.11 On some occasions if the appropriate information is on the V5 logbook, there is a calculation that can be done but this is very resource intense for officers, In essence obtaining accurate information on Euro standards has proven to be very difficult and costly.
- 1.12 As a consequence of this, officers would like members to consider a revised policy in relation to new vehicles that will be licensed.
- 1.13 However, the purpose of introducing such a policy is to improve air quality in the city as part of the Councils air quality action plan and therefore this principle should remain.

2. RECOMMENDATIONS

- 2.1 Members are recommended to adopt a policy to address air quality, as follows:
- i) a new vehicle licence will not be granted in respect of a vehicle unless it is less than 4 years old and either registered after 1st September 2009 or meets the Euro 5 standard or higher.
The implementation date will be the 8th October 2012*
 - ii) A vehicle licence will not be renewed unless the vehicle is less than 9 years old and meets the Euro 4 standard or higher
The implementation date will be 1st September 2013*
- 2.2 Members are recommended to adopt a policy for renewals during a transitional period between the 8th October 2012 and 1st September 2013 as follows:

No vehicle will be relicensed after its 8th birthday

3. BACKGROUND

- 3.1 Cambridge City Council's previous 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 EU could fine the UK government 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 be made by improving the emission 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. NO_x and PM) increase with age cannot be measured because it is not possible to test these during an MOT test.
- 3.5 The original proposal, was that as of 1st September 2012, a new vehicle licence would only be granted if the vehicle complies with the Euro 5 standard or higher. The Euro 5 standard came into force on 1 September 2009 for the approval of vehicles and on that basis, it was understood that the new policy would affect approximately 66 vehicles, based on an analysis of the fleet in 2011. The drivers affected under the policy have to purchase an Euro 5 vehicle whereas under the age limit only policy a new vehicle of any Euro standard could have been purchased as long as it was less than 4 years old at the date of licensing.

- 3.6 This option was presented to Licensing Committee on 25 June alongside a number of other options with estimates of the potential reductions in relative polluting emissions. Committee agreed upon a policy taking account of feedback from the consultation. The policy is detailed in para 1.3
- 3.7 As the Council began to implement the policy, a series of thorough checks were introduced, to confirm the compliance with the Euro standards of vehicles within the fleet. It became apparent that some vehicle manufacturers had not, in fact, complied with European law by the stipulated dates, or had negotiated exemptions for a period, and that a number of vehicles older than the type approval date for Euro 5 vehicles of 1st September 2009, had not been manufactured to the Euro 5 standard.
- 3.8 Compliance with Euro 3 at the appropriate registration date proved to be even more anomalous.
- 3.9 This information had not been passed onto local authorities, and a number of other local authorities, whom we consulted, had based their assumptions for managing licensed vehicles on the expectation that the law would have been complied with, regarding date of first registration and Euro standard.
- 3.10 As a result some of the figures presented in the June committee relating to the number of affected vehicles in the fleet were inaccurate.
- 3.11 This meant that, instead of there being only 6 remaining Euro 3 standard vehicles by September 1st 2012, there are, in fact 97 Euro 3 vehicles in the licensed fleet as at 15th August 2012 and an expectation that 80 will remain in the fleet at 1st September 2012. A substantial number of these EU3 vehicles would be expected to have a considerable licensable life under the existing 8-year rule some having a further four years. Details on the numbers of EU 3, 4 and 5 vehicles at 1st September 2012 – 2015 under the original policy scenario that no vehicle will be relicensed after its 8th birthday are presented in Appendix C.
- 3.12 It is this element of the newly adopted policy, which has the potential to impact unduly on significant number licensed taxi drivers, or proprietors that led to the emergency decision to suspend implementation of it.

- 3.13 Further detailed analysis has now been carried out on a definitive taxi fleet data set looking at the impact of the policy proposed in this report on both PM10 Particulates and NOx (oxides of nitrogen) the key polluting emissions. The data shows the expected emissions improvements at key compliance dates from 1st September 2012 through to 1st September 2015. All data is presented relative to the baseline data set compiled in August 2012 and is shown in Appendix D.
- 3.14 Also presented are emissions forecasts for the impact of replacing all current Euro 3 vehicles in the fleet with Euro 5 vehicles. These data are included for comparison.
- 3.15 The aim of the policy is to try and improve air quality and reduce the number of Euro 3 from the fleet with all expediency. However this needs to be balanced with the potential significant impact on existing proprietors, and therefore by having 1st September 2013 as the implementation date, this will allow those proprietors affected, time to plan to replace their vehicle earlier than anticipated.
- 3.16 Another issue that has arisen since the resolution at Licensing Committee on 25th June was the difficulty in ascertaining the Euro standard of a vehicle. As previously stated the assumption was that the date of registration, which is readily available, would accord with the Euro standard of that vehicle. Unfortunately, it has now been established this is not always the case.
- 3.17 The information is not readily available and can only be reliably obtained from the Certificate of Conformity, which is held by the manufacturer. To obtain this document would be costly and delay the process of licensing vehicles.
- 3.18 Another reliable way of obtaining the information is if the appropriate data is present on the V5 logbook, Euro standard can be ascertained by using the mass, fuel-type, and emissions of a vehicle as stated on the V5 and comparing them to the emission limits for the appropriate class of vehicle stated in the Euro Standard. A procedure for carrying this out is shown in appendix E. The process is time consuming and impractical for the purpose of implementing this policy.
- 3.19 Representations from the trade have indicated that setting a Euro standard for new vehicles would make the policy unworkable.
- 3.20 The objective of any such policy is to continually improve the fleet of hackney carriage and private hire vehicle in terms of air quality.

However, there is a balance to be had in terms of having a policy that is workable for the trade and officers.

3.21 Officers have analysed the current fleet to ascertain the percentage of vehicles that are registered after 1st September 2009. The data below shows the Euro Standard split for these vehicles at 1st September 2009 (the date of compliance for manufacturer type approval for Euro 5) and as at the 1st January 2011 (the date of compliance for the registration and sale of new types of cars at Euro 5).

Date of 1 st Registration	Total no. of vehicles	No. of EU4 Vehicles	No. of EU5 Vehicles	% EU5 vehicles
After 1 st Sept 2009	88	61	27	31
After 1 st January 2011	31	14	17	55

3.23 Officers have investigated the realistic feasibility to purchasing wheelchair accessible vehicles that have been registered after 1st January 2011. This has proven to be very restrictive in the type of model that is available and extremely expensive. If the policy was that only vehicles registered after 1st January 2011 would be accepted, this would have a negative effect on the number of wheelchair accessible vehicles that would be available.

3.22 Therefore it is practical to continue to improve air quality, albeit by a reduced margin by ensuring a new vehicle can be licensed if it is less than 4 years and either registered after 1st September 2009 or can be shown to meet the Euro 5 standard or higher.

3.23 By mandating a stated compliance date, which can be quickly compared to the date of first registration on a V5 logbook, administration of the policy becomes straightforward for both council officers and the taxi trade.

4. CONSULTATIONS

4.1 The original policy proposals went out to consultation for a 12-week period and included a wide range of options. Comments were received by the trade and were taken into account when the policy was discussed at Licensing Committee on 25th June 2012. This report is to revise the implementation date of part of the policy and amend the policy to ensure it is practicable and workable. Therefore it is not necessary for it to go out to further consultation.

5. Options

- 5.1 Not to accept the recommendation and return to the original policy adopted on 25th June 2012
- 5.2 To adopt different implementation dates to those in the recommendation

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. Actively managing emissions of licensed vehicles in the City forms part of the adopted Air Quality Action Plan. 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. Vehicle application fees will cover the cost of implementing the policy. 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** (if not covered in Consultations Section)
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.

(f) **Consultation and communication**

This report has been discussed with the Chair of Licensing, and representatives of the taxi licensing trade. Once a policy has been adopted, all proprietors, drivers and operators will be written too, to outline the new policy, the implementation dates and arrangements during the transitional period. The existing taxi licensing policy and guide will be amended in light of the decision and uploaded on to the website

(g) **Community Safety**

Cambridge City Council has a duty to provide safe and secure taxi service; this includes setting minimum standards of safety for all travelling passengers, including those with disabilities and mobility issues

8. Appendices

Appendix A Licensing Committee 25th June 2012 – minutes

Appendix B Urgent decision notice by Director of Environment

Appendix C Number of EU 3,4,5, vehicles at 1st Sept 2012-2015

Appendix D Expected emissions improvements from 1st Sept 2012-15

Appendix E Procedure for carrying out calculations to establish the Euro standard

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

Licensing Committee report on 25th June 2012.

To inspect these documents contact Yvonne O'Donnell on extension 7951.

The author and contact officer for queries on the report is Yvonne O'Donnell on extension 7951.

Report file: L/TAXI OFFICE/TAXI/TAXI POLICY/ EURO STANDARDS

Date originated: 27 September 2012

Date of last revision: 27 September 2012

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APPENDIX A – MINUTE EXTRACT**LICENSING COMMITTEE**25 June 2012
10.00 - 11.30 am.

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

Officers Present:

Environmental Health Manager – Yvonne O'Donnell

Licensing Manager – Robin Grey

Principal Scientific Officer – Jo Dicks

Solicitor – Carol Patton

Committee Manager – Martin Whelan

Minute Extract**12/14/LIC Outcome of Consultation on the Age Limit & Emissions Policy**

The committee received a report from the Head of Refuse and Environment regarding the outcome of consultation on the age limit and emission policy.

The committee made the following comments on the report.

- i. Clarification was requested on the mechanism for obtaining and recording information regarding the Euro status of a vehicle. The Principal Scientific Officer advised that the information was either contained on the V5 certification, or could be calculated from information on the V5.
- ii. Officers were also asked about the adoption of Euro 5 standard, and the availability of vehicles particularly at the higher end of the age range. The Principal Scientific Officer advised that a number of manufacturers had adopted Euro 5 standard early, so there was a reasonable number of vehicles in the market, which met the standard.
- iii. Clarification was requested on the potential application of option 2, and whether it only applied to new licence applications. It was confirmed that it would only apply to existing licence holders, if they wished to licence a new vehicle.

- iv. It was questioned whether the four year age limit was superfluous if the vehicles met Euro 5 standard.
- v. Clarification was requested on the conflicting statements regarding the effectiveness of more regular testing in managing emissions. The Principal Scientific Officer explained that the MOT test had a different focus to the Euro standard testing, and that it was not economically viable to re-test vehicles at Euro standard due to the cost. It was noted that regular MOT testing would reduce the likelihood of vehicles running with significant engine problems.
- vi. The committee were reminded that the age limit policy was based on considerations wider than just emissions, and was also concerned with safety and the general mechanical construction.
- vii. Concern was expressed about the potential for companies to manipulate the Euro Standard results.
- viii. Officers were asked for an assessment of the implications of extending the life span of Euro 4 vehicles to 10 years. The Principal Scientific Officers explained that all Euro 3 vehicles would have left the fleet by early 2013, but that the effect of the delay would be to delay air quality improvements by up to 2 years. It was explained that this could compromise the ability of the city to meet its air quality targets.
- ix. Officers were asked whether any evidence was available on the extent to which emissions performance declines with time. The committee were advised that it was not disputed that emissions performance would decline with time, but that evidence particularly for diesel vehicles was limited. It was noted that more evidence was available for petrol vehicles, and that about 10% of the fleet were petrol vehicles.
- x. Clarification was requested on the relative difference between the Euro standards. An explanation was also requested on the types of engineering techniques used to reduce emissions. The Principal Scientific Officer explained that each of the Euro standards represented a step change in performance. The committee were advised of some of the more common engineering solutions to reduce emissions in diesel vehicles, such as exhaust gas re-circulation or selective catalytic reduction.

Resolved (Unanimously) to

To adopt Option 2 as amended which will address air quality by accelerating the improvement of new vehicles

The policy will therefore be as and from 01 September 2012:

- i. 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 9 years old and meets Euro 4 standard or higher.

This will only affect those applying for a new vehicle license and those with a Euro 3 standard vehicle after 1 September 2012.

12/10/LIC Review of the Hackney Carriage Table of Fares and Update on mechanisms for implementing a fuel surcharge

The committee received a report from the Head of Refuse and Environment regarding the review of the Hackney Carriage Table of Fares and Update on mechanisms for implementing a fuel surcharge.

The committee made the following comments on the report.

- i. Noted that Cambridge prices were often higher than London prices, and questioned whether this was factored into the calculations. The Licensing Manager explained that average prices were calculated using a national average. It was explained that regional averages were available but that there is a 6-week delay in the publication of the figures.
- ii. Noted there was a perception amongst tourists that taxi fares were too high already.
- iii. Clarification was requested on the process if the fuel price threshold was exceeded and then fell below the threshold. It was explained that once the threshold was triggered, the enhanced charges remained in place until the table of fares was again reviewed. Members discussed the

appropriateness of this arrangement, however it was noted that the main alternative would be very difficult to manage.

Resolved (Unanimously) to

i. Annual Revision of the “Hiring Charges” section of the Table of Fares

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 of the committee report.

ii. Mechanism for implementing a fuel surcharge

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.

12/11/LIC Hackney Carriage Fair Fare Scheme

The committee received a report from the Head of Refuse and Environment regarding the review of the Hackney Carriage Fair Fare Scheme. It was explained that following publication of the report it had been established that it was not a regulatory decision, therefore the final decision would rest with the Executive Councillor for Environmental and Waste Services.

The committee supported the idea in principle, however it was agreed that supporting publicity would probably be necessary to ensure that the public understand the scheme. It was agreed that the scheme had the potential to deliver positive benefits.

Resolved (Unanimously) to recommend to the Executive Councillor for Environmental and Waste Services, they support the 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.

12/12/LIC Review of Statement of Licensing Policy under the Licensing Act 2003

The committee received a report from the Head of Refuse and Environment regarding the review of the Statement of Licensing Policy under the Licensing Act 2003.

Members requested greater clarification on the mechanism for the Licensing Authority to make representations on applications. Officers assured members that a clear separation of responsibilities would exist. Some members also questioned the appropriateness of the Licensing Authority making representations, however it was agreed that members of the public might be looking for the Licensing Authority to lead on or add weight to a public campaign. The committee were advised that the enhanced rights for the Licensing Authority would not affect or compromise the ability of residents or individual councillors to initiate reviews.

The following specific comments were made on the text

Page 71 – reference to “necessary, proportionate and reasonable” should be deleted and replaced with “appropriate” in paragraph 9.6.

Page 72 – The word “other” should be inserted prior to each reference to responsible authorities in paragraph 10.3

Page 73 – The word “officials” should be replaced with “officers” in paragraph 12.3.

Page 75/76 – Email addresses should be generic and not linked to a specific person.

Resolved (Unanimously) to

Incorporate those changes to the Statement of Licensing Policy identified in Appendix A as amended and agree to commence the statutory consultation process.

12/13/LIC Review of statement of Gambling Principles

The committee received a report from the Head of Refuse and Environment regarding the review of statement of Gambling Principles.

The lack of public nuisance as an objective in the policy was noted.

Resolved (Unanimously) to

Commence the statutory consultation process on the existing Statement of Principles (Appendix A of the committee report)

12/14/LIC Delegation of functions under the Licensing Act 2003

The committee received a report from the Head of Refuse and Environment regarding the delegation of functions under the Licensing Act 2003.

Clarification was provided on the wording relating to the decision to make a representation when the Licensing Authority is and is not the relevant Licensing Authority (page 142 of the committee agenda).

The Licensing Manager advised in response to a question that the reference to “the alternative licence condition” was correct,

Resolved (Unanimously) 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 committee report.

The meeting ended at 11.30 am

CHAIR

NOTICE OF DECISION

CAMBRIDGE CITY COUNCIL CONSTITUTION PART 3 – DISCHARGE OF COUNCIL FUNCTIONS EXERCISE OF DELEGATED URGENT ACTION POWERS TAXI LICENSING

1. Emergency Provision of the Constitution

- 1.1 “Each Director is authorised to act on behalf of the Executive or the Council (after consultation, if practicable with the relevant Executive Councillor or, in respect of non-executive functions, the relevant Chair or, in either case, the Chief Executive) in relation to matters within his/her area(s) of responsibility in cases of urgency or emergency. Any such action to be reported as soon as possible to the relevant Executive Councillor and Scrutiny Committee or, for non-executive functions, the relevant committee or sub-committee.”

2. Background

- 2.1 On 25th June 2012 the Licensing Committee unanimously adopted the following resolution to revise the Taxi and Private Hire Licensing Policy:

- i. 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 9 years old and meets Euro 4 standard or higher.*

This will only affect those applying for a new vehicle license and those with a Euro 3 standard vehicle after 1 September 2012.

- 2.2 At the Committee meeting officers advised that all vehicles registered after January 2005 would meet at least the Euro 4 standard and after September 2009 would meet at least the Euro 5 standard and consequently officers believed only six vehicles currently licensed, that were Euro 3 standard, would need to be replaced earlier than expected as a result of the proposed change in policy.
- 2.3 Since the 25th June 2012 further work by officers on the exact Euro standards revealed that many more vehicles registered after January 2005 were Euro 3 standard than previously believed. This discrepancy arose because manufacturers had either not kept to the original deadlines set by EU legislation or because there had been a longer time delay between manufacture and registration. In terms of the taxi and private hire fleet in Cambridge it is now clear that there are between 80 to 90 vehicles classified as Euro 3, and therefore this new policy would require replacement of all these vehicles. Some of these replacements have not been planned for, as the majority of these

vehicles would not otherwise have needed to be replaced for another couple of years under the original policy.

3. Representations Received and Consultation with Chair and Spokespersons

- 3.1 Due to the timeframe involved and the potential economic impact this could have on taxi and private hire businesses, the proprietors have made strong representations that it would be unreasonable for the City Council to impose this revision policy on the taxi and private hire trade as from the 1st September 2012.
- 3.2 In the light of this new advice and the representations made I have consulted with Councillor Rosenstiel, Chair of Licensing Committee, Councillor Benstead, Vice Chair of the Licensing Committee and Labour Spokesperson and Councillor Meftah Independent and Conservative Spokesperson to defer part (ii) of the revision of the policy to allow full consideration by Licensing Committee on the 8th October 2012 when members will have the latest advice about the number of vehicles involved and also the views of the taxi and private hire trade.
- 3.3 The members set out above support my exercising of these urgency powers under these circumstances.

4. Urgent Decision Made

- 4.1 In accordance with Section 3.6 of the Constitution I make the following urgent decisions:

1. To defer the implementation date for the revision to the Taxi and Private Hire Licensing Policy made by Licensing Committee on 25 June 2012 that states: *A vehicle licence will not be renewed unless the vehicle is less than 9 years old and meets Euro 4 standard or higher.*

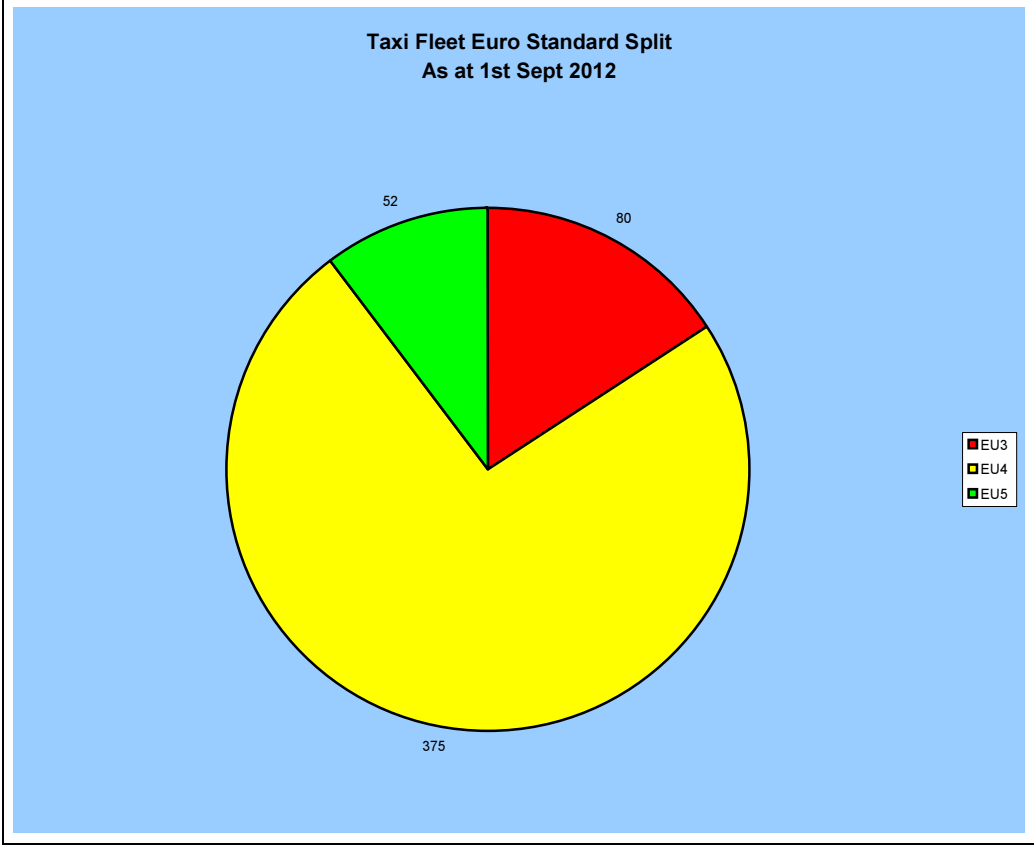
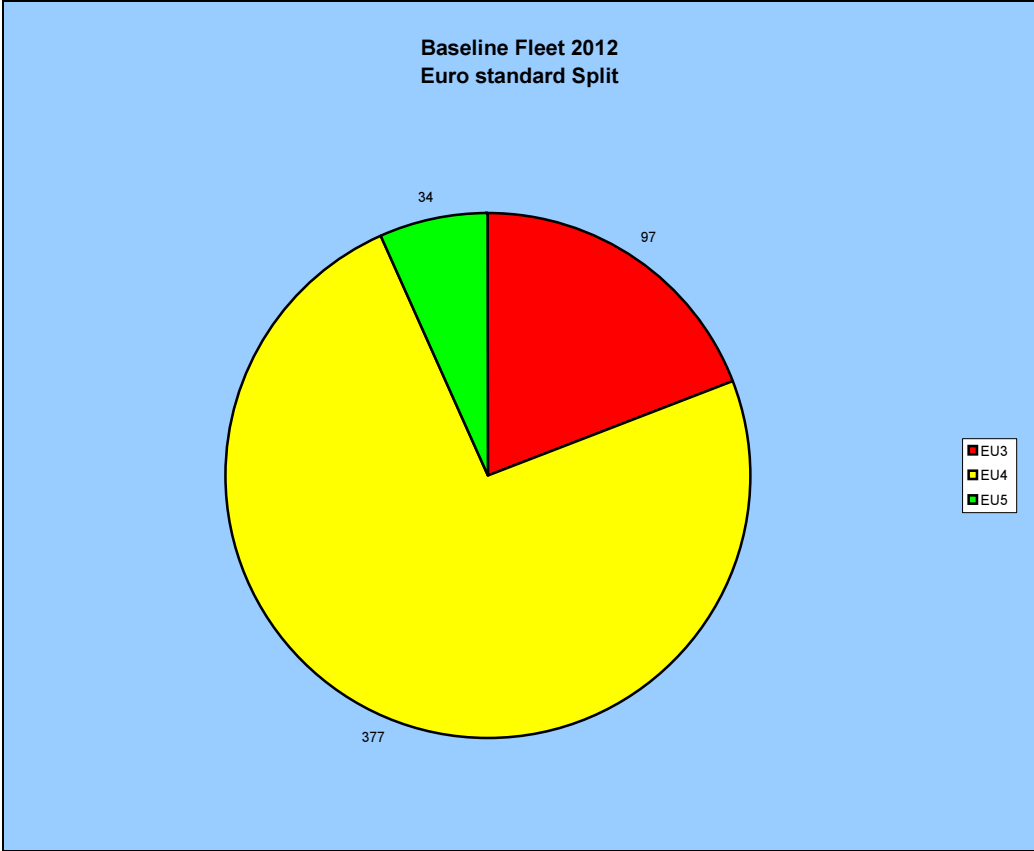
2. To report to the first available Licensing Committee on the revision to the Taxi and Private Hire Licensing Policy so that members can consider a revised implementation date in relation to the part of the policy that deals with vehicles licence renewals.

Signed

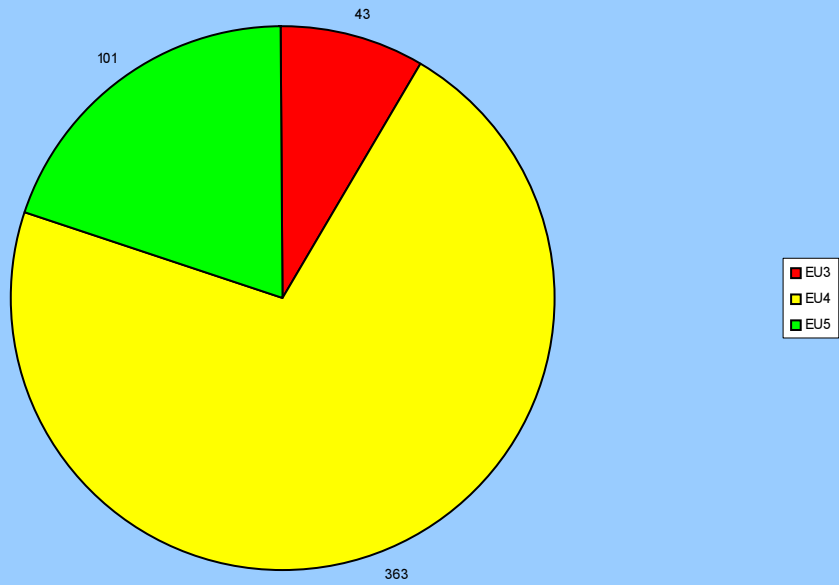


Simon Payne
Director of Environment
Monday 6 August 2012

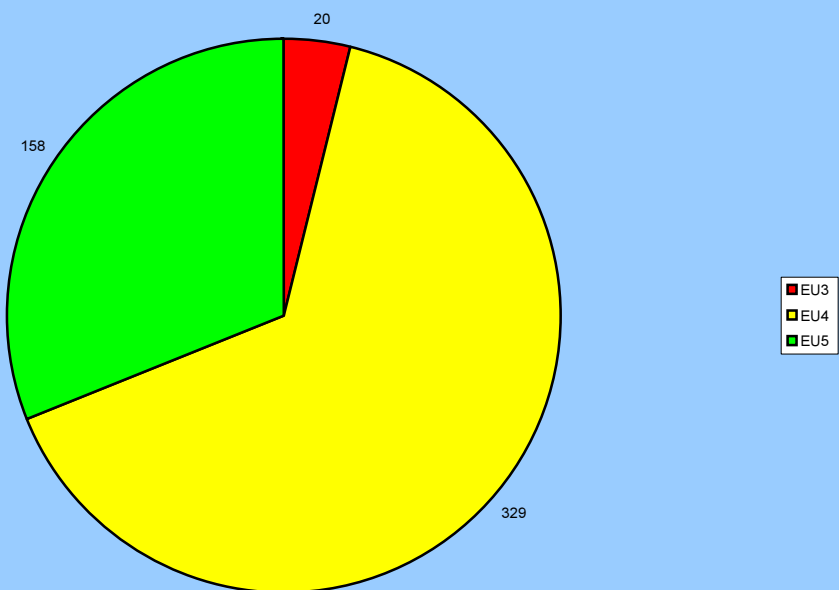
Appendix C – Taxi Fleet Euro Standard Split
Annual policy scenarios Baseline to 2015



Taxi Fleet Euro Standard Split
As at 1st Sept 2013



Taxi Fleet Euro Standard Split
As at 1st Sept 2014



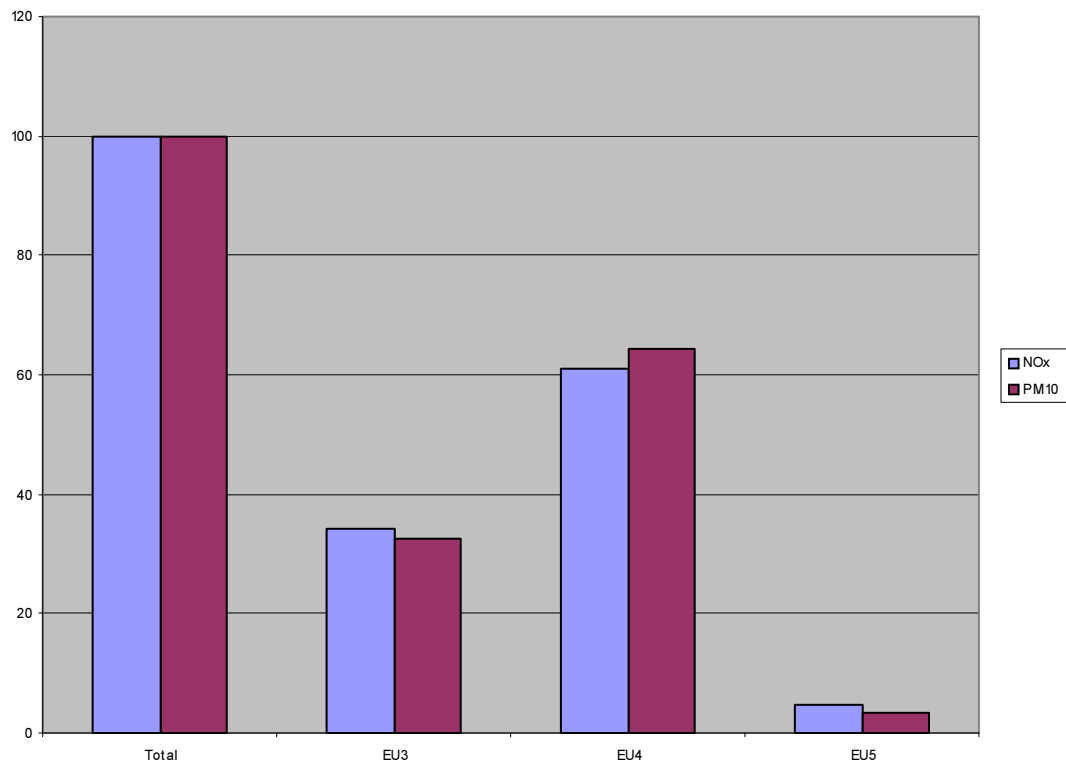
**Taxi Fleet Euro Standard Split
As at 1st Sept 2015**



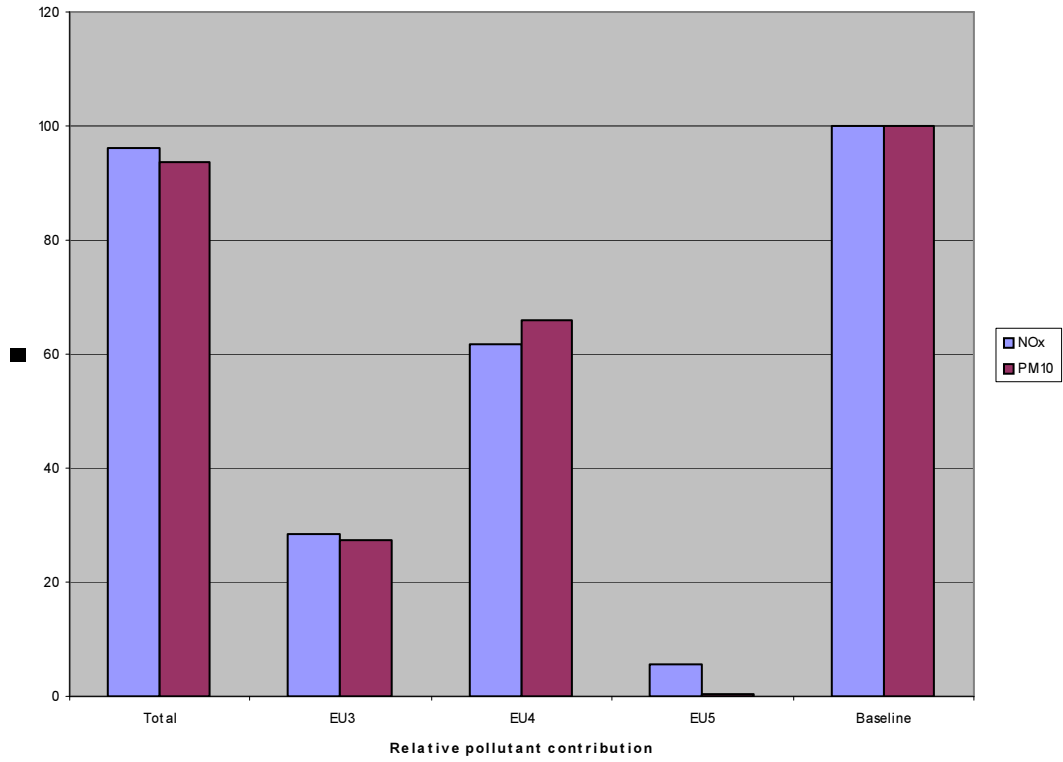
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Appendix D
Relative PM10 and NOx Emissions - Policy Scenarios Baseline to 2015

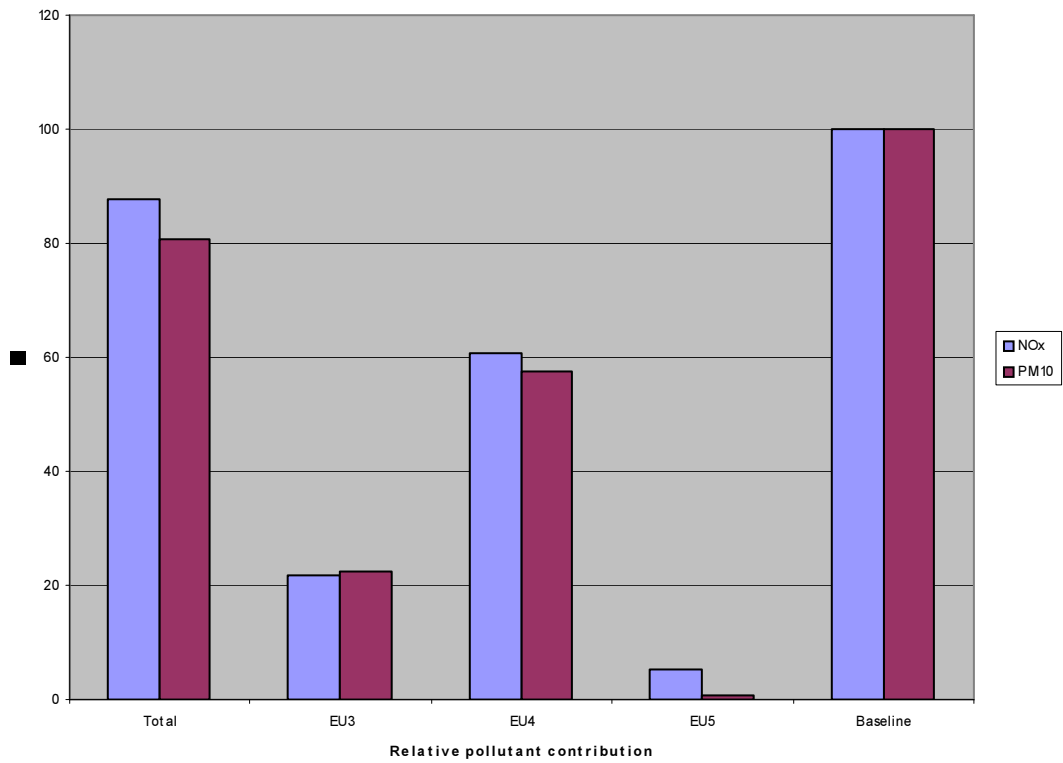
Baseline Relative Pollutant Contribution



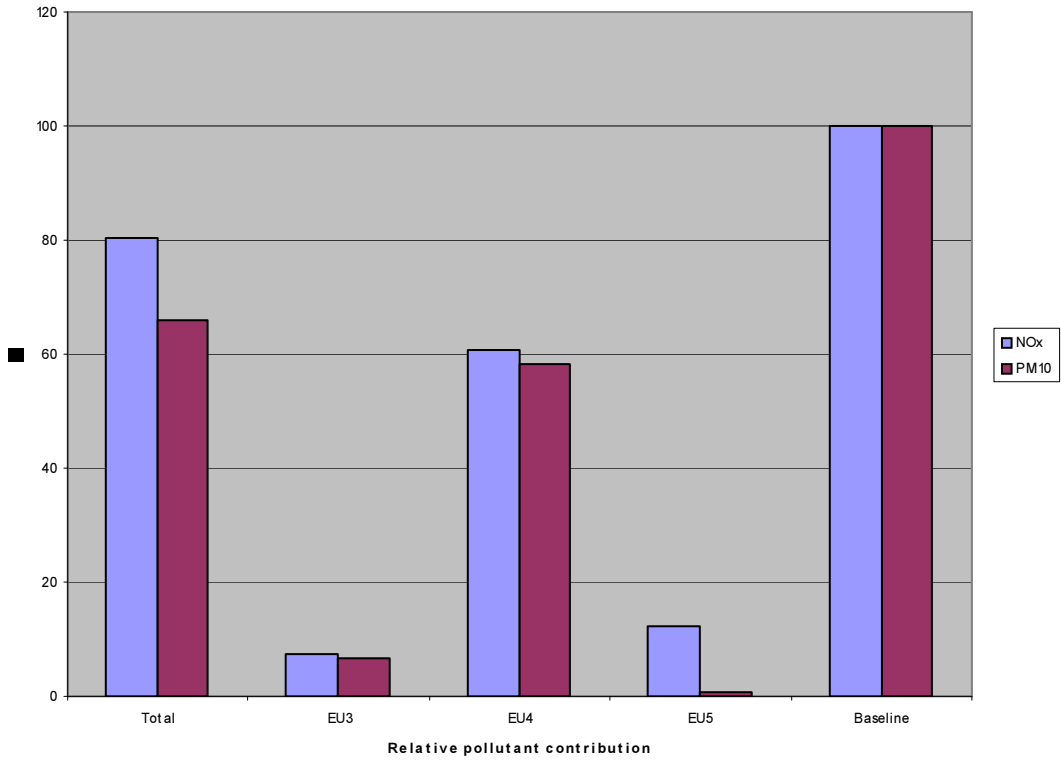
8 Year Rule at 1st Sept 12



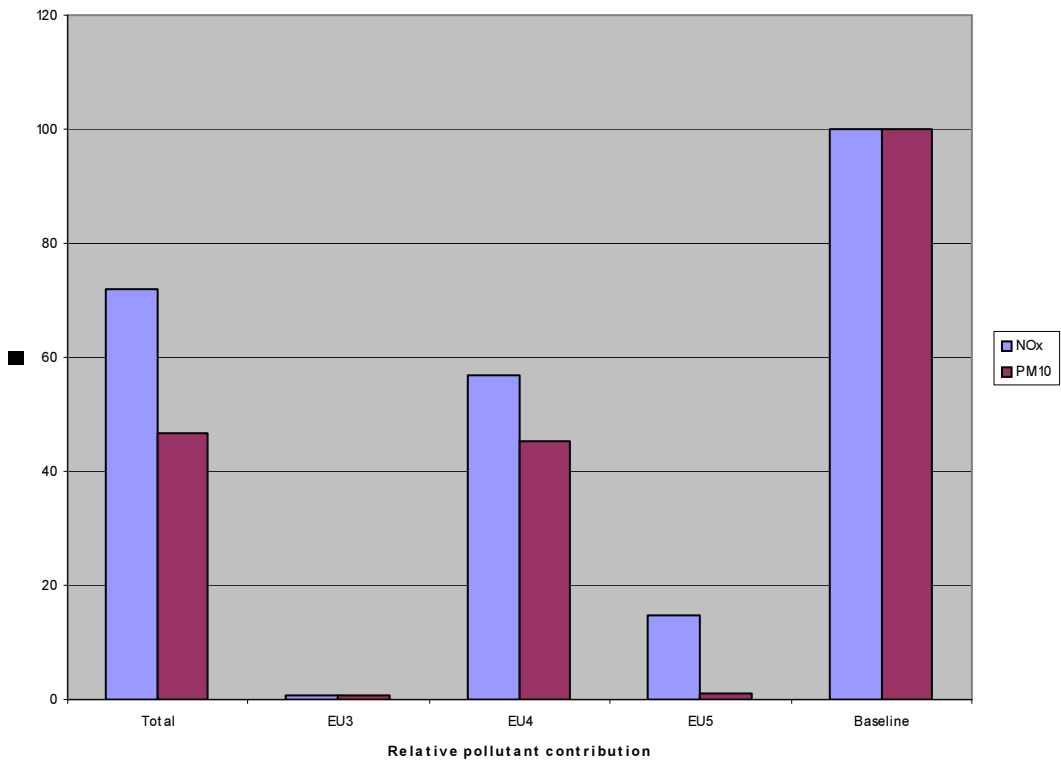
8 Year Rule at 1st Sept 13



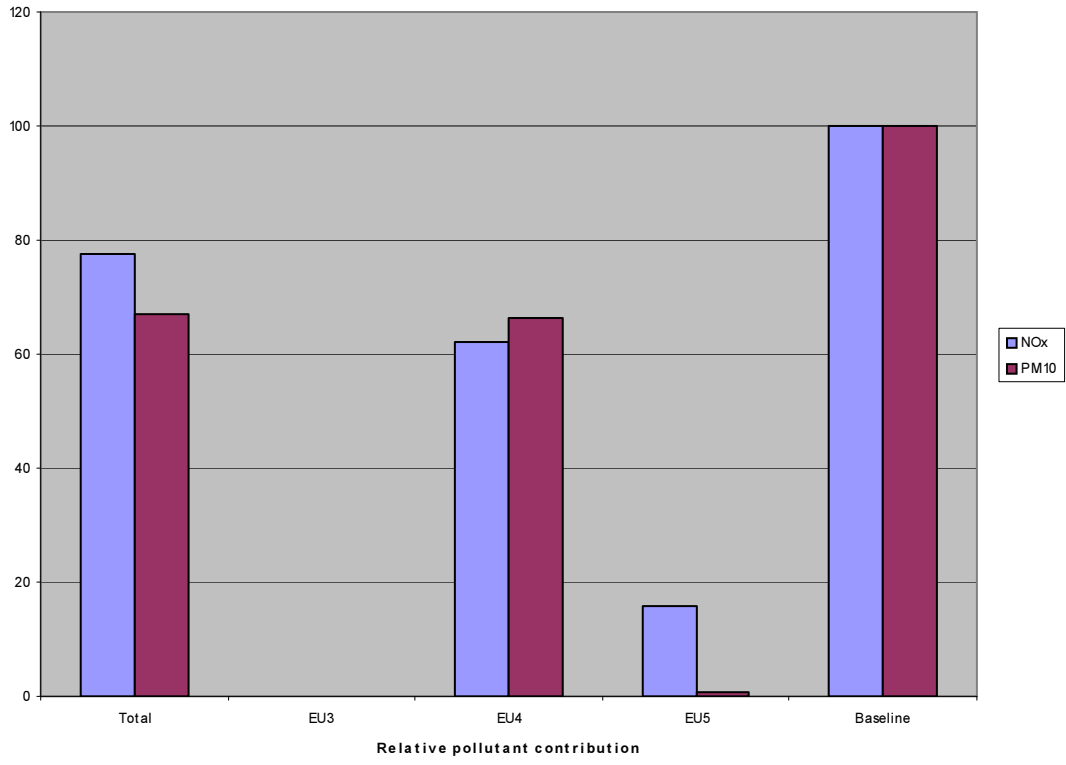
8 Year Rule at 1st Sept 14



8 Year Rule at 1st Sept 15



EU3 to EU5



Appendix E

Euro Standard Identification Procedure

To find the Euro Standard you will need a copy of the V5 complete with emission values. If this is not available then you may have some success with a V5 without the emission values or with a copy of the V5 slip. If this is also not available then you may be able to collect the required information from the driver and use the car spec sites. Alternatively contact the manufacturers for an EC Certificate of Conformity.

Two sources would be sufficient to confirm the Euro Standard. This would usually be from the emission values on the V5 form and the direct.gov site. If one or both of these methods does not determine the Euro standard then look up the vehicle on the other car spec sites so that there are two unambiguous sources confirming it.

In some instances it may say the Euro standard on the V5 form under 'version' and this should be sufficient.

If you have tried all these methods and still are not sufficiently sure you have the correct Euro Standard then you may have to contact the manufacturer with the VIN number.

The password to unlock the Euro Standards spreadsheet is: 'XXXXXXXX' (redacted)

Identification of the Euro standard from the emission values on the V5

You will need a V5 form complete with emission values for this.

The vehicles are divided up into six classes: C1P, C1D, C2P, C2D, C3P and C3D. These are classes that I have created so you will find no reference to them elsewhere. The emission values that each vehicle must be beneath to achieve a certain Euro Standard for each class are in tables; 2 through 7, below.

I have given two procedures to identify the class the vehicle is in; the first procedure is more complex but will apply to all of the vehicles. The second applies only to the vehicles that this method will definitely work for.

**Procedure 1. For identifying the class the vehicle is in
Table 1.**

Fuel	Category	For Euro 3 and 4 Maximum permissible mass (on V5) (kg)	For Euro 5 and 6 'Specific social needs vehicle'* (Only one of these two needs to be 'Yes':)		'Mass in service' ** (kg)	Class
			Wheelchair accessible	7 or more seats (inc. driver) and 'mass in service'** over 1975kg		
Petrol	M1	< 2500	N/A	N/A	Any	C1P
		> 2500	N/A	N/A	1280 < RM < 1735	C2P
	N1	N/A	N/A	N/A	> 1735	C3P
					1280 < RM < 1735	C2P
Diesel	M1	< 2500	No	No	Any	C1D
		> 2500	Yes	Yes	1280 < RM < 1735	C2D
	N1	N/A	N/A	N/A	> 1735	C3D
					1280 < RM < 1735	C2D
					> 1735	C3D

* For the explanation of: 'Vehicles designed to fulfil specific social needs' go to EU regulation 715/2007/EC (P 5). EU directive 70/156/EEC (consolidated) (P 56 and P 62) will also be useful for a definition and examples of 'Special purpose vehicles'.

** 'Mass in service' has been converted from the official mass used in the regulations: 'Reference mass'. To do this I have subtracted 25kg from all values given in the regulation so that they align with 'mass in service' values. For the official values and a definition of 'reference mass' go to regulation: 715/2007/EC. The definition is on page 5 of the PDF version.

Procedure 2. For identifying the class the vehicle is in

For simplicity it may be best to use the V5 emission values method only to identify the Euro Standard if the vehicle applies with each of these five criteria:

1. Diesel,
2. Category M1,
3. Has a maximum permissible mass less than 2500kg,
4. Not a wheelchair accessible vehicle,
5. Has less than seven seats (inc. driver) **and** has a 'mass in service' below 1975kg.

In this case the vehicles will all be in C1P if petrol and C1D if diesel and all emission values mentioned on the V5 must be below those in the tables below for Euro 5 to achieve it.

Further information

It is also worth noting; some vehicles may have the emissions of a Euro 5 vehicle but be officially classed as Euro 4. These vehicles have been type approved before the regulation came out that contains the emission values vehicles must achieve to be Euro 5 and 6. If a vehicle is Euro 5 on emissions and registered before around 2009 it may well be one of these and you should confirm the Euro Standard by another method.

Tables of emission values for each Euro Standard and class of vehicle

Table 2. C1D

Euro Standard	CO	HC	NOx	HC+NOx	Particulates
3	0.64	-	0.50	0.560	0.050
4	0.50	-	0.25	0.300	0.025
5	0.500	-	0.180	0.230	0.005
6	0.500	-	0.080	0.170	0.005

Table 3. C1P

Euro Standard	CO	HC	NOx	HC+NOx	Particulates
3	2.3	0.20	0.15	-	-
4	1.0	0.10	0.08	-	-
5	1.000	0.100	0.060	-	***0.005
6	1.000	0.100	0.060	-	***0.005

Table 4. C2D

Euro Standard	CO	HC	NOx	HC+NOx	Particulates
3	0.80	-	0.65	0.72	0.07
4	0.63	-	0.33	0.39	0.04
5	0.63	-	0.235	0.295	0.005
6	0.63	-	0.105	0.195	0.005

Table 5. C2P

Euro Standard	CO	HC	NOx	HC+NOx	Particulates
3	4.17	0.25	0.18	-	-
4	1.81	0.13	0.10	-	-
5	1.81	0.13	0.075	-	***0.005
6	1.81	0.13	0.075	-	***0.005

Table 6. C3D

Euro Standard	CO	HC	NOx	HC+NOx	Particulates
3	0.95	-	0.78	0.86	0.10
4	0.74	-	0.39	0.46	0.06
5	0.74	-	0.280	0.35	0.005
6	0.74	-	0.125	0.215	0.005

Table 7. C3P

Euro Standard	CO	HC	NOx	HC+NOx	Particulates
---------------	----	----	-----	--------	--------------

3	5.22	0.29	0.21	-	-
4	2.27	0.16	0.11	-	-
5	2.27	0.16	0.082	-	***0.005
6	2.27	0.16	0.082	-	***0.005

***Only applies to direct injection engines, you can often tell these apart because the 'type' (on V5) will include something like DI/GDI/FSI. But generally for Euro 5/6 petrol vehicles you will need to confirm the Euro Standard with another source (usually petrol vehicles won't give a value for particulates on the V5).

All values are in g/km, the same as those on the V5.

All values for Euro 3 and 4 are from regulation 98/69/EC Annex 1, 5.3.1.4. All values for Euro 5 and 6 are from regulation 715/2007/EC Annex 1 table 1 and 2.

Identification of the Euro Standard using car spec websites

I would advise trying the method with whatever information you have since exactly what you will require varies between sites and vehicles. As a general guide the method should work with at least the following information: Registration date, make, model (specific), type of fuel, body type, cylinder capacity, CO₂ emissions and vehicle net power.

Direct gov: <http://carfueldata.direct.gov.uk/search-new-or-used-cars.aspx>

1. Go through the pages filling in the details of the vehicle.
2. If you do not know whether the vehicle is manual or automatic leave it blank.
3. When selecting from the 'model' dropdown, there are sometimes more than one possibility. For example from the V5 it is not clear whether a vehicle would be a 'Zafira' or a 'New Zafira'. In these cases you should check them all. Also the model names are sometimes slightly different from those on the V5, if unsure check all possibilities.
4. It is easiest to leave the 'description' dropdown blank, click next.
5. On the next page you should have a list of vehicles, compare all the vehicles against your vehicle for engine size in cc and CO₂ emissions, as well as key parts of the 'model description'. Be sure to continue checking the list after you have found a match to ensure you have found all potentials.
6. For these matching vehicles click on the link in the 'description' column.
7. If you have the information, compare the emission values on this page and also the noise level, to ensure you have found an exact match. If you do not have much information to compare and are not sure you have found the correct vehicle then use an additional source to confirm the Euro Standard. Sometimes more than one vehicle from the list will be an exact match. However in this case they will also have to be very similar variants of the same model and match for the important characteristics (engine size, weight, emissions etc.) so will be the same Euro Standard. Sometimes you will find an exact match except that one or two figures are slightly different. This is because to compile the database very similar variants of the same model are grouped together. If you are not sure you have found the correct vehicle then confirm with an additional source.

8. The Euro Standard is given on this page.

Something to watch out for is that this site assumes the production date to be the same as registration date and misses some vehicles off the list for the month/year you selected. If you find no matches then confirm the Euro Standard by an additional source. Alternatively you could look at the vehicles from neighbouring months by selecting a different month on the first page.

Parkers: <http://www.parkers.co.uk/>

1. From the 'find a car' box in the middle of the page select the manufacturer.
2. Select body type and registration year. For body type some manufactures have their own terms; for example VW sometimes use tourer to describe estate vehicles. Also the registration date of a vehicle on the V5 can vary by up to a couple of months from production date so if the vehicle is near a cut-off date you should investigate them both.
3. On the next page you should have a list of vehicles grouped by variant name. Be sure you have found the correct variant, for example you might be looking for a 'Ford Mondeo Titanium x', and look at 'titanium' vehicles but miss the 'titanium x' further down the page.
4. Within the variant name find all potential matches for engine size, power (you can convert the value in kw off the V5 to bhp or ps here: <http://www.statman.info/conversions/power.html>)
5. For these matches click on 'more info' and compare the CO₂ emissions, exact engine size and production dates (as mentioned above, use registration date as a general guide for production date) to find a match.
6. The Euro standard is on this page.

Help find me a: <http://www.helpfindmea.co.uk/>

This is the best site for the larger vehicles and vans.

1. Select either 'read car specifications' or 'read van specifications' from the 'specifications' box on the left of the page.
2. Fill in the dropdowns. For 'variant' you typically have to select the fuel type (if it doesn't mention a fuel in the dropdown that means petrol), year and body type.
3. For the 'your vehicle' box find all matching vehicles and for these click 'view spec'. The site does not remember the information you have submitted so you will have to re-enter it each time.
4. On the next page you can compare the information to that which you have on the V5. It varies how much information it gives (usually you can compare at least exact engine size, CO₂ and power; power conversion at: <http://www.statman.info/conversions/power.html>). It is important to check all potential vehicles and not to stop when you have found a match especially if there is little information to go on to check you have the right one.

Next green car: <http://www.nextgreencar.com/>

1. Fill in the information for 'select manufacturer' and 'select model' for the 'How green is your car' box on the left of the page.
2. On the next page it asks for the gear configuration, you may have to try all of the options if you do not have this information.
3. When you have completed filling in the information on this page you will be taken to the vehicle spec page. Here you should compare the emission values for CO₂, CO, PM (particulates) and HC+NO_x if available. If none of the values are available and you are not sure you have found the correct vehicle then you should confirm the Euro Standard by another source.
4. The Euro standard is on this page.

FordEtis: <http://www.etis.ford.com/vehicleRegSelector.do>

This of course only has information on ford vehicles. Also the accuracy of this information is not clear so do not rely solely on it.

1. Enter the registration or VIN number of the vehicle.
2. On the next page under emissions it will usually include something like "Stage IV emissions" or "E3". This should be the Euro Standard.

Estimation of the Euro Standard from the registration dates

This can only be used as a guide as manufacturers do not always comply with the regulations:

- Euro 5 first came into effect on 1st September 2009 but only for manufacturers starting to build new types of vehicles.
- Most vehicles for example: M1 vehicles not 'designed to fulfil specific social needs'* must be Euro 5 to be registered after the 1st Jan 2011. We do not have any vehicles in the database that do not apply with this.
- All other vehicles must be Euro 5 to be registered after the first January 2012. We have some vehicles in the database that do not apply with this.
- We do not have any vehicles in the database registered before March 2009, which are officially classed as Euro 5. We have some Euro 4 vehicles as late as March 2012.

CAMBRIDGE CITY COUNCIL

REPORT OF: Jas Lally
Head of Refuse and Environment

TO: Licensing Committee 08/10/2012

WARDS: All

REVIEW OF THE DELEGATION OF FUNCTIONS UNDER THE GAMBLING ACT 2005

1 INTRODUCTION

- 1.1 A review of legislation has been undertaken, examining processes and procedures with a view to simplifying processes by empowering officers to make decisions which do not require Member involvement.
- 1.2 The Gambling Act 2005 gives Licensing Authorities a number of important regulatory functions. In order to ensure that an efficient and cost-effective service is provided, it is proposed that the functions delegated to the Licensing Committee should be discharged in accordance with the table shown in paragraph 3.7 of the report.

2. RECOMMENDATIONS

- 2.1 Members are recommended:

To delegate the licensing functions under the Gambling Act 2005 to the Licensing Sub-Committee and the Head of Refuse and Environment as set out in the table shown in paragraph 3.7 of the report.

3. BACKGROUND

Functions delegated to the Licensing Committee

- 3.1 All functions under Part 8 of the Gambling Act 2005 relating to Premises Licences are delegated to the Licensing Committee by virtue of section 154(1) of the Act, except for:

- i) The decision to make a resolution not to issue casino licences under section 166 of the Act, which must remain with full Council; and
- ii) The setting of fees under section 212 of the Act, which may be delegated to the Licensing Committee by full Council.

The delegated functions include the determination of applications, the maintenance of the public register, the updating of Licences where addresses have changed, and the revocation of Licences for non-payment of annual fees.

3.2 In addition to the Premises Licence functions, the following functions are delegated to the Licensing Committee under the Gambling Act 2005:

3.2.1 Functions under Part 9 of the Act relating to Temporary Use Notices by virtue of section 232;

3.2.2 Functions under schedule 8 of the Act relating to Family Entertainment Centre Gaming Machine Permits by virtue of paragraph 6 of that schedule;

3.2.3 Functions under Schedule 12 relating to Club Gaming and Club Machine Permits by virtue of paragraph 28(1) of that schedule;

3.2.4 Functions under schedule 13 relating to licensed premises gaming machine permits by virtue of paragraph 3 of that schedule; and

3.2.5 Functions under schedule 14 relating to prize gaming permits by virtue of paragraph 7 of that schedule.

3.3 All other functions of the Licensing Authority lie with the full Council and apart from the determination of the Statement of Gambling Principles and the decision to make a resolution not to issue casino licences, the functions may be discharged in an appropriate way (other than by delegation to the authority's executive). The Council has resolved to delegate the following functions to the Licensing Committee:

3.3.1 Duty to comply with the requirement to provide information to the Gambling Commission pursuant to section 29 of the Act;

3.3.2 Functions relating to the exchange of information pursuant to section 30 of the Act;

3.3.3 Functions relating to occasional use notices pursuant to section 39 of the Act;

3.3.4 Power to designate an officer of a licensing authority as an authorised person for a purpose relating to premises pursuant to section 304 of the Act;

- 3.3.5 Power to make an order disappling section 279 or 282(1) of the 2005 Act in relation to specified premises pursuant to section 284 of the Act;
- 3.3.6 Power to institute criminal proceedings pursuant to section 346 of the Act;
- 3.3.7 Power to exchange information pursuant to section 350 of the Act;
- 3.3.8 Functions relating to the determination of fees for premises licences under the Gambling (Premises Licence Fees) England and Wales) Regulations 2007 (SI 2007/249); and
- 3.3.9 Functions relating to the registration and regulation of small society lotteries under Part 5 of Schedule 11 to the Act.

Delegation of Functions by the Licensing Committee

- 3.4 The Licensing Committee may delegate all of its functions to a sub-committee. Alternatively the Committee may arrange for the discharge of its functions by an Officer of the Licensing Authority, except for:
 - 3.4.1 the determination of applications for Premises Licences to be granted, varied or transferred in respect of which representations have been made and not withdrawn;
 - 3.4.2 the determination of applications for provisional statements where representations have been made and not withdrawn;
 - 3.4.3 the review of Premises Licences;
 - 3.4.4 the decision to give a counter-notice for a temporary use notice where objection notices have been served and not withdrawn; and
 - 3.4.5 the determination of an application for a club gaming or club machine permit in respect of which an objection has been made and not withdrawn, and the cancellation of a permit.

Current Delegations

- 3.5 The following functions are currently delegated to the Head of Refuse & Environment:
 - 3.5.1 The grant and renewal of all Section 34 permits for amusements with prizes machines subject to consultation with the Chair and Spokes of the Licensing Committee in relation to applications for more than 10 machines;
 - 3.5.2 The grant and renewal of Section 16 permits;
 - 3.5.3 The grant and renewal of Section 6 Orders;
 - 3.5.4 Duty to comply with requirement to provide information to Gambling Commission under section 29 of the Gambling Act 2005;

- 3.5.5 Functions relating to exchange of information under section 30 of the Gambling Act 2005;
 - 3.5.6 Power to designate an officer as an authorised person for a purpose relating to premises under section 304;
 - 3.5.7 To register societies for the purpose of holding small lotteries; and
 - 3.5.8 Grant and renewal of licences for small society lotteries.
- 3.6 Section 34 permits have been replaced by licensed premises gaming machine permits and section 16 permits have been replaced by prize gaming permits. The delegated functions need to be updated to account for these changes and also the other administrative functions of the Licensing Authority under the Gambling Act 2005.

Proposed Scheme of Delegation

- 3.7 In the interest of providing a fast and cost-efficient service, it is proposed that the functions delegated to the Licensing Committee under the Gambling Act 2005, are discharged as follows:

Matters to be dealt with	Sub-Committee	Head of Refuse and Environment
Duty to comply with requirement to provide information to Gambling Commission under section 29		All cases
Functions relating to exchange of information under Section 30		All cases
Functions relating to occasional use notices under section 39		All cases
Functions relating to Premises Licences under Part 8	Determination of applications for the grant, variation or transfer of Premises Licences, or applications for Provisional Statements where representations have been received and not withdrawn.	All other matters

	Determination of applications to review Premises Licences.	
Functions relating to temporary use notices under Part 9 of the Act	Decision to serve a counter-notice under section 224 in response to an objection notice that has not been withdrawn	All other matters
Making of an order under section 284 to disapply exempt gaming and the automatic entitlement to provide gaming machines in a premises with a Premises Licence authorised for sale by retail of alcohol for consumption on the premises	All cases	
Designation of Officers as authorised persons under section 304 of the Act		All cases
Instituting of legal proceedings under the provisions set out in section 346		All cases
Exchange of information under section 350 for use in the exercise of functions		All cases
Functions relating to Family Entertainment Centre Gaming Permits under Schedule 10	Refusal of applications where objections are received and not withdrawn	All other matters
Functions relating to the registration with the local authority of small society lotteries under schedule 11	Determination of applications for registration or revocation of registrations in the	All other matters

	circumstance set out in paragraph 47 and 48 of Schedule 11	
Functions relating to club gaming and club machine permits under schedule 12	Determination of applications where objections have been made and not withdrawn. Cancellation of permits under paragraph 21 of schedule 12	All other matters
Functions relating to licensed premises gaming machine permits under schedule 13	Determination of applications for the grant or variation of a permit that will authorise the provision of more than 10 gaming machines. Cancellation or variation of a permit under section 16 of schedule 13	All other matters
Functions relating to Prize Gaming Permits under schedule 14	Refusal of applications where objections are received and not withdrawn	All other matters

3.8 The matters that will be delegated to the Head of Refuse and Environment by virtue of the above table, that are not explicitly stated include:

3.8.1 Functions relating to Premises Licences under Part 8

Maintenance of the public register, grant of applications (save for reviews) where there are no representations, the responsible authority function of the Licensing Authority, the updating of licences following changes of address, the issuing of replacement licences where the original has been lost/stolen/damaged, the revocation of licences for non-payment of annual fees, and

providing notifications to the Police, the Commission and HMRC of the grant, surrender, lapsing or revocation of licences.

3.8.2 Functions relating to temporary use notices under Part 9 of the Act
Acknowledgement of notices, endorsement of notices where no objections are received and maintenance of the register.

3.8.3 Functions relating to Family Entertainment Centre Gaming Permits under Schedule 10

Grant of applications where no objections are received, issuing of replacement permits where the original has been lost/stolen/damaged and maintenance of the register.

3.8.4 Functions relating to the registration with the local authority of small society lotteries under schedule 11

Registration of societies, cancellation of notices for non-payment of annual fees and providing notification to relevant parties of such cancellations.

3.8.5 Functions relating to club gaming and club machine permits under schedule 12

Grant of applications where there are no objections, updating permits following change of names/addresses, issuing of replacement permits if original is lost/stolen/damaged, cancellation of permits for non-payment of annual fees and maintenance of the public register.

3.8.6 Functions relating to licensed premises gaming machine permits under schedule 13

Issuing of replacement permits if original is lost/stolen/damaged, cancellation for non-payment of the annual fee and maintenance of the public register.

3.8.7 Functions relating to Prize Gaming Permits under schedule 14

Issuing of replacement permits if original is lost/stolen/damaged and maintenance of the public register.

4. CONSULTATIONS

4.1 No consultation is required because the Licensing Committee can delegate its functions under the Gambling Act 2005 without subsequent approval from the Civic Affairs Committee or full Council.

5. OPTIONS

5.1 The Committee may resolve to:

5.1.1 Delegate its licensing functions under the Gambling Act 2005 to the Licensing Sub-Committees and the Head of Refuse and Environment as set out in paragraph 3.7 of the report

5.1.2 Delegate licensing functions under the Gambling Act 2005 in any other way.

6. CONCLUSIONS

6.1 Cambridge City Council has a duty to carry out its licensing functions and ensure that an efficient and cost-effective service is provided. The proposed scheme of delegation 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:

- [Gambling Act 2005](#)
- [Guidance Published by the Gambling Commission in May 2009](#)
- The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as amended
- [Cambridge City Council Constitution](#)

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The author and contact officer for queries on the report is Yvonne O'Donnell on extension 7956.

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CAMBRIDGE CITY COUNCIL

REPORT OF: Jas Lally
Head of Refuse and Environment

TO: Licensing Committee

08/10/2012

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 on 21 December 2009 and it has proved extremely satisfactory in guiding applicants, officers and Members in the consideration and determination of applications. However, a statutory review of the policy must be undertaken and a revised policy published for the next 3 year period.
- 1.3 As there had been no legislative changes that affected the policies set out in the Statement of Principles, no revised guidance had been published by the Gambling Commission and no challenges had been made to any of the policies, the Committee resolved on 25 June 2012 to:

Commence the statutory consultation process on the existing Statement of Principles
- 1.4 A 12 week consultation process took place between 26 June 2012 and 17 September 2012 but no responses were received. The unamended draft Statement of Gambling Principles (save for the list of consultees) is therefore attached to the report as Appendix A.

- 1.5 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 endorse the post-consultation draft Statement of Gambling Principles shown in Appendix A and recommend to full Council that it is published on 21 December 2012, to come in to effect on 18 January 2013.

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 Consultation on the draft policy took place between 26 June 2012 and 17 September 2012 but no responses have been received.
- 4.2 The draft policy that was considered by the Committee on 25 June 2012 has been unaltered, save for updating the list of consultees. This is attached to the report as Appendix A.

5. OPTIONS

- 5.1 The Committee may resolve to:
- 5.1.1 To endorse the post-consultation draft Statement of Gambling Principles shown in Appendix A and recommend to full Council that the policy is published on 21 December 2012 for it to come in to effect on 18 January 2013; or
- 5.1.2 Amend the draft Statement of Principles and recommend to full Council that the policy is published on 21 December 2012 for it to come in to effect on 18 January 2013.

6. CONCLUSIONS

- 6.1 Cambridge City Council has a duty to determine and publish a Statement of Principles no later than 21 December 2012. The policy must therefore be referred to full Council for adoption to fulfil the Council's statutory duty.

7. IMPLICATIONS

(a) **Financial Implications**

The review of the Statement of Principles is a statutory function, covered by the fees paid by Licence and permit holders.

(b) **Staffing Implications**

Existing staff resources will 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 result from 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

Draft 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](#)
- [Existing Statement of Gambling Principles published on 21 December 2009](#)

The author and contact officer for queries on the report is Yvonne O'Donnell on extension ****.

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CAMBRIDGE CITY COUNCIL

REPORT OF: Jas Lally
Head of Refuse and Environment

TO: Licensing Committee

08/10/2012

WARDS: All

OUTCOME OF REVIEW OF STATEMENT OF LICENSING POLICY

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.
- 1.2 On 25 April 2012, the Licensing Act 2003 was amended by the Police Reform and Social Responsibility Act 2011. These amendments made parts of the Council's current Statement of Licensing Policy incorrect.
- 1.3 On 25 June 2012, the Committee considered a draft Statement of Licensing Policy that had been updated to take account of the amendments to the legislation. The Committee resolved to:
Incorporate those changes to the Statement of Licensing Policy identified in Appendix A as amended and agree to commence the statutory consultation process.
- 1.4 A 12 week consultation process took place between 26 June 2012 and 17 September 2012 and the responses received are set out in Appendix A. These have been considered and where appropriate, incorporated in to the draft policy. The post-consultation draft of the policy is attached to the report as Appendix B.
- 1.5 Any proposed revision to the Statement of Licensing Policy will be referred to full Council for consideration and adoption.

2. **RECOMMENDATIONS**

2.1 Members are recommended:

To endorse the post-consultation draft Statement of Licensing Policy shown in Appendix B and recommend to full Council that the policy is adopted from 25 October 2012.

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 Primary Care Trust 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 A draft Statement of Licensing Policy that had been updated to reflect the amended legislation was considered by the Licensing Committee on 25 June 2012. The Committee agreed that, subject to a number of amendments, the draft policy should undergo consultation to enable a final policy to be determined.

3.3 The post-consultation draft policy is attached to the report as Appendix B.

4. CONSULTATIONS

4.1 Consultation on the draft policy took place between 26 June 2012 and 17 September 2012 and the responses received are shown in Appendix A.

4.2 The responses refer to a perceived flaw in the legislation, namely the inability to address adequacy when determining applications, which the responder considers is the primary cause of increased violent crime and antisocial behaviour within parts of Cambridge. The Council cannot change primary legislation through local policy and therefore this has not been incorporated in to the policy.

4.3 There is also reference to an omission of a definition of vicinity in the policy. The legislative amendments mean that there is no longer a need for those making representation to live within the vicinity of the premises and the draft policy that was subject to consultation reflected this.

4.3 No changes to the draft policy have therefore been made in light of the consultation responses.

5. OPTIONS

5.1 The Committee may resolve to:

5.1.1 Endorse the post-consultation draft Statement of Licensing Policy shown in Appendix B and recommend to full Council that the policy is adopted from 25 October 2012.

5.1.2 Communicate the changes to the public and to interested groups by use of the Council's website.

6. CONCLUSIONS

6.1 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. A revised Statement of Licensing Policy therefore needs to be determined by the Council.

7. 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 apply the policy once adopted.

(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 the adoption of the 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

Consultation responses

Appendix B

Post-consultation Draft Statement of Licensing Policy

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 Yvonne O'Donnell on extension 7956.

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Appendix A – Consultation Responses

Date Received	Type of Responder	Response
08/08/12	Member of public	<p>I have reread the document and find weaknesses of the legislation (Act 2003) derive directly from the 'relaxation' which it sought to introduce, a gap between the intent and the reality which determines activities affecting the four licensing objectives and which has led to the identification of three Cumulative Impact Zones, contiguous with the residential areas of Petersfield. After the City Centre, Petersfield (Mill Road) is significantly higher than any other ward, including the Leisure Park. There is a direct correlation between the number of outlets and the levels of Violent Crime and Anti-social Behaviour, as experienced by residents and evidenced in the statistics of the Police statement included.</p> <p>The clear intention to allow the market to decide 'adequacy / need' is a failure to understand the relationship between competition, to maximise profit from sales of alcohol, and the obligations of licensees to deny sale 'to the already inebriated', which underlies levels of anti-social behaviour across the area, just as the omission of a 'definition of vicinity' denies the impact of such sales is, in reality, wider than the immediate locality of business premises involved.</p> <p>Paragraphs 4.2 to 5.3 contain an internal flaw of logic, avoidance of a correlation which has persisted from the time when adequacy was an issue for the Magistracy.</p> <p>Until this is addressed, the direct experience of residents will require the unvarying local setting of priorities to deal with substance abuse, of which the consumption of alcohol is part. While much of this document is concerned with aspects of the night time economy, the reality of a Leisure Society operating 24 hours / Seven Days a Week, street drinking is largely a day time delinquency as great as Binge Drinking by night and more likely to be witnessed by children which the legislation sets out to protect.</p>
06/09/12	Residents Society	<p>Our committee - Highsett House Residents Society - is very much in favour of the four licensing objectives set out in your letter and we were glad to note that you have upheld them in refusing to grant</p>

		extended licensing hours to the new Tesco Express on Hills Road / Glisson Road.
15/9/12	Park Street Residents Association	<p>Section 5. Cumulative impact</p> <p>We note that the Licensing Authority has received representations from Cambridge Police that within the city centre a high concentration of licensed premises has produced a detrimental impact upon the licensing objectives. We therefore welcome the fact that the Authority has, in the draft policy, continued to adopt a special policy relating to cumulative impact for the city centre.</p> <p>We are dismayed to note that, despite the presumption against grant of a licence (or variation of an existing licence), unless relevant representation is received, the application must be granted. This places an unreasonable burden on residents to try and monitor applications for new licences and applications to vary existing licences in the city centre. The notices that are required by law to be displayed are sometimes very hard to spot and on occasion have not been obviously displayed at all.</p> <p>This also applies to decisions about conditions attached to licences (para 8.2) where the draft policy states that the Licensing Authority may only attach conditions to a licence if relevant representations have been received.</p> <p>However we warmly welcome the fact that the Licensing Authority itself has now become a responsible authority and is therefore able to make representations when an application is received. We very much hope that the Authority will take into account the likely effect on local residents of any licence application. Is it too much to ask that local residents be informed when an application for a new licence or for variation of an existing licence is received by the Licensing Authority?</p> <p>We note the statement in para 5.16 that 'Once away from the licensed premises, a minority of consumers will behave badly and unlawfully' and the list of other mechanisms, both within and outside the licensing regime that are available for addressing such issues. However none of them appear to get at what seems to be the root cause of this problem - the existence of a number of vertical drinking establishments whose aim is to get their customers to drink as much</p>

		<p>as possible, as fast as possible for as long as the premises are open.</p> <p>Section 6. Licensing hours</p> <p>We welcome the inclusion of the statement at the end of para 6.1 about the rights of local residents to peace and quiet but doubt if this will ever be achieved while the vertical drinking establishments referred to above continue to operate.</p> <p>Section 10. Licence Reviews</p> <p>We welcome the inclusion of details relating to the review of licenses and agree that such a review, if carried out in a sufficiently rigorous manner, should provide a key protection for the community.</p>
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