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Cambridge City Council

LICENSING COMMITTEE

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

Despatched: Friday, 15 March 2013

Date: Monday, 25 March 2013

Time: 10.00 am

Venue: Committee Room 1 & 2 - Guildhall

Contact: Martin Whelan

Direct Dial: 01223 457013

AGENDA

- 1 **APOLOGIES FOR ABSENCE**
- 2 **DECLARATIONS OF INTEREST**
- 3 **MINUTES OF THE PREVIOUS MEETING** (*Pages 1 - 20*)
- 4 **PUBLIC QUESTIONS**
- 5 **APPROVAL OF STREET TRADING FEES 2013/14** (*Pages 21 - 32*)

Information for the Public

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LICENSING COMMITTEE

28 January 2013
10.00 am - 1.50 pm

Present: Councillors Rosenstiel (Chair), Benstead (Vice-Chair), Brierley, Hart, McPherson, Meftah, Pippas, Reiner, Saunders, Smith (Item 13/9/LICF onwards), Stuart, Owers and Marchant-Daisley

Officers Present:

Head of Tourism and City Centre Management – Emma Thornton
Democratic Services Manager – Gary Clift
Environmental Health Manager – Yvonne O'Donnell
Legal Advisor – Carol Patton
Committee Manager – Martin Whelan

FOR THE INFORMATION OF THE COUNCIL

13/1/LICF Apologies

Apologies were received from Councillor Gawthrope. Councillor Marchant-Daisley attended as an alternate member.

Councillor Smith attended from item 13/9/LCF onwards as alternate member for Councillor Stuart.

13/2/LICF Declarations of Interest

Councillors Reiner, Rosenstiel and Saunders declared a personal interest in item 13/6/LIC as members of the Cambridge Cycling Campaign.

13/3/LICF Minutes

The minutes of the meeting held on 11th October 2012 were approved as a true and accurate record of the meeting.

The Chair clarified two comments included within the minutes. It was confirmed that subsequent to the meeting it had been established that the setting of street trading fees was a non-executive function. The Chair also

confirmed that the new Street Trading policy was consistent with the outcomes of the audit review.

13/4/LICF Petition - Number of taxi plates

Councillor Todd-Jones presented a petition on behalf of Mr Khoshmanesh requesting the re-introduction of a limit on the number of taxi plates for hackney carriages in the city.

The Chair invited members of the committee to ask the petitioner and his representative questions regarding the petition.

- i. The petitioner was asked to comment on why more drivers had not engaged with the process. Councillor Todd-Jones explained that many drivers thought that CCLTA were making a representation on their behalf, so had chosen to not make an individual representation.
- ii. During the presentation of the petition reference was made to unofficial formation of ranks of private hire vehicles in the city, and allegations of potentially illegal activities. The petitioner was asked to provide more information regarding this activity. The petitioner explained that his view was that there were too many vehicles operating in the city. Members of the committee challenged the extent of the alleged informal ranking.
- iii. The petitioner was asked whether it was plausible that some or all of the vehicles waiting in the city were waiting for pre-booked jobs. The petitioner did not accept this suggestion.
- iv. The petitioner addressed the committee and emphasised that the current situation was the most difficult period that he had experienced since entering the trade. The petitioner also suggested that it was in the Councils' gift to introduce a limit promptly.
- v. The Chair sought clarification from the petitioner that he understood any limit would not affect the number of City or South Cambridgeshire private hire vehicles operating in the city. The Chair also asked the petitioner to comment on whether he accepted that the station already operated a form of limitation. The petitioner did not accept that the taxi operation at the station was relevant to this issue.

13/5/LICF Hackney Carriage Demand Survey

Public Speaker

Mr David Wratten addressed the committee on behalf of Cambridge City Licensed Taxis Limited and made the following points.

- The committee were asked to consider the idea of developing a joint management programme between the Council and trade to resolve and monitor the issues.
- Councillors were asked to consider the introduction of a temporary moratorium as part of the solution.
- It was suggested that even if the proposals for Drummer Street proceeded, it was only likely to have a limited effect on the problem of over ranking on St Andrews Street.
- Comparisons were made with the street trading conditions, and it was suggested that a similar approach should be adopted to prevent undue interference or inconvenience to persons using the street.
- The committee were advised that there are now 880 private hires in the City that can pick up directly from venues and homes. In 2001 there were 175 Hackney Carriages and only 54 City Private hires; 229 vehicles in total. It was explained that there were now 1180 vehicles in the city. It was highlighted that the number of Hackney Carriages had plateaued in recent years.

The Chair responded to the public question and made the following comments.

- Any management plan would also need to involve the County Council, as they were the highways authority. It was noted that the County Council were already engaging in the process through the "Better Bus Partnership".
- The difficulty of differentiating between private hire and hackney carriages in the city due to the similarities in the operational practice within the city was highlighted. It was also questioned that the implications of restricting the number of Hackney Carriages was unclear,

particularly as Private Hire and South Cambridgeshire vehicles wouldn't be affected.

- The potential implications of the proposed legislative changes were also highlighted.

Mr Wratten outlined the difficulties associated with potential changes to the meter rules. It was also highlighted that many Hackney Carriages, were also part of the Panther radio network.

Councillor Reiner sought comments from Mr Wratten, on whether the request from the trade could be seen as a vested interest seeking to protect its position. Councillor Reiner also sought comment from Mr Wratten on whether members of the trade would be happy if the allocation of hackney carriage licences became a form of lottery.

Mr Wratten clarified that the reintroduction of a limit would not affect the number of existing licences, and would only affect the number of future licences. The committee were advised that the number of responses to the consultation were low from the trade, as many drivers thought that they were being represented by CCTLA.

Councillor Reiner explained that she had been advised that a significant number of drivers had declined to engage in the survey, rather than communicating that CCTLA was responding on their behalf. Mr Wratten explained that every effort was made to ensure that members of the trade responded to the consultation.

The committee received a report from the Environmental Health Manager regarding the Hackney Carriage Demand Survey.

Prior to the beginning of the debate, the Chair explained that prior to the 1985 Transport Act the City Council had unfettered ability to restrict the number of Hackney Carriages in the City. The committee were advised that number had been limited to 100 until that point, and that the Private Hire trade was much less significant at that point.

The committee made the following comments on the report

- i. Clarification was requested on the implications of the survey identifying that there was no unmet demand, and whether at that point the Council would be legally obliged to re-introduce a limit. The Chair

confirmed that the Council would have a free choice if that situation arose.

- ii. The complexity of the issue was highlighted. It was explained that whilst the difficulties currently experienced by the trade were acknowledged, it was suggested that the role of the Licensing Committee was not solely to keep the trade in business to the detriment to other interests.
- iii. It was suggested that the market appeared to be over heating, and some form of regulation was likely to be required.
- iv. The validity of the survey was questioned. The size of the sample sizes, and the apparent focus on tourists in certain samples was questioned.
- v. Officers were asked to comment on the proposal suggested by the public speaker for a moratorium on the issuing of new licences until the consultation had been concluded. The Environmental Health Manager highlighted that the number of Hackney Carriage Licences had stabilised in recent years. The Chair explained that it had been agreed that any decision on limitation would be taken by Full Council, as the decision in 2001 to remove the limit had also been taken by Full Council.
- vi. Frustration was expressed that the current system did not promote quality, and distinguish between the qualities of different vehicles/driver due to the rank system. It was explained by the representative of CCLTA that whilst it was the convention to use the first vehicle on the rank, it was ultimately the customer's choice which vehicle to choose. It was also highlighted that the rank rule also applied to other professions, such as barristers.
- vii. The value of imposing a limit at this stage without tackling the issue of over ranking and rank space was questioned. It was also noted that the survey didn't take into account the expected growth of the city. The value was also questioned on the basis of a limit on Hackney Carriages, and an analogy was drawn with King Canute trying to hold back the tide.
- viii. The committee were encouraged to consider a temporary limit, as whilst the numbers had remained static in recent years there was nothing precluding a flurry number of applications at any point.

- ix. It was suggested that one of the issues, is that previously some of the licences may have been dormant or lightly used but as the economy had shrunk, more of the licences had been more heavily used as peoples were increasingly reliant on the industry for earning an income.
- x. The change in the nightlife in the city, and the increasing concentration on entertainment in the city as opposed to nearby locations such as Newmarket was highlighted. It was suggested that as less vehicles were transporting passengers outside of the city there was an increased number of Hackney Carriages operating.
- xi. The improved availability of Hackney Carriages compared with pre de-limitation was highlighted. It was explained that whilst in the same period the number of hotel spaces had quadrupled; similar issues were not being experienced in that industry.
- xii. Whilst it was acknowledged that limitation would not affect City and South Cambridgeshire private hire vehicles, it was not an excuse for taking no action as the report suggested that was no unmet demand.
- xiii. The value of a new survey was questioned particular as the current survey was questionable in value because of the low response rate, and the lack of consideration of future growth expectations.
- xiv. Differing views of the previous consultation and the members briefing were expressed. It was suggested that if the problems were left unchecked that there was the potential for an escalation of issues, such as violence.
- xv. The Chair suggested an amendment to add an extra recommendation to read, "that a future Licensing Committee considers that the Council uses its power to appoint taxi stands". The Chair did express caution however that previous attempts had not proved successful.
- xvi. The suggestion that there was no unmet demand at the station was questioned.
- xvii. Members sought clarification on the recommendation regarding accessibility requirements. The Environmental Health Manager confirmed that the accessibility requirements were covered principally on page 65 of the committee agenda, but also on page 59.

- xviii. Clarification was requested on previous efforts to identify new rank space, and whether innovative solutions had been considered such as the use of technology. The Chair explained that the use of technology was being considered in the potential Drummer Street solution, but that a number of issues needed to be worked through. The Executive Councillor for Environmental and Waste Services explained that a working group involving the City Council, County Council and the trade were currently working through issues.
- xix. Members were encouraged to consider a moratorium whilst the consultation was on-going. The Chair explained that he hoped that Council would make a final decision by the end of the year.

Resolved (11 votes to 1)

- i. To consider the report prepared by CTS Traffic & Transportation Ltd and agree that a full consultation and community engagement programme should be carried out to gather evidence as to whether:
- a. The demand for the services of Hackney Carriages within the City of Cambridge is met by the existing fleet and whether the Council should consider imposing a limit on the number of Hackney Carriages that it licenses;
 - b. The Council's accessibility criteria for Hackney Carriages should be revised;
- ii. To appoint an external consultant to carry out the consultation and community engagement within the existing budget of the Head of Refuse and Environment.
- iii. To request that the Head of Refuse and Environment report the findings of the consultation and community engagement programme to a future Licensing Committee.
- iv. That a future Licensing Committee considers that the Council uses its power to appoint taxi stands

13/6/LICF Licensing of Velotaxis as Private Hire vehicles or Hackney Carriages

The committee received a presentation from Mr Andrew Hutchinson, Director of Veloform UK.

The committee asked the following questions following the presentation.

- i. Did the vehicles have insurance? It was confirmed that the vehicle and drivers would be fully insured.
- ii. Clarification was requested whether he intended to be the local operator. The committee were advised that he did not intend to be the local operator, and was seeking to identify up to three local operators.
- iii. The terminology was clarified by the Chair. It was also explained that the cargo proposals were not subject to licensing control. The committee were advised that current licensing conditions and legislation were not necessarily consistent with the proposals.
- iv. Clarification was requested on whether the operators would be franchised. Mr Hutchinson explained that it was not intended to be franchise, although members disagreed following a description of the proposed arrangements.
- v. It was asked what the maximum load for the vehicles was. Mr Hutchinson explained that the passenger vehicles could accommodate two large passengers.
- vi. Mr Hutchinson confirmed in response to a question that Cambridge was the first city to consider the proposal. He also confirmed that whilst the vehicles were silent, they were fitted with horns and indicators that would generate noise.
- vii. It was asked whether one or more local operators had been identified. Mr Hutchinson explained that he was in discussion with a number of local operators, but that discussions were still at an early stage.
- viii. In response to a question Mr Hutchinson confirmed that it was intended to limit the number of vehicles supplied in the first year. The Chair explained that the proposals were still in an early stage, and that the existing Private Hire legislation would make it difficult to achieve this outcome.

- ix. Clarification was sought on whether advice had been sought on the relative opportunities and limitations of Private Hire and Hackney Carriage approaches. Mr Hutchinson explained that the initial proposal was to operate pre-booked tours.
- x. Further information was requested on the suitability of the vehicle for small children. The committee were advised that the vehicles would be fitted with rear seat belts.
- xi. It was questioned whether the vehicles would be fitted with a radio system or meter. The committee were advised that the vehicles were not fitted with radios or meters as standard. Mr Hutchinson explained that the intention was to initially sell tickets for pre-booked tours over pre-defined routes.
- xii. Clarification was requested on whether any discussions had been entered into with the university or colleges regarding the proposed services. It was agreed that it was assumed that the vehicles would operate solely on the public highway.
- xiii. It was questioned whether any consideration had been given as to how the how the service would potentially respond to the needs of local people, particularly during the off-peak season. Mr Hutchinson explained that it was expected that the service would respond to customer demand.

Public Speaker

Mr Wratten addressed the committee on behalf of CCTLA and made the following points.

- There was no objection to the proposed tourist private hire service.
- Significant concerns were raised about the suitability of licensing electrically assisted cycles as Hackney Carriages, as they didn't meet the licensing conditions and further complicate the rank issues.

The committee received a report from the Environmental Health Manager regarding the licensing of velotaxis as private hire and hackney carriage vehicles. The committee were advised that a member of the public had submitted a representation requesting that the committee refuse permission, as they were contrary to equalities legislation.

The committee made the following comments regarding the report.

- i. Officers were asked for clarification in whether there was scope to vary Hackney Carriage licensing conditions for certain types of vehicles. Officers confirmed that licence conditions had to applied equally to all Hackney Carriages in the district
- ii. Clarification was requested on the terminology and whether velo taxi was a trade name, or whether there was a more appropriate term. Following discussion it was agreed that EAPC (electrically assisted pedal cycle) was a more appropriate term.
- iii. The committee were reminded that at present the vehicles didn't meet the licensing conditions for Private Hire or Hackney Carriage vehicles and at this stage the committee was only considering the principle subject to further consultation on conditions.
- iv. The Chair suggested that the committee should consider not accepting recommendation 2.1; accepting recommendation 2.2 and 2.3, but that consultation would only occur in response to a proposition received from a potential operator.
- v. It was agreed that the specific details regarding potential conditions would happen at a future meeting.
- vi. It was suggested that consideration should be also given to extending the definition to include all cycle-based taxis.
- vii. It was suggested that equalities legislation should not be the sole consideration in the licensing or not of these types of vehicles.

Resolved

- i. (11 votes to 1) to agree that EAPC should not in principle be licenced as Hackney Carriages in Cambridge City.
- ii. 10 votes to 0) to agree that EAPC should in principle be licenced as Private Hire vehicles in Cambridge City.
- iii. (10 votes to 0) to agreed that a period of consultation be undertaken regarding the conditions to be attached to licences specifically for EAPC, before implementation of the scheme following a proposition from a potential operator.

13/7/LICF Designation of New Street Trading Pitches and Review of Street Trading Consent Fees for 2013/14

Agenda Item 7a. Designation of New Street Trading Pitches

The committee received a report from the Head of Tourism and City Centre Management regarding the Designation of New Street Trading Pitches.

Prior to the beginning of the debate the Chair proposed the following amendments to the recommendations

Revised recommendations 2.1 & 2.3 **to correct St Andrew's St to Regent St:**

- 2.1 To publish notice of the intention to pass a resolution to change the designation of Sussex St and Regent St from prohibited streets to consent streets in accordance with the requirements set out in Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982.
- 2.3 To publish notice of the intention to establish two new street trading pitches in Sussex St and one in Regent St

New recommendation 2.4 to correct list of prohibited streets:

- 2.4 To publish notice of the intention to pass a resolution to designate Causeway Passage, Christ's Lane, Eden St Backway, Little St Mary's Lane, Lower Park St, New Park St, Portland Place and Mud Lane as prohibited streets and to remove Bradwell's Court from the list of prohibited streets

Renumbered recommendation existing 2.4 becomes 2.5

- 2.5 To consider any resolutions made and whether to pass the proposed resolution at the meeting of the Licensing Committee in April 2013.

The committee made the following comments regarding the report.

- i. It was questioned whether any consideration had been given to new pitches on the highway at New Square or nearby walk ways. The Head of City Centre Management and Tourism explained that street-trading legislation only applied to highway, and trading on private land was handled separately. It was agreed to investigate options in the vicinity of New Square, however it was explained that there might be legal difficulties in extending street trading opportunities in this area. It was agreed to consult on options for New Square.

Resolved (Nem Com)

- i. To publish notice of the intention to pass a resolution to change the designation of Sussex St and Regent St from prohibited streets to consent streets in accordance with the requirements set out in Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982.
- ii. To publish notice of the intention to pass a resolution to designate Parkers Piece (the area of public highway marked with pitch number 21 in Appendix 1) and the footpath across New Square from Christ's Pieces to Fitzroy Street as consent streets in accordance with the requirements set out in Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982.
- iii. To publish notice of the intention to establish two new street trading pitches in Sussex St and one in Regent St.
- iv. To publish notice of the intention to pass a resolution to designate Causeway Passage, Christ's Lane, Eden St Backway, Little St Mary's Lane, Lower Park St, New Park St, Portland Place and Mud Lane as prohibited streets and to remove Bradwell's Court from the list of prohibited streets To consider any representations made and whether to pass the proposed resolution at the meeting of the Licensing Committee in April 2013.

Agenda Item - 7b. Review of Street Trading Consent Fees for 2013/14

The committee received a report from the Head of Tourism and City Centre Management regarding the review of street trading consent fees for 2013/14.

The committee made the following comments on the report

- i. Clarification was requested on why the fees were subject to additional consultation unlike the other fees. The Head of Tourism and City Centre Management explained that this was because Councillors had requested that a thorough review of fees should be undertaken at the 8th October Licensing committee, and because new guidance had been received from Government in December 2012 that street trading now comes under the European Services Directive. This has implications for what Local Authorities may include in the costs recovered for street trading. It was clarified that in future years this wouldn't be required.
- ii. Concern was expressed about the differing increase for different types of stalls, particularly the 8% increase for certain retail stalls and it was questioned whether there was any opportunity to phase the increase in. The concern was acknowledged however it was explained that retail stalls had historically received a beneficial rate vis a vis other stalls.
- iii. It was highlighted that in comparison to adjacent shops, street trading pitches paid significantly less for their pitches compared with business rates for the neighbouring shops.
- iv. Clarification was requested on the rationale for the different percentage charges. The Head of Tourism and City Centre Management explained the reasons for the differing percentage charges for part year pitches.

Resolved (8 votes to 0)

- i. To approve for consultation the proposed fees for street trading consents for the year from 1st April 2013 as set out in Appendix 1 of the committee report.
- ii. To consider the responses to the consultation and to set the fees for street trading consents at a special Licensing Committee meeting on 25th March 2013.

13/8/LICF Street Trading and Pedlar Laws: Compliance with the European Services Directive - Response to Government consultation.

Public Speakers

Mr John Fenton addressed the committee on behalf of the Market Traders Association (Cambridge Street Traders Branch) and welcomed the support of the officers for their concerns. Councillors were encouraged to support their concerns in their consultation response.

The committee received a report from the Head of Tourism and City Centre Management regarding Street Trading and Pedlar Laws: Compliance with the European Services Directive - Response to Government consultation.

The committee made the following comments regarding the report.

- i. It was questioned why the current system couldn't continue. The potential for abuse and the low risk of enforcement were highlighted as concerns. It was also agreed that the proposed maximum size of unit was very large and could have public safety implications. The committee were advised that the current arrangements were classed as discriminatory as it relied on the pedlar being able to carry all their goods without support.
- ii. The compliance implications of pedlars choosing to sell food in future were questioned. The committee were advised that at present pedlars didn't tend to sell food at the moment, but that the changes could make this more likely. It was explained that compliance with hygiene regulations would be covered by the existing environmental health regulations.
- iii. Officers were asked to comment on the potential diversification of peddling to cover areas such as digitisation, and clarification about at what point did peddling become touting. The committee were advised that diversification needed to be considered, and that touting could become more likely with the change in the regulations.
- iv. Officers were thanked for their assistance and for producing such a comprehensive assessment of the issues.

The committee were advised that there was significant opposition to the proposals so that it was not certain that the proposals would be adopted.

Resolved (9 votes to 0)

- i. To authorise the Head of Tourism and City Centre Management to develop a City Council response to this consultation together with the Chair, Vice Chair and Opposition Spokes of this Committee taking into account the concerns and points raised by this Committee. This response will be informed by the response being made independently by the Police, the Cambridge Street Traders Association and other stakeholders including the Local Government Association.
- ii. To authorise the Head of Tourism and City Centre Management to write to Cambridge MPs Julian Huppert and Andrew Lansley to request that they support the City Council's response and to lobby Government in this regard.
- iii. Following Government's confirmation of the outcome of this consultation, to request the Head of Tourism and City Centre Management to bring a report back to this Committee. This report will set out any amendments required to the Council's Street Trading Policy as a result of the changes to legislation.

13/9/LICF Additional Item : Taxi Enforcement Policy ReportPublic Speaker

Mr Wratten addressed the committee on behalf of CCLTA and made the following.

- The trade had been asking for improved enforcement for a period of time.
- In the last 12 months, there had been a significant improvement and officers were thanked for this improvement.

The committee received a report from the Environmental Health Manager regarding taxi enforcement. The Environmental Health Manager explained that the committee had received a representation from the Cambridge Cycling Campaign. The points raised by the Cycling Campaign were highlighted as being

- It was suggested that definition of officers was extended to include authorised officers of the City Council, County Council and the Police.
- The term offences should be substituted with Infringements. The committee were advised of the difficulties in collating information regarding Civil Infringements, and it was also questioned whether many civil infringement would compromise the ability of someone to be fit and proper.
- The policy should also take into account speed awareness courses. The Environmental Health Manager explained that it was not a national scheme, and it was difficult and potentially disproportionate to collate the information in a consistent and fair manner.

The committee made the following comments regarding the report.

- i. Clarification was requested on what offences were covered by the Transport Act 1980. It was confirmed that the offences were listed in the tabled document.
- ii. It was suggested that option 2 allowed members to take into account the full circumstances of the offences. For example it was highlighted that driving without insurance could attract six points, so could having two defective tyres as that type of offence whilst only attracting 3 points inevitably came in twos.
- iii. Concern was expressed about the terminology “similar to” in reference to offences was highlighted as being too open ended.
- iv. The committee were reminded that any decision to remove a licence either in the form of suspension or revocation would continue to be a member decision. It was suggested that rather than points it was far more important to have details of the offences, rather than an arbitrary point system.
- v. Concern was expressed about the implication of accepting unsubstantiated complaints.
- vi. It was suggested that a points based system would be helpful for newer members to provide comparison by different offences. It was explained that it was sometimes difficult to ensure that consistent decisions were being made, without comparative information.

- vii. On page 25 of the committee report, concern was requested on the implication of the 12 month cut off, particularly if the driver didn't inform the City Council promptly.
- viii. Concern was expressed that neither option would improve the quality of driving. It was questioned whether enforcement officers could be given the power to imposed fixed penalty notices.
- ix. Clarification was provided on the difference between the proposed point allocation between offences witnessed by authorised officers and those witnessed by members of the public.
- x. Following discussion it was agreed that all references to unsubstantiated should be removed from option 2.

The Environmental Health Management explained that the Licensing Officers were currently using option 2, but the intention of the policy and committee approval was to provide the transparency to the trade.

- xi. It was questioned whether there was any benefit to enforcement officers to report offences. The Environmental Health Manager explained that the City Council officers already operated to high professional standards, and that it was an integral part of their role. It was explain that other officers were employed by other organisations.
- xii. Concern was expressed about the potential exclusion of certain forms of alternative disposal methods, for example fixed penalty notices. It was suggested that a duty should be placed on drivers to report civil infringements. The Environmental Health Manager explained that it would involve changing the conditions, which had not been subject to consultation so any change of this nature would be open to challenge.
- xiii. Further concerns were raised regarding the consistency of adopting option 2. The Environmental Health Manager explained the reason for proposing the option, but emphasised that this process covered the point up to the committee but that the final decision on whether a driver was fit and proper would continue to be a member decision. The committee were advised of the circumstances of the Cardiff case, and the difference in the circumstances between the proposals and the scheme, which had operated in Cardiff.

- xiv. The Environmental Health Manager assured the committee that the enforcement officers operated to high professional standards and within the parameters of the agreed Enforcement Policy.
- xv. It was suggested whilst supportive of option 2, option 1 did appear stricter.

Resolved (9 vote to 0) to

- i. Adopt the Hackney Carriage and Private Hire enforcement management system, as set out in Appendix A (option 2) of the committee report to form part of the Taxi Guide approved at Licensing Committee 24th October 2011 subject to the following amendments
 - a. All references to “Licensing Enforcement Officers” should read “Authorised Officers of the City Council, County Council and the Police”.
 - b. All references to unsubstantiated should be removed.

13/10/LICF Late Item - Review of Licensing Fees and Charges

Additional Item – Review of Licensing Charges and Fees

The Chair ruled under section 100B(4)(b) of the Local Government Act 1972 the late report on “Review of charges (Licensing Committee functions)” be considered despite not being made publicly available for this Committee five clear days prior to the meeting.

The decision could not be deferred is that it is not practical to defer until the next scheduled meeting of the Licensing Committee

The committee received a report from the Democratic Services Manager regarding the Review of Licensing Charges and Fees.

The committee asked the following questions.

The rationale of increasing charges for zoo licences in the absence of a zoo was questioned.

Following discussion it was agreed to revise the process for the 2014/15 budget setting process, so that members had all the information required to make a fully informed decision on the review of charges and fees. The committee accepted that the Executive Councillor had considered the fees, but that it had subsequently been established that decision was a non-executive function.

Resolved (5 votes to 0) to recommend to the Council

- i. To agree the charges for 2013/14 listed in the appendix 1 of the committee report
- ii. To agree that no charge is levied for caravan site licence and campsites appendix 2 of the committee report.

The meeting ended at 1.50 pm

CHAIR

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CAMBRIDGE CITY COUNCIL

REPORT OF: Emma Thornton- Head of Tourism and City Centre Management

TO: Licensing Committee – 25th March 2013.

WARDS: Market ,Castle and Newnham

Approval of Street Trading Fees – 2013/14

1) INTRODUCTION

1.1 On 28th January 2013 Licensing Committee approved for consultation the proposed fees for street trading consents for the year from 1st April 2013. This reports summarises any responses to the consultation for consideration prior to approval of the proposed fees.

2. RECOMMENDATIONS

2.1 To consider any responses to the consultation and to approve the fees for street trading consents for the year 2013-14.

3. BACKGROUND -

3.1 The report that went to licensing on 28th January set out the proposed fees and considered in detail the legislative guidance on the setting of street trading consent fees, and the particular factors for consideration in Cambridge. This report is attached as **Appendix 1** to this report.

4. CONSULTATIONS

4.1 In determining these street trading charges the Council has consulted with the Cambridge Street Traders Association and published the

consultation on the Council's website. This consultation ran for 6 weeks from 30th January to 13th March 2013. We received positive feedback from the Cambridge Street Traders Association who were happy with the proposed fees. We have received no other responses to the consultation.

5) CONCLUSIONS

- 5.1 The proposed review of consent fees ensures that the deficit carried forward from 2012/13 into 2013/14 is recovered and that the account continues to operate on a cost recovery basis, in line with legislation and the EU Services Directive.
- 5.2 The Council will continue to review the schedule of charges on an annual basis. It is therefore possible that if the number of pitches taken up increases above the assumptions made, that fees could be reduced in subsequent years. Equally if the take up of the new pitches does not match the assumptions made, then fees may have to increase. Ultimately the annual charges will depend on the numbers of pitches available and the uptake of these.
- 5.3 A report to review the street trading consent fees for 2014/15 will come to Licensing Committee in October this year along with a review of all licensing fees. Appropriate consultation on all fees will then be undertaken and a report will then be brought back to licensing in January 2014 to approve these fees.

6) IMPLICATIONS

(a) Financial Implications

The objective of these proposals is to ensure that the street trading function is operated on a cost recovery basis and in line with legislation and the EU Services Directive. As a consequence Street Trading Consents are proposed to be increased by 2% for 2013/14.

(b) Staffing Implications

There are no staffing implications to these proposals.

(c) Equal Opportunities Implications

A full Equalities Impact Assessment on the new Street Trading Policy was undertaken in October 2012 and is available to view on the

council's website. The proposed review of fees is consistent with this policy.

<http://www.cambridge.gov.uk/ccm/content/council-and-democracy/how-the-council-works/council-policies-and-plans/equality-and-diversity/equality-impact-assessments.en>

(d) Environmental Implications

There are no environmental implications to these proposals.

(e) Procurement

There are no procurement implications to these proposals

(f) Community Safety

There are no community safety implications to these proposals.

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

Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982

8) Appendices

Appendix 1 – The Review of Street Trading Charges report which went to Licensing Committee on 28th January 2013.

To inspect these documents contact Emma Thornton on extension 7464

The author and contact officer for queries on the report is Emma Thornton on extension 7464

Report file:

Date originated: 15 March 2013

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CAMBRIDGE CITY COUNCIL

REPORT OF: Emma Thornton- Head of Tourism and City Centre Management

TO: Licensing Committee - 28 January 2013.

WARDS: Market ,Castle and Newnham

Review of Street Trading Charges

1) **INTRODUCTION**

1.1 On 8th October 2012 Licensing Committee approved a new Street Trading Policy for Cambridge. At this meeting the Head of Tourism and City Centre Management outlined that the current fees for street trading charges were due to be reviewed. This report sets out the results of this review and the proposed fees for street trading charges, which subject to the outcome of appropriate consultation, will be implemented from 1st April 2013.

1.2 In November 2012 the Government confirmed that Street Trading comes within the requirements of the European Services Directive. This review of charges ensures the proposals are compliant with the Provision of Services Directive 2009(PSR), which implement the requirements of the Directive.

2. **RECOMMENDATIONS**

2.1 To approve for consultation the proposed fees for street trading consents for the year from 1st April 2013 as set out in **Appendix 1**.

2.2 To consider the responses to the consultation and to set the fees for street trading consents at a special Licensing Committee meeting at

the end of March (a provisional date of 25th March has been agreed. This will be confirmed at the Licensing Committee on 28th January).

3. **BACKGROUND**

3.1 **Legislative guidance on setting fees**

3.1.1 How a local authority determines the fees it charges for street trading consents is set out in legislation – Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982 LG(MP)A.

“Local authorities may charge such fees that they consider reasonable for the grant or renewal of a street trading consent.”
LG(MP) A paragraph 9 (1)

3.1.2 In addition the fees charged must be compliant with the Provision of Services Regulations 2009 (PSR) which implements the EU Services Directive. In November 2012 Government confirmed that Street Trading comes under the Directive.

3.1.3 The PSR regulation 18 (4) provides further guidance on how local authorities may set fees;

“Any charges provided for by a competent authority which applicants may incur under an authorisation scheme must be reasonable and proportionate to the cost of the procedures and formalities under the scheme and must not exceed the cost of those procedures and formalities.”

3.1.4 Further Guidance issued on Regulation 18 by the Department for Business Innovation and Skills was issued in January 2010, which states as follows;

“Under PSR regulation 18, fees charged in relation to authorisations must be proportionate to the effective cost of the process, i.e. must cover no more than the actual cost of the authorisation process.

3.1.5 Local authorities may determine different fees for different types of consent and, in particular, may determine fees taking into account the following;

- (a) the duration of the consent;
- (b) the street in which it authorises trading; and
- (c) the descriptions of articles in which the holder is authorised to trade

3.2 Proposed approach

3.2 The objective of this review is to ensure that the costs associated with the authorisation of street trading consents are covered by the fees charged and that these fees are compliant with legislation and the EU Services Directive.

3.2.1 A review of income and expenditure in 2012/13 has highlighted that income is not currently matching expenditure on the street trading account. This is in part due to the transfer of the Pavement Cafes licensing function back to the County Council in April 2012, (this accounted for approximately £7k of income which has historically was paid into the street trading account) and the fact that the total costs of authorisation of street trading consents is not covered by the current level of fees. This is anticipated to result in an deficit on the street trading account. This is illustrated in the table below:

Year	2012/13 (£)	2013/14 (£)
Expenditure	70,300	64,760
Income	(55,720)	(66,500)
(Surplus) / Deficit	14,580	(1,740)
B/f (Surplus) /Deficit	(13,100)	1,480
C/f (Surplus)/Deficit	1,480	(260)

3.2.2 To address this the Council is proposing the following:

3.2.3 To apply a 2% increase on the 12 month consent fees.

3.2.4 To standardise the way in which the 12 month fees are apportioned for 4 month and 8 month consents. With the current 2012/13 fees, an 8 month food consent fee was 73.6% of the 12 month fee and an 8 month retail consent fee was 70.6% of the 12 month fee. It is proposed to standardise this as follows;

8 month consent - 75% of the 12 month fee which will run from 1st April to 30th November

4 month consent - 25% for a 4 month pitch which will run from 1st December to 31st March.

- 3.2.5 Officers consider that this a fair approach and reflects the increased footfall which the 8 month pitches experience and the quieter 4 month winter/early spring period.
- 3.2.6 In setting these fees assumptions have been made that approximately 6 months income will be received from 4 of the 6 new 12 month pitches and 5 of the 4 month pitches being taken up in 2013/14. The Council will be consulting on these proposed pitches over the next few months. The 6 month income takes into account the consultation period, and the advertisement and application process which will mean that these pitches are unlikely to be occupied until the second half of the 2013/14 financial year.
- 3.2.5 The Council will continue to review the schedule of charges on an annual basis. It is therefore possible that if the number of pitches taken up increases above the assumptions made, that fees could be reduced in subsequent years. Equally if the take up of the new pitches does not match the assumptions made, then fees may have to increase. Ultimately the annual charges will depend on the numbers of pitches available and the uptake of these.

4. CONSULTATIONS

- 4.1 In determining these street trading charges the Council will consult with the Cambridge Street Traders Association and publish the consultation on the Council's website. This consultation will run for 6 weeks from 30th January to 13th March 2013.
- 4.1.2. The Council shall consider any such representations which are made to them during the consultation period and report back to this committee in March at a date to be confirmed?
- 4.1.3 Officers in the council's finance and legal teams have been consulted in the development of these proposals.

5) CONCLUSIONS

The proposed review of consent fees ensures that the deficit carried forward from 2012/13 into 2013/14 is recovered and that the account continues to operate on a cost recovery basis, in line with legislation and the EU Services Directive.

6) IMPLICATIONS

(a) Financial Implications

The objective of these proposals is to ensure that the street trading function is operated on a cost recovery basis and in line with legislation and the EU Services Directive. As a consequence Street Trading Consents are proposed to be increased by 2% for 2013/14.

(b) Staffing Implications

There are no staffing implications to these proposals.

(c) Equal Opportunities Implications

A full Equalities Impact Assessment on the new Street Trading Policy was undertaken in October 2012 and is available to view on the council's website. The proposed review of fees is consistent with this policy.

<http://www.cambridge.gov.uk/ccm/content/council-and-democracy/how-the-council-works/council-policies-and-plans/equality-and-diversity/equality-impact-assessments.en>

(d) Environmental Implications

There are no environmental implications to these proposals.

(e) Procurement

There are no procurement implications to these proposals

(f) Community Safety

There are no community safety implications to these proposals.

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

Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982

8) Appendices

Appendix 1 – Proposed Street Trading Charges

To inspect these documents contact Emma Thornton on extension 7464

The author and contact officer for queries on the report is Emma Thornton on extension 7464

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Appendix 1

Review of Charges

Control of Street Trading¹

	Charges 2012/13	Charges 2013/14	% Increase	
12 month consent - Food	2,761.23	2,816.00	1.98%	
12 month consent - Retail	2,608.54	2,660.00	1.97%	
8 month consent - Food *	2,031.33	2,112.00	3.97%	
8 month consent - Retail *	1,840.66	1,995.00	8.39%	
4 month consent - Food	N/A	704.00	N/A	New Category
4 month consent - Retail	N/A	665.00	N/A	New Category

1. To be considered at Licensing Committee, 28 January 2013 as part of the Designation of New Street Consent Streets and Review of Street Trading Consent Fees for 2013/14 item.

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