



Public Document Pack

Cambridge City Council

Licensing Committee

Committee Members: Councillors Benstead (Chair), Smith (Vice-Chair), Austin, Gawthrop, McPherson, Meftah, O'Reilly, Owers, Pippas, Sinnott, Baigent and Bick

Alternates: Councillors Bird, Moore and Holland

Published & Despatched: Friday, 3 October 2014

Date: Monday, 13 October 2014
Time: 10.00 am
Venue: Committee Room 1 & 2 - Guildhall
Contact: Glenn Burgess

AGENDA

- 1 Apologies for absence**
- 2 Declarations of Interest**
- 3 Minutes of the previous meeting (*Pages 5 – 12*)**
- 4 Public Questions**
- 5 Urgency Action taken by Director of Environment**
- 5a Urgency Powers to publish a public notice of the Council's intention to make a resolution designating St Andrews Street as a Consent Street for the purpose of street trading (*Pages 13 - 16*)
- 6 Designation of St Andrews St for the Purposes of Street Trading (*Pages 17 – 30*)**
- 7 Setting Fees for Taxi Plate Transfers (*Pages 31 – 34*)**

Information for the Public

Location The meeting is in the Guildhall on the Market Square (CB2 3QJ).

Between 9 a.m. and 5 p.m. the building is accessible via Peas Hill, Guildhall Street and the Market Square entrances.

After 5 p.m. access is via the Peas Hill entrance.

All the meeting rooms (Committee Room 1, Committee 2 and the Council Chamber) are on the first floor, and are accessible via lifts or stairs.

Public Participation Some meetings may have parts that will be closed to the public, but the reasons for excluding the press and public will be given.

Most meetings have an opportunity for members of the public to ask questions or make statements.

To ask a question or make a statement please notify the Committee Manager (details listed on the front of the agenda) prior to the deadline.

- For questions and/or statements regarding items on the published agenda, the deadline is the start of the meeting.
- For questions and/or statements regarding items NOT on the published agenda, the deadline is 10 a.m. the day before the meeting.

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LICENSING COMMITTEE21 July 2014
10.00am - 11.45 am

Present: Councillors Benstead (Chair), Smith (Vice-Chair), Gawthrope, McPherson, Meftah, O'Reilly, Owers, Pippas, Sinnott, Baigent and Bick

Officers Present

Environmental Health Manager: Yvonne O'Donnell
Licensing and Enforcement Manager: Robert Osbourn
Legal Advisor – Carol Patton
Committee Manager – Glenn Burgess

FOR THE INFORMATION OF THE COUNCIL**14/9/LIC Apologies for absence**

Apologies were received from Councillors McPherson and Austin.

Councillor Moore attended as the alternate.

14/10/LIC Declarations of Interest

No interests were declared.

14/11/LIC Minutes of the previous meeting

The minutes of the meetings held on 27 January 2014 and 12 June 2014 were agreed as a correct record and sign by the Chair.

14/12/LIC Public Questions

Sue Phillips addressed the committee regarding agenda item 6 (Fees for home boarding of pet animals) and made the following points:

- i. Thanked City Council officers for opening a dialogue with local business owners on this issue.

- ii. Expressed her support for the officer's recommendation.

David Wratten addressed the committee and made the following points:

- i. In Cambridge it took on average 2 hours 55 minutes to undertake a licence transfer. The average across 46 other local authorities was between 10 and 40 minutes.
- ii. The fee in Cambridge was £80 compared with an average of between £0 and £50 elsewhere.
- iii. Requested that this be investigated and a reduced fee be introduced for single transfers.

The Licensing and Enforcement Manager responded that without sight of these data he was unable to pass comment. It was noted that the issue would be looked at again in January 2015.

Mr Wratten made the following additional points:

- i. Many drivers would be required to undertake single transfers prior to this date and the issue should be looked at sooner.
- ii. He would be pursuing the issue through the Ombudsman.

The Chair agreed to discuss the issue in more detail with Mr Wratten outside of the meeting.

14/13/LIC Urgency Action taken by Director of Environment

14/13a/LIC Granting of street trading consent for vacant street trading pitch

Noted.

Re-ordering of the agenda

Under paragraph 4.2.1 of the Council Procedure Rules, the Chair used his discretion to alter the order of the agenda items. However, for ease of the reader, these minutes will follow the order of the agenda.

14/14/LIC Fees for Home Boarding of Pet Animals

The Committee received a report from the Licensing and Enforcement Manager regarding the fees for home boarding of pet animals.

In response to members' questions the Licensing and Enforcement Manager said the following:

- i. The proposed £80 fee would cover the cost of administration of the licences and the inspection of premises. Officers had fully costed the work involved and whilst this fee would cover costs to the Council it was not designed to make a profit.
- ii. Veterinary inspections would not be undertaken as a routine, and where required were fully rechargeable.
- iii. A licence would only be required for home boarding when it was a business. A licence would not be required to look after a pet on behalf of friends or family and where no fee was being charged.
- iv. The number of animals boarded at any time must not exceed four, including dogs/cats owned by the licence holder. This number was based on good practice from other local authorities.
- v. There was one existing licensee in the City that would be affected by this change in policy.

The Committee:

Resolved (unanimously) to:

- i. Introduce the less onerous regime proposed including a reduced fee of £80 for home boarding of animals, where licensees met the home boarding criteria
- ii. Agree the following criteria for home boarding;
 - Boarding must take place in residential premises e.g. a family home
 - The number of animals boarded at any time shall not exceed four, including dogs/cats owned by the licence holder
 - Cats and dogs may not be boarded at the same time unless there is clear separation

14/15/LIC Taxi Age Policy Anomaly

The Committee received a report from the Licensing and Enforcement Manager regarding an anomaly in the Taxi Age Policy.

In response to members' questions the Environmental Health Manager said the following:

- i. As a consequence of a misunderstanding regarding the dates in the policy a small number of drivers had been incorrectly advised. Examination of vehicle records indicated that 7 vehicles where proprietors had been advised that they could renew for an additional year would, in fact, breach the policy if renewed.
- ii. Renewals would be for a 1 year period.

The Committee:**Resolved (unanimously) to:**

- i. Agree a waiver of the age policy as set out in paragraph 23.8 of the taxi policy, which would enable officers to approve applications to renew the licences for those 7 vehicles identified as caught by the anomaly and whose vehicles were due to expire between 1st September 2014 and 1st December 2014, without the need to hold a hearing of the Licensing Sub-Committee for each case.
- ii. Authorise the Head Refuse and Environment to waive the age policy for any other vehicles that are caught by the anomaly, but have not yet been identified as doing so.

14/16/LIC Voluntary Code on Sales of High Strength Beers and Ciders

The Committee received a report from the Licensing and Enforcement Manager regarding a voluntary code on sales of high strength beers and ciders.

An error was identified in the officer's recommendation. Reference to the Executive Councillor for Strategy and Resources should read 'The Executive Councillor for Strategy and Transformation'.

In response to member's questions the Licensing and Enforcement Manager said the following:

- i. Whilst concern had been raised by Licensed Trade representatives the proposed voluntary code would not contravene competition law.
- ii. Whilst traders in Ipswich initially feared that the 'Reducing the Strength' Campaign would affect their businesses this proved not to be the case. Many found that by reducing the amount of street drinkers using their premises their overall customer base, and therefore profit, had increased.
- iii. Enforcement and close liaison with the police would continue.
- iv. Some new licensees were already offering not to sell high strength beers and ciders as part of their application.

Councillor Owers responded that, whilst not a solution on its own, this was part of wider measures across the City and he strongly supported the recommendations. It would be essential to engage fully with Licensed Trade representatives to highlight the benefits and for the scheme to be managed carefully.

Councillor Bick highlighted the need for work to continue on treatment and addressing homelessness. Concern was expressed about a blanket restriction on certain products and the need to ensure that those not abusing high strength alcohol could still access it if they so wished.

Members noted that this was the start of an ongoing dialogue regarding the issue. Further detailed discussions would take place at the Strategy and Resources Scrutiny Committee.

The Committee:

Resolved (unanimously) to:

- i. Request officers to enter into discussions with potential partners, as listed in Section 7f of the officer's report, with a view to developing a voluntary code on the sale of high strength beers, lagers and ciders, for submission to the Executive Councillor for Strategy and Transformation, for adoption.

14/17/LIC Hackney Carriage Table of Fares

The Committee received a report from the Licensing and Enforcement Manager regarding the Hackney Carriage table of fares.

The Committee received a representation from Mr Wratten.

The representation covered the following issues:

- ii. Highlighted confusion regarding the implementation of the fare increase.
- iii. The taxi trade had expected any increase to be on the actual tariff and not 'on the drop'. An increase on the tariff would not affect the smaller jobs whereas an increase 'on the drop' would.
- iv. A starting tariff of £2.85 would cause issues for taxi drivers.

The Licensing and Enforcement Manager responded that Cambridge City Licenses Taxi (CCLT) had not specified that the increase be done in a certain way.

In order to meet the requirements of the trade the table of fares could read (as at Appendix A of the officer's report but with amendments underlined):

Cambridge City Hackney Carriage Maximum rate of charges from 24th March 2014 <small>Local Government Miscellaneous Provisions Act 1976</small>	
Fares are calculated on a combination of distance or time or parts thereof. The meter must only be switched on when passengers are safely in the vehicle and the trip is about to commence. Please be aware that all journeys taken in Hackney Carriages within the Cambridge city boundaries must be charged on the meter; this is the maximum legal fare.	
Tariff 1: Between 07:00 – 19:00 hours	£2.80
Tariff 2: Between 19:00 – 07:00 and Sundays and Bank Holidays	£3.80
Tariff 3: 19:00 Christmas Eve – 07:00 Boxing Day 19:00 New Years Eve – 07:00 New Years Day	£4.80
Each tariff includes initial distance of <u>90</u> metres or part thereof	
For each subsequent <u>181</u> metres or part thereof	20p
<small>HIRING CHARGES – WAITING TIME AS INDICATED BELOW – will be charged when the vehicle is motionless or when it is travelling below the changeover speed of 16.79 km/p/h</small>	
For each period or part thereof 40 seconds	20p

EXTRA CHARGES

1. For each journey with 5 or more passengers	£3
2. Fuel Surcharge (only applicable if the national retail price of diesel, as measured by the Arval index, has exceeded 179.9p per litre since 15 August 2012) **There will be a separate notice in this vehicle if this extra charge is payable.	£0.40
3. Vehicle unfit to continue working	£80
4. Surcharge for payment by credit or debit card	5%

Exclusions: the Taxicard scheme

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

Complaints about the vehicle or driver should be made to:

Jas Lally, Head of Refuse and Environment
PO Box 700
Cambridge, CB1 0JH
01223 457888



The committee supported this proposal.

The Committee:

Resolved (unanimously) to:

- i. Vary the existing Table of Fares, with effect from 15 September 2014, subject to the statutory consultation process, as shown above.

14/18/LIC Limiting the Number of Hackney Carriage Licences

The Committee received a report from the Licensing and Enforcement Manager regarding limiting the number of Hackney Carriage Licences.

In response to members' questions the Licensing and Enforcement Manager and the Environmental Health Manager said the following:

- ii. The committee was being asked to instruct officers to simply investigate the feasibility and cost of the study.
- iii. The previous study was funded by the taxi trade and cost in the region of £15,000.
- iv. CCLT had responded to the previous study and a number of individual responses had also been received.
- v. A limit on the number of licences would not necessarily result in fewer taxis.

- vi. There were currently 309 Hackney Carriage licences in the City and 180 Private Hire licences.
- vii. South Cambs District Council currently had 800 Private Hire licences that were able to trade anywhere in the country.
- viii. There was no provision in law for local authorities to limit the number of Private Hire vehicles.

At the request of the Chair, and with the agreement of members, Mr Wratten addressed the committee and made the following points:

- i. The CCLT response to the last study represented the views of 75% of the taxi trade – a total of 225 drivers.
- ii. Any policy needed to be effectively managed and reviewed every 3 years.

Members noted that this was just the start of the process and further detailed discussions would be ongoing.

The Committee:

Resolved (unanimously) to:

- i. Instruct Officers to investigate the feasibility of carrying out a study to establish if there is evidence that there is no significant demand for Hackney Carriages that is unmet.
- ii. Instruct Officers to investigate the costing of such a study and to obtain approval from the Executive Councillor for Environment, Waste and Public Health for funding, to carry out a study, through the Council's budget process.

The meeting ended at 11.45 am

CHAIR

Record of Officer Urgency Action

Urgency Powers to publish a public notice of the Council's intention to make a resolution designating St Andrews Street as a Consent Street for the purpose of street trading

Decision of:	Director of Environment: Simon Payne
Reference:	14/URGENCY/LIC/02
Date of decision:	5 August 2014
Decision Type:	Officer Urgent Action
Matter for Decision:	To publish a public notice of the Council's intention to make a resolution designating St Andrews Street as a Consent Street for the purpose of street trading.
Why the decision had to be made (and any alternative options):	For the efficient delivery of the service, the decision could not be delayed.
Officer decision(s):	<p>To publish a notice, as soon as practically possible, of the City Council's Licensing Committee's intention to pass a resolution to re-designate St Andrews St from a Prohibited Street to a Consent Street with effect from 30th November 2014 and inviting representations.</p> <p>To present a report to Licensing Committee on 13th October 2014 providing details of any representations made in response to the Public Notice so that Members of the Licensing Committee can decide whether to make a resolution formally designating St Andrew's Street as a Consent Street.</p>
Committee consideration:	The Chair and Opposition Spokesperson of the Licensing Committee were consulted prior to the action being authorised.
Briefing Note/Report:	A briefing note detailing the background is attached.
Conflicts of interest:	None

Note:

City Council Constitution: Part 3 Para states:

Urgency Action

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.

In exercising this power, a Director shall either consult:

- members, in which case the Executive Councillor (in respect of executive functions) or the Chair (in respect of regulatory functions) and, so far as practical in the time available, spokesperson(s); or
- the Chief Executive (if available) before taking action.

If only the Chief Executive is consulted, the Director shall, as soon as possible after taking the action in question, inform the Executive Councillor, Chair and spokesperson(s) of what has happened. (This shall be in addition to reporting the action taken to the next meeting of the relevant committee or sub-committee)."

Pitch 22 -St Andrews St – Member Briefing note

Introduction

Urgency powers to publish a public notice of the Council's intention to make a resolution designating St Andrews St as a Consent St for the purpose of street trading as set out in paragraph 2(1)c Schedule 4, of the Local Government (Miscellaneous Provisions) Act 1982.

Background

The City Council has granted street trading consents for pitch 22 on St Andrew's Street since 1st April 2007. The same trader has held consents to trade from this pitch since this date. The trader is well established and has recently invested significantly in his street trading unit.

Following receipt of an enquiry with regard to the status of St Andrew's Street officers have researched the Council's records.

In 1988 when the Council designated streets within Cambridge pursuant to Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982 as Consent Streets and Prohibited Streets, St Andrew's Street was designated a Prohibited Street.

On 14 June 1995 the Environment, Health and Protection Committee resolved that notice be given of the committee's intention to pass resolutions in terms of the following drafts and copies be served on the Chief Constable and the County Council as Highways Authority:-

- (1) "That St Andrew's Street shown coloured red on the plan numbered MS2 to which the public have access without payment, including all forecourts, roads, footways, or other areas adjacent to the street for a distant of 10 metres, other than as already for part of the consent street, be redesignated from prohibited street to consent street for the purposes of paragraph 2(1)(c) Schedule 4 Local Government (Miscellaneous Provisions) Act 1982 with effect from 1 January 1996"
- (2) "That insofar as they affect St Andrews Street, the resolutions passed by the Public Health Committee on 13 January 1988 designating such streets as a prohibited street be rescinded with effect from 31 December 1995."

The Committee made other resolutions at the same meeting to accommodate some temporary Market Consents during the period of a proposed Market Square refurbishment.

On 4th July 1995 the Council published notice of intention to pass the resolutions as set out in points 1 and 2 above.

Despite extensive research officers have been unable to locate the resolution confirming the redesignation of St Andrew's Street as Consent Street or any

resolution not to do so. Officers have also been unable to locate any public notice confirming the redesignation of St Andrew's Street.

The proposed refurbishment of the Market Square was not agreed by the Council in 1995 and therefore the Environment Health and Protection Committee on 17 January 1996 resolved :

1) That resolutions passed by the Environment Health and Protection Committee on 14 June 1995 be rescinded with immediate effect.

We have been unable to find out whether it was the intention to rescind the St Andrew St resolution of June 1995, which does not appear to be connected to the decision to set up temporary market consents to allow the (then abandoned) Market Square refurbishment.

It is clear that there was an intention by the then Environmental Health and Protection Committee to redesignate St Andrews St from a Prohibited Street to a Consent Street and this is reflected in the Public Notice dated 4th July 1995 (attached). However the full designation process requires a resolution to designate the street, following consideration of representations, and publication of a second public notice stating that the resolution has been passed. It would appear that this was overlooked.

The Council must now resolve the status of St Andrew's Street for street trading purposes.

Recommended way forward

Given that it is now too late for this item to be included in the agenda for the next Licensing Committee on 21st July 2014 the following action is proposed;

That the Director of Environment takes the decision under urgency powers (Part 3 Section 9 of the City Council constitution) to publish a notice, as soon as practically possible, of the City Council's Licensing Committee's intention to pass a resolution to redesignate St Andrews St from a Prohibited Street to a Consent Street with effect from 30th November 2014 and inviting representations. This decision is subject to consultation of the Chair of Licensing Committee and Opposition Spokes. This briefing note forms part of this consultation.

A report will then be presented to Licensing Committee on 13th October 2014 providing details of any representations made in response to the Public Notice so that Members of the Licensing Committee can decide whether to make a resolution formally designating St Andrew's Street as Consent Street.

Emma Thornton 17th July 2014



CAMBRIDGE CITY COUNCIL

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

TO: Licensing Committee –13th October 2014

WARDS:

Designation of St Andrews St for street trading

1) INTRODUCTION

- 1.1 On 8th August 2014 the Council published a notice, using the Council's Urgency Powers, in accordance with the requirements set out in Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982, of its intention to pass a resolution to designate St Andrews St as a Consent St for the purposes of Street Trading. A record of this Urgent Decision and a briefing note setting out the background to this decision are set out in Appendices 1 and 2.
- 1.2 This reports summarises and considers the representations that have been made following the publication of the intention to pass this resolution and the notice as above, and sets out the next steps to the designations as set out in legislation.

2 RECOMMENDATIONS

- 2.1 To consider any representations received to the public notices.
- 2.2 To pass a resolution to change the designation of St Andrews St from a prohibited street to a consent street in accordance with the requirements set out in Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982.

2.3 To publish a notice that the resolution as set out in points 2.2 has been passed.

3. **BACKGROUND**

3.1 The background to this recommended designation is set out in detail in **Appendix 2** to this report.

4. **CONSULTATIONS**

4.1 The Council has consulted widely on these proposals through publishing its intention to pass a resolution to change the designation of St Andrews St in the Cambridge News for two consecutive weeks on 8th and 15th August 2014. Details of this consultation also featured on the Council's website. Representations were requested in writing by the 8th September 2014.

4.2 The Council has received no objections to the proposed resolution and two representations. One is from the County Council and is attached as **Appendix 3**. This representation is standard in its format and requests that due consideration is given to avoiding any obstruction of the highway when considering street trading in this area. The second representation is from John Fenton, Chair of the Cambridge Street Traders Association. This is a testimonial in support of RJ's Grill, currently trading on Pitch 22. This is attached as **Appendix 4**.

The Council is not actively seeking to increase street trading in St Andrews St, merely to regularise the current street trading activity in the location of Pitch 22. The location of this pitch was agreed following consultation with the County Council in 2007 and there have been no subsequent complaints received about the location of this pitch from a highways perspective.

5. **Next steps for the designation of new consent streets**

5.1 Following the passing of the resolution, notice must be published in a local newspaper for two consecutive weeks in accordance with the requirements set out in Schedule 4 to the Local Government (Miscellaneous) Provisions Act 1982. The first publication must be not later than 28 days before the designation is to come into force. The resolution will come into force on **30th November 2014**

5.2 Officers in the council's legal teams have been consulted in the development of these proposals.

6) CONCLUSIONS

The re designation of St Andrews as a Consent St will resolve the status of the street for the purposes of Street Trading. This is important because the City Council has granted street trading consents for Pitch 22 on St Andrews St since 1st April 2007. The same trader has held Consents to trade from this pitch since this date. The trader is well established and has recently invested significantly in his street trading unit.

7) IMPLICATIONS

(a) Financial Implications

(b) Staffing Implications

There are no staffing implications to these proposals.

(c) Equality and Poverty 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 proposals set out in this report are 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

The Council will consider any environmental implications put forward to them through the consultation on these proposals.

(e) Procurement

There are no procurement implications to these proposals

(f) Community Safety

The Council will consider any environmental implications put forward To them through the consultation on 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– St Andrews St – Urgency Powers – Record of Decision

Appendix 2 – St Andrews St – Re designation – Briefing Note

Appendix 3 – Response from Cambridgeshire County Council to the consultation

Appendix 4 – Letter from Mr J Fenton, Chair of the Cambridge Street Traders Federation.

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: 03 October 2014

Date of last revision: 03 October 2014

CAMBRIDGE CITY COUNCIL
Record of Officer Urgency Action

Urgency Powers to publish a public notice of the Council's intention to make a resolution designating St Andrews Street as a Consent Street for the purpose of street trading
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Decision of: Director of Environment: Simon Payne

Reference: 14/URGENCY/LIC/02

Date of decision: 5/8/14.....

Decision Type: Officer Urgent Action

Matter for Decision: To publish a public notice of the Council's intention to make a resolution -designating St Andrews Street as a Consent Street for the purpose of street trading.

Why the decision had to be made (and any alternative options): For the efficient delivery of the service, the decision could not be delayed.

Officer decision(s): To publish a notice, as soon as practically possible, of the City Council's Licensing Committee's intention to pass a resolution to re-designate St Andrews St from a Prohibited Street to a Consent Street with effect from 30th November 2014 and inviting representations.

To present a report to Licensing Committee on 13th October 2014 providing details of any representations made in response to the Public Notice so that Members of the Licensing Committee can decide whether to make a resolution formally designating St Andrew's Street as a Consent Street.

Committee consideration: The Chair and Opposition Spokesperson^s of the Licensing Committee were consulted prior to the action being authorised.

Briefing Note/Report: A briefing note detailing the background is attached.

Conflicts of interest: None

Note:

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- (1) "That St Andrew's Street shown coloured red on the plan numbered MS2 to which the public have access without payment, including all forecourts, roads, footways, or other areas adjacent to the street for a distant of 10 metres, other than as already for part of the consent street, be redesignated from prohibited street to consent street for the purposes of paragraph 2(1)(c) Schedule 4 Local Government (Miscellaneous Provisions) Act 1982 with effect from 1 January 1996"
- (2) "That insofar as they affect St Andrews Street, the resolutions passed by the Public Health Committee on 13 January 1988 designating such streets as a prohibited street be rescinded with effect from 31 December 1995."

The Committee made other resolutions at the same meeting to accommodate some temporary Market Consents during the period of a proposed Market Square refurbishment.

On 4th July 1995 the Council published notice of intention to pass the resolutions as set out in points 1 and 2 above.

Despite extensive research officers have been unable to locate the resolution confirming the redesignation of St Andrew's Street as Consent Street or any

resolution not to do so. Officers have also been unable to locate any public notice confirming the redesignation of St Andrew's Street.

The proposed refurbishment of the Market Square was not agreed by the Council in 1995 and therefore the Environment Health and Protection Committee on 17 January 1996 resolved :

1) That resolutions passed by the Environment Health and Protection Committee on 14 June 1995 be rescinded with immediate effect.

We have been unable to find out whether it was the intention to rescind the St Andrew St resolution of June 1995, which does not appear to be connected to the decision to set up temporary market consents to allow the (then abandoned) Market Square refurbishment.

It is clear that there was an intention by the then Environmental Health and Protection Committee to redesignate St Andrews St from a Prohibited Street to a Consent Street and this is reflected in the Public Notice dated 4th July 1995 (attached). However the full designation process requires a resolution to designate the street, following consideration of representations, and publication of a second public notice stating that the resolution has been passed. It would appear that this was overlooked.

The Council must now resolve the status of St Andrew's Street for street trading purposes.

Recommended way forward

Given that it is now too late for this item to be included in the agenda for the next Licensing Committee on 21st July 2014 the following action is proposed;

That the Director of Environment takes the decision under urgency powers (Part 3 Section 9 of the City Council constitution) to publish a notice, as soon as practically possible, of the City Council's Licensing Committee's intention to pass a resolution to redesignate St Andrews St from a Prohibited Street to a Consent Street with effect from 30th November 2014 and inviting representations. This decision is subject to consultation of the Chair of Licensing Committee and Opposition Spokes. This briefing note forms part of this consultation.

A report will then be presented to Licensing Committee on 13th October 2014 providing details of any representations made in response to the Public Notice so that Members of the Licensing Committee can decide whether to make a resolution formally designating St Andrew's Street as Consent Street.

Emma Thornton 17th July 2014

Pitch 22 -St Andrews St – Member Briefing note

Introduction

Urgency powers to publish a public notice of the Council's intention to make a resolution designating St Andrews St as a Consent St for the purpose of street trading as set out in paragraph 2(1)c Schedule 4, of the Local Government (Miscellaneous Provisions) Act 1982.

Background

The City Council has granted street trading consents for pitch 22 on St Andrew's Street since 1st April 2007. The same trader has held consents to trade from this pitch since this date. The trader is well established and has recently invested significantly in his street trading unit.

Following receipt of an enquiry with regard to the status of St Andrew's Street officers have researched the Council's records.

In 1988 when the Council designated streets within Cambridge pursuant to Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982 as Consent Streets and Prohibited Streets, St Andrew's Street was designated a Prohibited Street.

On 14 June 1995 the Environment, Health and Protection Committee resolved that notice be given of the committee's intention to pass resolutions in terms of the following drafts and copies be served on the Chief Constable and the County Council as Highways Authority:-

- (1) "That St Andrew's Street shown coloured red on the plan numbered MS2 to which the public have access without payment, including all forecourts, roads, footways, or other areas adjacent to the street for a distant of 10 metres, other than as already for part of the consent street, be redesignated from prohibited street to consent street for the purposes of paragraph 2(1)(c) Schedule 4 Local Government (Miscellaneous Provisions) Act 1982 with effect from 1 January 1996"
- (2) "That insofar as they affect St Andrews Street, the resolutions passed by the Public Health Committee on 13 January 1988 designating such streets as a prohibited street be rescinded with effect from 31 December 1995."

The Committee made other resolutions at the same meeting to accommodate some temporary Market Consents during the period of a proposed Market Square refurbishment.

On 4th July 1995 the Council published notice of intention to pass the resolutions as set out in points 1 and 2 above.

Despite extensive research officers have been unable to locate the resolution confirming the redesignation of St Andrew's Street as Consent Street or any

resolution not to do so. Officers have also been unable to locate any public notice confirming the redesignation of St Andrew's Street.

The proposed refurbishment of the Market Square was not agreed by the Council in 1995 and therefore the Environment Health and Protection Committee on 17 January 1996 resolved :

1) That resolutions passed by the Environment Health and Protection Committee on 14 June 1995 be rescinded with immediate effect.

We have been unable to find out whether it was the intention to rescind the St Andrew St resolution of June 1995, which does not appear to be connected to the decision to set up temporary market consents to allow the (then abandoned) Market Square refurbishment.

It is clear that there was an intention by the then Environmental Health and Protection Committee to redesignate St Andrews St from a Prohibited Street to a Consent Street and this is reflected in the Public Notice dated 4th July 1995 (attached). However the full designation process requires a resolution to designate the street, following consideration of representations, and publication of a second public notice stating that the resolution has been passed. It would appear that this was overlooked.

The Council must now resolve the status of St Andrew's Street for street trading purposes.

Recommended way forward

Given that it is now too late for this item to be included in the agenda for the next Licensing Committee on 21st July 2014 the following action is proposed;

That the Director of Environment takes the decision under urgency powers (Part 3 Section 9 of the City Council constitution) to publish a notice, as soon as practically possible, of the City Council's Licensing Committee's intention to pass a resolution to redesignate St Andrews St from a Prohibited Street to a Consent Street with effect from 30th November 2014 and inviting representations. This decision is subject to consultation of the Chair of Licensing Committee and Opposition Spokes. This briefing note forms part of this consultation.

A report will then be presented to Licensing Committee on 13th October 2014 providing details of any representations made in response to the Public Notice so that Members of the Licensing Committee can decide whether to make a resolution formally designating St Andrew's Street as Consent Street.

Emma Thornton 17th July 2014

My ref: SLP
Your ref:

Date: 12th August 2014

Contact: Sharon Piper
Direct dial: 0345 0455212
E Mail: Policyandregulation@cambridgeshire.gov.uk



Economy, Transport and Environment
Executive Director, Graham Hughes

Head of Tourism and
City Centre Management
Cambridge City Council
The Guildhall
Market Square
Cambridge
CB2 3QJ

Local Infrastructure & Street Management
Policy and Regulation
Room 209
Shire Hall
Castle Hill
Cambridge
CB3 0AP

Dear Sir/Madam

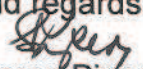
**RE: Local Government (Miscellaneous Provisions) Act 1982
Schedule 4 paragraph 2 (1) (a) and (c)
Street Trading**

Thank you for your letter dated 4th August 2014 requesting comments on the City Council's proposal to redesignate St Andrew's Street a consent street.

As you will appreciate Cambridgeshire County Council as the highway authority have a general duty to assert and protect the rights of the public to the use and enjoyment of the highway and this duty includes preventing, as far as possible, any obstruction to the enjoyment of such highway. There is also the issue that Cambridge City Centre has a very high level of footfall with volumes continuing to increase due to growth.

Footways are meant for pedestrians and we would respectfully ask that trading pitches to not obstruct the passage for pedestrians, wheel chair users and mobility scooters.

Kind regards


Sharon Piper
Policy and Regulation Manager

Local Infrastructure and Street Management
Cambridgeshire County Council

0345 0455212



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Appendix 4

John Fenton,
45 Fanshawe Road,
Cambridge
CB1 3QX
6th September 2014

Re: Bob Strydom – street pitch 22

Dear Emma,

I felt it was important to tell you how much Bob is valued by his fellow street traders and the Cambridge public. Having known Bob for more than 5 years, he has to be regarded as one of the kindest and most helpful street traders working in the city of Cambridge. With a very large public following, he looks after his customers and ensures they get the ‘personal touch’. He has recently spent £25,000 on a beautiful trailer (which would befit any city in the world) to enable him to continue providing a great service and food to locals and visitors. Bob also has a big heart and would do anything to help another trader with a breakdown or technical problem.

He is certainly a part of the city with his food offer and I hope that he will continue to be for many years to come.

Kind regards,

John Fenton – Chairman of the Cambridge Street Traders Branch

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CAMBRIDGE CITY COUNCIL

REPORT OF:

Jas Lally, Head of Refuse & Environment

TO: Licensing Committee

13/10/2014

WARDS: All

SETTING FEES FOR TAXI PLATE TRANSFERS

1 INTRODUCTION

- 1.1 The City Council is responsible for processing and issuing licences for a wide range of activities, including taxi and private hire vehicle and driver licences. Fees are reviewed in January each year and set annually by Licensing Committee and adopted by full Council, as part of its budget setting process. Officers have been requested by the taxi trade to examine and report on the fees for taxi vehicle plate transfers, in advance of the annual review in January 2015.

2. RECOMMENDATIONS

- 2.1 Members are asked to consider whether the fees set by the Committee in January 2014 for taxi plate transfers should be reviewed in advance of other licence fees.
- 2.2 If members are minded to review the fee for taxi plate transfers early, they are asked to approve a revised fee of £50 following the statutory consultation period.

3. BACKGROUND

- 3.1 The Council is required to calculate fees on the basis of recovering the full costs of processing and compliance checks but neither to make a surplus nor subsidise those licensed. The fees charged should be capable of withstanding legal challenge, should the need arise.

- In each case, the administrative work required for the various elements of the process has been taken into account and, where appropriate, allowance made for compliance checking.
- 3.2 At its meeting on 27th January 2014 Licensing Committee agreed the level of fees for all licensing matters which would apply for 12 months from 1st April 2014. This decision was subsequently adopted by full Council.
 - 3.3 It was agreed that fees will be reviewed on an annual basis and that fees which relate to taxi licences would be advertised in accordance with law, before they would come into effect.
 - 3.4 The level of all fees was set on the basis of assessments of the cost of officer time and other costs which were associated with the work required to undertake checks on documentation, updating records and, where necessary, the physical production of licences, badges or plates.
 - 3.5 Whilst individual applications may take different amounts of time, the fees were set on the basis of an average time, in each case.
 - 3.6 As the process of setting fees had been amended to be fully based on assessments of the costs involved, it was recognised that it would only be after a full year of implementing the new fee level, and recording the actual time taken to process applications, that an accurate measure of the costs involved would be available for use as part of the next annual review. After compilation of that information it would then be possible to change any fees which might require adjustment.
 - 3.7 Following public questions at the Licensing Committee on 21st July 2014 when the level of fee charged for taxi plate transfers was raised by Mr Wratten on behalf of Cambridge Licensed Taxis Ltd, the Chair agreed that this issue would be discussed in more detail, with him. Mr Wratten was asking the Licensing Committee to deal with the matter as soon as possible because he said that many drivers would be required to undertake single transfers before the next review.
 - 3.8 Officers have reviewed the charge for plate transfers which is set at £80 and concluded that it should be possible to recover the costs of undertaking the necessary processes by charging £50. The original charge was set using an estimate of the average amount of officer time entailed to complete the necessary work.
 - 3.9 Having examined the records of time actually spent during the period April – August 2014 and having streamlined the process, it is concluded that the current average cost is now £50.
 - 3.10 In view of the request from CCLT, Officers are inviting Members to decide whether to review the taxi plate transfer fee outside of the agreed annual review process.
 - 3.11 Officers met with Mr Wratten, of CCLT on 8th August 2014, and indicated the outcome of their review of the work required to process

plate transfers and that a reduction in the fee might be proposed to Members to consider for determination and adoption.

3.12 Mr Wratten has made it clear that he wishes to see an early implementation of a reduced fee. He has indicated that he believes that the Council should refund money to proprietors who, in his view, have been overcharged.

3.13 It is the officers' view that there has been no element of overcharging involved, as the Council has clearly set out how it will set and review charges for licences. It may be, for example, that charges for some licences have been less than required to cover the Council's costs and, in that event, a recommendation to increase a fee would form part of the annual review.

4. CONSULTATIONS

4.1 A meeting has taken place between officers and CCLT representatives, but a formal consultation has not been undertaken with the taxi trade until it is known whether Members are minded to review the taxi plate transfer fee early.

5. OPTIONS

5.1 Members may agree to review the fee charged for taxi plate transfers in advance of the annual review and, if so,

i) May agree to the principle of setting a revised level of fee and, if so,

ii) Instruct officers to undertake a 4 week statutory public consultation.

5.2 Members may decide not to review the fee in advance of the annual review.

6. CONCLUSIONS

6.1 The Council needs to demonstrate that the fees it charges for licences have been set in accordance with the law and best practice, so as to recover its allowable costs in administering the various licensing regimes for which it is responsible.

6.2 Members should determine which of the options, under Section 5 above, they wish to pursue or to determine such other course of action they consider appropriate.

7. IMPLICATIONS

(a) Financial Implications

The cost of processing licence applications should be broadly cost-neutral, however, the potential for costs being awarded against the Council in the event of a successful legal challenge to its fee setting process could be significant, and potentially substantial.

(b) Staffing Implications

None

(c) Equal Opportunities Implications

None

(d) Environmental Implications

None

(e) Procurement

None

(f) Consultation and communication

The taxi trade will be consulted on the levels of fee proposed to be charged before the proposed fee is implemented.

(g) Community Safety

None

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

Report of Head of Refuse and Environment to Licensing Committee 27th January 2014

<http://democracy.cambridge.gov.uk/documents/s22683/Committee%20Report%20-%20Setting%20Fees%20for%20Licensing%20Functions%20-%2027.1.14.pdf>

Minutes of Licensing Committee 27th July 2014

<http://democracy.cambridge.gov.uk/ieListDocuments.aspx?CId=180&MId=1052&Ver=4>

Minutes of Licensing Committee 21st July 2014

<http://democracy.cambridge.gov.uk/ieListDocuments.aspx?CId=180&MId=2498&Ver=4>

To inspect these documents contact Robert Osbourn on extension 7894

The author and contact officer for queries on the report is Robert Osbourn on extension 7894.

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