LICENSING COMMITTEE

26 January 2015
10.00 am - 1.30 pm

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

Officer Present:
Licensing & Enforcement Manager: Robert Osbourn
Environmental Health Manager: Yvonne ODonnell
Legal Advisor: Jane Connell
Committee Manager: Claire Tunnicliffe

FOR THE INFORMATION OF THE COUNCIL

14/26/LIC Apologies for absence

No apologies were received.

14/27/LIC Declarations of Interest

Name	Item	Interest
Councillor Baigent	14/30/LIC	A gender theorist consultant who specialises in female roles in male dominated environments.

14/28/LIC Minutes of the previous meeting

The minutes of the meeting held on 13 October 2014 were agreed as a correct record and signed by the Chair.

14/29/LIC Public Questions

Mr Wratten, Chairman of Cambridge City Licensed Taxi's was present to speak on all three items on the agenda.

The Chair informed Mr Wratten that he would be invited to speak at relevant points of the agenda.

14/30/LIC THE NUMBER OF HACKNEY CARRIAGE LICENCES POLICY AND DISABLED ACCESS POLICY

The Committee received a report from the Environmental Health Manager.

The report reminded the Committee that the Council may, as part of its adopted policy on the licensing of Hackney Carriages (HCV), consider whether to apply a limit on the maximum number of HCV licences which it would issue at any time. However, this power may be exercised only if the Council was satisfied that there was no significant demand for the services of HCVs which was unmet (section 16 Transport Act 1985).

At a meeting on 24 October 2011 the Licensing Committee resolved that a demand survey should be carried out to establish whether or not the current HCV fleet met the demand for HCV services within the district, and additionally to cover accessibility issues and the provision of ranks within the district.

Following a meeting of the Licensing Committee held on 21 July 2014, officers were asked to seek a further survey to establish if there was evidence that there was no significant demand that was unmet and to investigate the costs of carrying out such a survey.

The Committee were advised that the purpose of the January 2015 report was to present the findings of the survey and to ask whether the Committee were satisfied that there was no significant demand for the services of HCVs within Cambridge which was unmet, and if so, whether to impose a limit on the number of HCV licences that the Council issues.

Officers reminded the Committee that if they decided to impose a limit, then they must also decide what that limit would be, and the date for implementation.

The findings of the report also indicated the work needed to be done on the disabled access issues and to recommend that a new disabled access policy be developed

The Committee received a presentation from Ian Millership, CTS Traffic and Transport Ltd.

The presentation addressed the issues of trade engagement with the 2012 survey and confirmed there remained no significant unmet demand.

Mr Millership concluded that the evidence suggested that the public would benefit from limiting the numbers as this would reduce congestion and improve public safety. The limitation would allow the Committee to focus on disability development and other issues.

In response to the Committee's questions Mr Millership said the following:

i. Suspect there would not be a significant increase in private hire from taxis licenced by South Cambridgeshire applications. Drivers would undoubtedly find it hard to break into such a dominant market in the City.
ii. Confirmed that the number of private hires could not be capped.
iii. If there was a limit on the number of hackney carriages the plates would start to accrue a plate value which should be over the cost of the business.
iv. Agreed it was possible for plates to have a plate value even if there no limit.
v. In theory with regards to the rental market of the plate if there was a limited number of hackney cabs then the value should increase but this would take time as presently there was a not a great rental market. If an individual required a plate they could obtain one.
vi. Anyone could have a vehicle plate as long as it is wheel chair accessible.
vii. If the numbers were limited drivers could rent out their vehicles when they were not working making that vehicle available to public for longer.
viii. Without limiting numbers competition increases and drivers have been known to race back to the ranks for the next fare.
ix. Believed that if the numbers were limited this would improve the service and could change the mind-set of the drivers.
x. Limiting the numbers could allow the City Council tighter controls and brings stability; this would also allow the trade to discuss development and improvement to the service.

Mr Wratten addressed the Committee and made the following points:

i. Limiting or not limiting the number of hackney cabs would not have an overall effect on the service.
ii. There were currently 980 private hire vehicles in the City.
iii. Approximately 806 vehicles licensed to South Cambridgeshire worked for cab firms in the City, who supplied 50% of the business.
iv. Advised that 50% of hackney cabs took radio work as there was not enough work from the taxi ranks. This meant those drivers could not stop

for members of the public, including disabled users, when being flagged down.

v. There was not enough work from the taxi ranks.
vi. Taxi ranking was required in Regent Street, the additional ranking in Regent Street would meet demand for the next twelve months with the current level of hackney cabs.
vii. Acknowledged that drivers did chase back for the next job.
viii. Stated that the figures for the rental market were higher than had been reported in the presentation and that were 300 hackney cabs with 500 licences.
ix. Advised that the drivers were not always honest about the number of hours worked and were probably working longer than they had been reported.
x. Stated that both the City Council and the County Council needed to bring in proper management for hackney vehicles regarding additional rank space.
xi. While reducing the number of hackney cabs the number of private hire would continue to grow.
xii. The trade would like a management system and a cap on numbers.

In response to the Committee's questions the Licensing & Enforcement Manager said approximately had been a total of 700 dual driver licences issued.

The Environmental Health Manager then provided further background to the report and reminded the Committee of the recommendations.

In response to the Committee's questions, the Licensing & Enforcement Manager and Environmental Health Manager confirmed the following:

i. To date a total of 315 HCV licences had been issued.
ii. There were two pending applications which would be processed by the end of the week.
iii. The ISUD calculations in Cambridge did not take into account the activity at the private railway station rank. The issue of permits to operate at the station rank was controlled by the railway company on their private land, and outside the control of the City Council.
iv. 170 permits had been issued for the railway station rank.
v. The present legal provision on quantity restrictions for taxis outside London was set out in section 16 of the Transport Act 1985, and best practice guidance from Department of Transport as referenced in page 142 of the Officer's report.

vi. The Committee should take into account for consideration as referenced by James T H Button. Licensing Law and Practice, such as congestion and public safety.
vii. If the Committee agreed to limit the number of hackney cabs, the number of HCV licences could be increased under exceptional circumstances considered by the Licencing Sub Committee.
viii. If an additional licence was added under exceptional circumstances then the number would not reduce back to the number that had been set until a plate had been given up.
ix. Could not give the Committee any evidence from the Local Authorities referenced in the report on the impact of limiting HCV licences. They had been contacted about administration processes only.
x. Reminded the Committee that the Council only had the power to limit the number of hackney carriage vehicles and not private hire vehicles.
xi. Advised that they could not provide figures on ethnicity but these figures would be collected in future as identified in the recent Equality & Poverty Impact Assessment.
xii. If the Committee decided not to put a limit on number of hackney cabs the current policy would continue so that any new vehicles would have to be wheel chair accessible.
xiii. If the number was limited, the number of wheel chair accessible vehicles would remain the same which would meet the requirements of the Equality Act, as the number of vehicles to meet these requirements stood at 63%.
xiv. Currently a new policy on wheel chair accessibility was being developed as a number of issues had been highlighted including the ramps used to enter the vehicle.
xv. South Cambridgeshire District Council would be responsible for the proposed train station in Chesterton.
xvi. No policy was absolute and therefore the Licensing Sub Committee could determine whether an application was exceptional or not.

The Committee discussed the following issues concerning the Officer's report.

i. Reduction of congestion
ii. Improvements to public safety.
iii. Improvements to air quality.
iv. Improvement to over ranking.
v. Development and stability of the trade.

Councillor Smith asked for the following to be minuted:

i. There were extensive waiting times at the Railway Station compared to the 2012 survey not just because of the development works at Station Road. Although the taxi rank at the Station did not come under the Council's jurisdiction, Councillors must acknowledge the problem there.

The Committee

The Environmental Health Manager informed the Committee of an amendment to the wording of 2.3 of the recommendation in the Officer's report (deleted text struck through and new text underlined), should the Committee agree to introduce a limit on the number of HCV licences which may be issued.

> Officers recommend that if a limit is introduced Members set the limit at the levels currently licensed, including those applications awaiting processing. ~~and potential applications where a vehicle has already been purchased.~~

The Committee:

i. **Resolved (11 votes to 1 vote)** that they were satisfied that there was no significant demand for hackney carriages in Cambridge which is unmet.

The following reason that there was no significant demand for hackney carriages in Cambridge which is unmet was given as follows:

- The recent survey carried out showed that there was no significant unmet demand in Cambridge.

(9 Votes in favour).

ii. **Resolved (9 votes to 2 votes with 1 abstention)** to introduce a limit on the number of HCV licences which may be issued.

The following reasons to introduce a limit on the number of HCV licences were given:

- Public Safety **(8 Votes in favour)**
- Congestion and Air Pollution **(8 Votes in favour)**
- Over Ranking **(8 Votes in favour)**
- To allow the development of the trade.

(7 Votes in favour).

Councillor Owers proposed the Officer recommendation that the Committee set the limit at the levels currently licensed, including those applications awaiting processing, totalling 317, with immediate effect.

iii. **Resolved (8 votes to 2 votes)** to limit at the levels currently licensed, including those applications awaiting processing, totalling 317, with immediate effect.

The following reason to limit the number of hackney carriages in Cambridge to 317 was as follows:

- It would be difficult to lower the number of licences as they could not be taken away from individuals. The number would only reduce when a licence had expired and not been renew until the set limit had been met. To set a higher limit would not meet the objectives of the Committee; therefore the current number of licences would allow the Committee to meet the objectives that had been agreed.

  (8 Votes in favour).

iv. Resolved **(10 Votes to 0)** that Officers were instructed to develop a new disabled access policy and to report back to Licensing Committee within the next 12 months for adoption of the new policy.

Councillors Bick and Pippas were not present for the vote on recommendation iv.

14/31/LIC Medical Examinations of Taxi Drivers

The Committee received a report from the Licensing & Enforcement Manager.

The report referred to the checks which the City Council undertakes to ensure that drivers of Hackney Carriages and Private Hire Vehicles were fit and proper people to be licensed, they must, from time to time, pass a medical examination.

The Committee were informed that following the consultation, it was proposed that along with the already nominated approved medical practitioner, the Council would allow drivers the option of using their own GP (if they are familiar with the Group II Medical Standards). This would provide more flexibility and, potentially, a more robust service.

Mr Wratten spoke in favour of the proposals and informed the Committee that the scheme was welcomed by Cambridge City Licensed Taxis.

In response to member's questions the Licensing & Enforcement Manager confirmed that the drivers would pay for their own medical examination.

The Committee:

Resolved (unanimously) to approve the following arrangement in determining the medical fitness of hackney carriage, private hire and dual drivers:

i. To maintain a Council approved list of medical practitioners, to undertake certification of drivers fitness in accordance with the Group II standards for C1 vehicles and also
ii. To allow the drivers' GPs, to undertake certification of drivers fitness in accordance with the Group II standards for C1 vehicles with effect from 1st April 2015.

14/32/LIC Annual Review of Licensing Fees and Charges

The Committee received a report from the Licensing & Enforcement Manager.

The report referred to the City Councils responsibility for processing and issuing licences for a wide range of activities, setting out the fees and charges for licences and associated items, which it is proposed should be made with effect from 1st April 2015. The approved charges would be submitted to full Council to note on 26th February 2015.

Mr Wratten advised the Committee that Cambridge City Licensed Taxis were in agreement with the fees

In response to member's questions the Licensing & Enforcement Manager confirmed the following:

i. The increase in charges for Skin Piercing – Practitioners, reflected the fact that Officers spent more time undertaking diligent checks.
ii. The Disclosure and Barring Service check was a set price.
iii. The fees were linked on how much time an inspection and administration process took.
iv. Profits of the businesses were not a consideration when setting fees.

The Committee:

Resolved (unanimously) to:

Approved the level of fees and charges with effect from the 1st April 2015, as set out in Appendix A of the Officer's report, and to request officers to communicate the charges to the trade and public.

The meeting ended at 1.30 pm

CHAIR