



## Licensing Committee

**Committee Members:** Councillors Benstead (Chair), Bird (Vice-Chair), Austin, Bick, Gawthrope, McPherson, Meftah, O'Connell, O'Reilly, Owers, Pippas and Ratcliffe

**Alternates:** Councillors Moore and Sinnott

*Published & Despatched: Friday, 10 July 2015*

**Date:** Monday, 20 July 2015  
**Time:** 10.00 am  
**Venue:** Committee Room 1 & 2 - Guildhall  
**Contact:** Sarah Steed

### AGENDA

- 1 APOLOGIES FOR ABSENCE
- 2 DECLARATIONS OF INTEREST
- 3 MINUTES OF THE PREVIOUS MEETING *(Pages 5 - 10)*
- 4 PUBLIC QUESTIONS
- 5 REVISIONS TO TAXI LICENSING PRACTICES FOLLOWING DEREGULATION ACT 2015 *(Pages 11 - 14)*

# 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.

Speaking on Planning or Licensing Applications is subject to other rules. Guidance for speaking on these issues can be obtained from Democratic Services on 01223 457013 or [democratic.services@cambridge.gov.uk](mailto:democratic.services@cambridge.gov.uk).

Further information about speaking at a City Council meeting can be found at;

<https://www.cambridge.gov.uk/speaking-at-committee-meetings>

Cambridge City Council would value your assistance in improving the public speaking process of committee meetings. If you have any feedback please contact Democratic Services on 01223 457013 or [democratic.services@cambridge.gov.uk](mailto:democratic.services@cambridge.gov.uk).

**Filming, recording and photography**

The Council is committed to being open and transparent in the way it conducts its decision making. The public may record (e.g. film, audio, tweet, blog) meetings which are open to the public.

Anyone who does not want to be recorded should let the Chair of the meeting know. Those recording meetings are strongly urged to respect the wish of any member of the public not to be recorded.

**Fire Alarm**

In the event of the fire alarm sounding please follow the instructions of Cambridge City Council staff.

**Facilities for disabled people**

Level access to the Guildhall is via Peas Hill.

A loop system is available in Committee Room 1, Committee Room 2 and the Council Chamber.

Accessible toilets are available on the ground and first floor.

Meeting papers are available in large print and other formats on request prior to the meeting.

For further assistance please contact Democratic Services on 01223 457013 or [democratic.services@cambridge.gov.uk](mailto:democratic.services@cambridge.gov.uk).

**Queries on reports**

If you have a question or query regarding a committee report please contact the officer listed at the end of relevant report or Democratic Services on 01223 457013 or [democratic.services@cambridge.gov.uk](mailto:democratic.services@cambridge.gov.uk).

**General Information**

Information regarding committees, councilors and the democratic process is available at <http://democracy.cambridge.gov.uk/>

**Mod.Gov  
App**

You can get committee agenda and reports for your tablet by using the mod.gov app

## LICENSING COMMITTEE

23 March 2015

10.00 - 10.35 am

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

### Officers Present:

Licensing & Enforcement Manager: Robert Osbourn

Legal Advisor: Carol Patton

Committee Manager: Toni Birkin

## FOR THE INFORMATION OF THE COUNCIL

### 15/8/LIC Apologies for absence

Apologies were received from Councillor Gawthrope.

### 15/9/LIC Declarations of Interest

No interests were declared.

### 15/10/LIC Minutes of the previous meeting

The minutes of the meeting of the 26<sup>th</sup> January 2015 were agreed and signed as a correct record.

### 15/11/LIC Public Questions

There were no public questions.

### 15/12/LIC Urgency Action Update - Hackney Vehicle Licences

The Committee noted the urgent action taken since the last meeting regarding Hackney Vehicle Licences as detailed in the Officer's report.

### 15/13/LIC Hackney Carriage Vehicle Licence Application Procedure

The Committee received a report from the Licensing and Enforcement Manager regarding the Hackney Carriage Vehicle (HCV) Licence Application Policy.

The Committee make the following comments in response to the report:

- i. Welcomed the clarity on the waiting list policy and procedures.
- ii. Suggested that before someone who had expressed an interest and been placed on the waiting list was removed from that list, they should be sent a letter by registered post to provide an audit trails against future challenges.
- iii. Stated that when there had been a local limit on HCV's in the past, a lottery system had been in place to allocate any vacancies that arose. This had resulted in multiple applications or family member applications.
- iv. The current date order list was seen as the most equitable solution.
- v. Concerns were raised that existing licence holders might not realise that they could lose their licence if they missed their renewal dates. It was again suggested that an audit trail would be needed and that letters should be sent by recorded delivery.

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

- i. Applicants were given the opportunity to decline one offer of an HCV Licence. A second refusal would result in their removal from the waiting list. This was considered reasonable as individual circumstances could change and an HCV Licence involved a considerable expense.
- ii. Applicants might prefer that their application was considered by a Committee immediately. However, due to the need to have an identified vehicle and the cost involved in procuring a suitable vehicle, this was considered unlikely.
- iii. If applications were rejected any fees paid were refunded. There was no process in place to charge an administration fee to failed applicants. However, case law could change this situation in the future. The Hemming v Westminster case was currently under appeal.
- iv. By definition, exceptional circumstances were unique and therefore, guidance could not be provided regarding what a Sub-Committee might consider as exceptional.
- v. It was possible that the waiting list might be closed at some point in the future should numbers become difficult to manage.
- vi. Confirmed that an HCV licence related to the vehicle and not the driver. Therefore, individual owner drivers were not disadvantaged compared to multi vehicle businesses.

The Committee:

- i. **Resolved (9 votes to 0 with 1 abstention)** to confirm the procedure for dealing with applications for hackney carriage licences, as set out in Appendix A of the Officer's report

The meeting ended at 10.35 am

**CHAIR**

This page is intentionally left blank



**LICENSING COMMITTEE**

28 May 2015  
1.00 - 1.20 pm

**Present:** Councillors Benstead (Chair), Bird (Vice-Chair), Austin, Bick, Gawthrope, McPherson, Meftah, O'Connell, O'Reilly, Owers, Pippas and Ratcliffe

**FOR THE INFORMATION OF THE COUNCIL**

**15/14/LIC Appointment of Sub Committees**

The Committee agreed the following membership of 4 Subcommittees of 3 members each to undertake the business of the Licensing Committee:

Sub Committee A: Austin, Benstead, Bird

Sub Committee B: Gawthrope, Meftah, O'Connell

Sub Committee C: Pippas, Owers, Ratcliffe

Sub Committee D: Bick, McPherson, O'Reilly

It was noted that if any member was unable to attend a scheduled Sub Committee they would be substituted by another member of the Committee.

The meeting ended at 1.20 pm

**CHAIR**



## CAMBRIDGE CITY COUNCIL

---

REPORT OF: Head of Refuse & Environment

TO: Licensing Committee

20/7/2015

WARDS: All

### **REVISIONS TO TAXI LICENSING PRACTICES FOLLOWING DEREGULATION ACT 2015**

---

#### **1 INTRODUCTION**

- 1.1 The Deregulation Act 2015 introduces three changes to taxi legislation, which come into effect on 1<sup>st</sup> October 2015. This report explains the changes, the implications for the Council's Hackney Carriage and Private Hire Licensing Policy and makes recommendations for revisions to the policy.

#### **2. RECOMMENDATIONS**

- 2.1 Members are asked to adopt a policy:
- a. to issue licences for hackney carriage drivers, private hire drivers and dual driver licences for an initial period of one year and, thereafter, to offer drivers wishing to renew their licences to do so for a period of three years or one year and
  - b. to issue private hire operator licences for an initial period of one year and, thereafter, to renew licences for five years.
- 2.2 Members are asked to note the change in the law related to sub-contracting of private hire bookings across district council boundaries, as set out in Section 3 of this report.

#### **3. BACKGROUND**

- 3.1 The changes to taxi legislation introduced by the Deregulation Act 2015 are as follows:
- a. Drivers' licences for hackney carriages (HC) and private hire vehicles (PHV)

A requirement that every licence granted to a person to drive either a private hire vehicle or a hackney carriage shall remain in force for three years from the date of such licence or for such lesser period, specified in the licence, as the council think appropriate in the circumstances of the case.

b. Licensing of operators (PHO) of private hire vehicles

A requirement that every operator's licence granted shall remain in force for five years or for such lesser period, specified in the licence, as the council think appropriate in the circumstances of the case.

c. Sub-contracting of private hire journeys across district council borders

This removes the current prohibition on a private hire operator (PHO) licensed in one district subcontracting a booking to an operator licensed by another district.

- 3.2 In Cambridge, driver licences are currently issued for one year following first grant, once the applicant has satisfied all elements of the assessment process. This allows newly licensed drivers to demonstrate that they are fit and proper people to hold a licence and for the Council to monitor any issues which may be highlighted. Thereafter, drivers have the option of renewing their licence for either three years or one year.
- 3.3 Officers may decline to renew for more than one year, if there are concerns regarding the conduct of a driver, subject to a right of appeal to Members at a taxi regulatory sub-committee hearing.
- 3.4 Officers are suggesting that this should remain the Council's policy.
- 3.5 In Cambridge operator licences are currently issued on an annual basis and the Council can inspect the operator's premises and records to monitor any issues highlighted.
- 3.6 Officers are suggesting that new operator's licences should be issued for one year and that, provided that no issues are identified, that renewals should be for a period of five years.
- 3.7 Officers may decline to renew for more than one year, if there are concerns regarding the conduct of an operator, subject to a right of appeal to Members at a taxi regulatory sub-committee hearing.
- 3.8 In the case of both driver and operator licences, if officers have concerns, at any stage during the life of a licence, about licence

holders being fit and proper persons to continue holding licences, the Licensing Sub-Committee can be asked to consider whether a licence should be suspended, or revoked or whether it should not be renewed, following a hearing.

- 3.9 In respect of cross border hirings, at present the position is that private hire operators must only fulfil bookings using drivers and vehicles both of which are licensed by the same authority as they, as operator, are licensed.
- 3.10 From 1<sup>st</sup> October 2015, operators may seek to sub-contract bookings to an operator licensed by a different council. However, that operator may only fulfil the booking by using drivers and vehicles also licensed by the authority with which it is, itself, licensed.
- 3.11 Sub-contracting of private hire bookings is not a matter on which the Council can make policy, but is for Members to note.

#### 4. **CONSULTATIONS**

- 4.1 As the report reflects the changes enacted by legislation, no formal consultation has been undertaken.

#### 5. **OPTIONS**

- 5.1 Members may:
  - a. adopt the proposals in the recommendations at Section 2 of this report or
  - b. determine to adopt an alternative policy, having given reasons for doing so.

#### 6. **CONCLUSIONS**

- 6.1 Members are asked to adopt the proposals as set out in Section 2 of this report.

#### 7. **IMPLICATIONS**

##### (a) **Financial Implications**

None for the Council, but potential savings for drivers and operators where licences are not renewed as frequently.

##### (b) **Staffing Implications**

There should be no significant staffing implications

(c) **Equal Opportunities Implications**

Nil

(d) **Environmental Implications**

Nil

(e) **Consultation and communication**

Nil

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

Deregulation Act 2015 (Sections 10 and 11)

To inspect this document contact Robert Osbourn on extension 7894

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

Date originated: 07 July 2015

Date of last revision: 07 July 2015