

LICENSING COMMITTEE

17 October 2016
10.00 - 11.40 am

Present: Councillors Bird (Chair), Benstead (Vice-Chair), Abbott, Adey, Gawthroe, Holt, McPherson, T. Moore, Ratcliffe, Sinnott, Smart and Page-Croft

Officers:

Licensing and Enforcement Manager: Yvonne O'Donnell

Solicitor: Carol Patton

Licensing, Policy & Administration Team Leader: Victoria Jameson

Committee Manager: Toni Birkin

FOR THE INFORMATION OF THE COUNCIL

16/45/Lic Apologies for absence

Apologies were received from Councillor Pippas.

16/46/Lic Declarations of Interest

No interests were declared.

16/47/Lic Minutes of the previous meeting

The minutes of the meeting of the 18th July 2016 were agreed and signed as a correct record.

16/48/Lic Public Questions

There were no public questions.

16/49/Lic SEV (Sexual Entertainment Venue) Policy

The Committee received a report from the Licensing & Enforcement Manager which sought approval of the final Sex Establishment Licensing Policy attached as Appendix C to the report. The Committee then debated the Officer's report.

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

- i. In 2001, there had been a long debate about the initial policy. At that point there had been three establishments in the City, there was now only one remaining. There appeared to be little demand for this sort of venue locally.
- ii. Suggested that the costs of the required consultation would be hard to justify when there was no demonstrable need for a nil policy.
- iii. Expressed concerns that any selling of sexual activities increased the risk of violence towards women and girls.
- iv. Suggested that there was a drop in demand for live events as the availability of pornography on the internet expanded.
- v. Suggested that a nil policy might encourage venues to move to nearby villages which fell under South Cambs District Council regulations.

The Licensing & Enforcement Manager stated that a recent judgement (Court of Appeal v Peterborough [City of]) had ruled that a nil policy could not be applied to an entire city.

In response to Members' questions the Licensing & Enforcement Manager said the following:

- i. The estimated cost of a nil policy consultation had been based on the work of London Boroughs.
- ii. Should a nil policy be introduced after a Licence had been granted, it would be difficult to revoke that Licence.
- iii. All applications would be considered on their own merits.
- iv. Infrequent events were not licensable activities and a nil policy would not apply to those events.
- v. One off events such as stag or hen events or burlesque evenings would not be licensable as they fell into the infrequent events category and were covered by different legislative acts.

The Committee considered amending the Sex Establishment Licence conditions to remove references to Christian holidays. However, no representations had been received regarding this or any other religious holidays. Members acknowledged that any future application would be considered on its merits and that local communities would have the opportunity to raise such concerns at that point.

The Committee:

Resolved (unanimously)

- i. Noted the results of the public consultation exercise as summarised as Appendix B of the Officer's report.
- ii. Approved the final Sex Establishment Licensing Policy attached as Appendix C to the Officer's report having taken into consideration the comments contained in paragraphs 3.5 to 3.14 of the report and Appendix B.
- iii. Resolved that the policy should have immediate effect and should be reviewed at least every five years.

16/50/Lic Delegated Officer Decision Making in Respect of the Hackney Carriage and Private Hire Taxi Policy and to Update the Council Constitution Accordingly

The Committee received a report from the Licensing & Enforcement Manager regarding delegated officer decision making in respect of the Taxi Policy and update of the Council's Constitution.

The Committee then debated the Officer's report.

In response to Members' questions the Licensing & Enforcement Manager said the following:

- i. Should an error be made, the decision could be reviewed and or taken to a Sub-Committee for a final decision.
- ii. Confirmed that enforcement issues would always be referred to a Sub-Committee for decision.
- iii. Delegated decisions would only apply to clear cut issues such as: a driver failing a medical examination or the age of the vehicle.
- iv. Any issues where there was room for discretion, such as exceptional circumstances, would be referred to a Sub-Committee.

The Committee:

Resolved (unanimously)

- i. Approved the delegated decision making process in the Hackney Carriage and Private Hire Licensing Policy as outlined in the table below.

Current	Proposed
The Council has delegated the following powers to the Head of Service:	The Council has delegated its Licensing function to the Licensing Committee and further delegated authority to the Licensing Sub Committee and to

<p>i) Hackney Carriages, private hire vehicles and trishaws except: the suspension of a driver's or a vehicle licence, unless the driver or proprietor of the vehicle, as appropriate, is informed of the right to appeal to the Licensing Sub-Committee within 14 days and in the event of such an appeal, the matter shall be heard within 7 days of receipt of the appeal.</p> <p>The Council has delegated to the Licensing Committee, who subsequently delegated to the Licensing Sub-Committee, the following powers relating to the licensing of Hackney Carriages and Private Hire Vehicles, the drivers of Hackney Carriages and Private Hire Vehicles, and the Operators of Private Hire Vehicles:</p> <ul style="list-style-type: none"> i) To grant an application for a Licence ii) To attach conditions to a Licence iii) To refuse an application for the grant of a Licence iv) To refuse to renew an existing Licence iv) To suspend a Licence v) To revoke a Licence 	<p>Officers of the Council who will determine applications and licensing decisions in accordance with the Policy.</p> <p>Any decision to refuse to grant, refuse to renew or suspend an application or any decision relating to the policy will be determined by Officers through the scheme of delegation. The applicant will have the right of appeal to the Magistrates Court.</p> <p>All decisions regarding breaches of the Enforcement Management System will be determined by the Licensing Sub Committee with a right of appeal to the Magistrates Court.</p>
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ii. Amended the constitution as outlined in the table below:

Current	Proposed Amendment
<p>The Council has delegated the following powers to the Head of Service:</p> <p>i) Hackney Carriages, private hire vehicles and trishaws except: the suspension of a driver's or a vehicle licence, unless the driver or proprietor of the vehicle, as appropriate, is informed of the right to appeal to the Licensing Sub-Committee within 14 days and in the event of such an appeal, the matter shall be heard within 7 days of receipt of the appeal.</p>	<p>The Council has delegated the following powers to the Head of Service:</p> <p>i) Hackney Carriages, private hire vehicles and trishaws</p> <p>Except for all decisions regarding breaches of the Enforcement Management System will be determined by the Licensing Sub Committee with a right of appeal to the Magistrates Court.</p>

16/51/Lic Hackney Carriage and Private Hire Licensing Policy

The Committee received a report from the Licensing & Enforcement Manager regarding the Hackney Carriage and Private Hire Licensing Policy.

The Committee then debated the Officer's report.

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

- i. Welcomed the increased training requirements around safeguarding, domestic violence and equalities. Suggested that these should also be offered to bus drivers.
- ii. Welcomed the move towards greener technologies.
- iii. Acknowledged that there was currently no suitable electric vehicle with wheelchair access.
- iv. Praised the work that officers had done to engage the taxi trade in on-going improvements and acknowledged the initial work on this matter undertaken by former City Councillor, Councillor Rosenstiel.

In response to Members' questions the Licensing & Enforcement Manager said the following:

- i. Although they had not formally responded to the consultation process, the taxi trade had been consulted and were supportive of the proposals.
- ii. All drivers were required to complete Disclosure and Barring Service (DBS) checks every three years.
- iii. Enforcement was robust within Cambridge.
- iv. South Cambs District Council operated under slightly different rules.

The Committee noted an additional recommendation as follows:

The policy will be effective for a maximum of 5 years but will be kept under constant review.

The Committee:

Resolved (unanimously)

- i. To adopt the draft policy attached as Appendix E of the officer's report to the report as Cambridge City Council's Hackney Carriage and Private Hire Licensing Policy with immediate effect.
- ii. Noted the contents of the "Hackney Carriage and Private Hire Handbook" (Appendix F) and agree that this is adopted as an operational guide to the policy with immediate effect.

- iii. Agreed the exceptions to the changes with immediate effect as detailed in the implementation plan below:

Area	Implementation Date
Mandatory attendance at Accessibility & Equality Training as part of the application for new drivers.	<p>The training will be encompassed with the Safeguarding Training for all new and existing licence holders.</p> <p>Existing licence holders will take place from November 2016.</p> <p>New licence applicants will take place from April 2017.</p>
Environmental Considerations for consideration which detail potential measures to facilitate the uptake of low emission taxis in Cambridge:	The points detailed are for agreement in principle with a view to implementation once funding has been agreed by OLEV (Office for Low Emission Vehicles).
1. Renewal / Registration fee discount or exemption.	
2. Waive or extend age limit for ULEVs or Hybrids.	
3. Waive requirement for 6 month inspection	
4. Create an Electric Taxi only rank	
5. Vehicle Purchase Subsidies for Electric vehicles	
6. Provision of 'Rapid - Taxi Only' charging infrastructure	
7. Set date for all newly registered vehicles to be low or ultra-low emission	
8. Set date for all licensed taxi vehicles to be low or ultra-low emission	
9. Restrict City Centre Access to ULEV and Hybrid Taxis only	
DVSA Driving Test	In light of the changes from the Driver & Vehicle Standards Agency, an implementation date of January 2017 will be from when an alternative driving assessment method will be implemented by the City Council.

- iv. The policy would be effective for a maximum of 5 years but would be kept under constant review.

The meeting ended at 11.40 am

CHAIR