



# Public Document Pack

## Cambridge City Council

### Licensing Committee

**Committee Members:** Councillors Bird (Chair), Benstead (Vice-Chair), Abbott, Adey, Gawthroe, Holt, McPherson, T. Moore, Pippas, Ratcliffe, Sinnott and Smart

**Alternates:** Councillors Blencowe and Page-Croft

*Published & Despatched: Friday, 10 March 2017*

**Date:** Monday, 20 March 2017

**Time:** 10.00 am

**Venue:** Committee Room 1 & 2, The Guildhall, Market Square,  
Cambridge, CB2 3QJ

**Contact:** Democratic Services

### AGENDA

**Member's Licensing & Enforcement verbal update**

**9.00 to 10.00 AM - Committee Room One**

- 1 APOLOGIES FOR ABSENCE**
- 2 DECLARATIONS OF INTEREST**
- 3 MINUTES OF THE PREVIOUS MEETING** (*Pages 5 - 10*)
- 4 PUBLIC QUESTIONS**
- 5 PROCUREMENT AND IMPLEMENTATION OF A HACKNEY CARRIAGE DEMAND SURVEY** (*Pages 11 - 20*)

# 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.

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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 COMMITTEE

30 January 2017

10.00 - 10.50 am

**Present:** Councillors Bird (Chair), Benstead (Vice-Chair), Abbott, Gawthrope, Holt, McPherson, T. Moore, Pippas, Ratcliffe, Sinnott and Smart

### Officers:

Environmental Health Manager: Yvonne O'Donnell

Solicitor: Carol Patton

Committee Manager: Toni Birkin

<b>FOR THE INFORMATION OF THE COUNCIL</b>
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### **17/52/Lic Apologies for absence**

Apologies were received from Councillor Adey.

### **17/53/Lic Declarations of Interest**

No interests were declared.

### **17/54/Lic Minutes of the previous meeting**

The minutes of the meeting of the 17<sup>th</sup> October 2016 were approved and signed as a correct record.

### **17/55/Lic Public Questions**

A member of the public asked a question as set out below.

1. Mr Wratten raised the following points:

- i. The trade had mixed views on the requirement for taxi drivers to complete safeguarding training.
- ii. Asked how the roll out of training was progressing.
- iii. Would drivers be charged for renewal of this training?
- iv. Drivers were confused about how they were expected to deal with any safeguarding concerns.

- v. Concerns were also raised that this would disadvantage City drivers as South Cambs driver would not be required to undertake this training.

The Environmental Health Manager responded:

- i. Drivers were being asked to be eyes and ears.
- ii. They were asked to report any concerns.
- iii. It was hoped that South Cambs would also adopt a similar policy and to harmonise standards.
- iv. Agreed to discuss this with the trade at the next Taxi Forum.

Councillor Benstead stated the training was intended to assist drivers. The need for such training had been identified following high profile abuse cases in other parts of the country. The Committee discussed ways in which the training could have positive benefits for the drivers such as, some form of accreditation that could be displayed in the vehicle.

Mr Wratten asked a second question. Details of the question can be found with minute item 17/57/LIC.

### **17/56/Lic Changes to the Delegations for Hackney Carriage Private Hire Vehicle, Drivers, Proprietors and Operators**

The Committee received a report from the Environmental Health 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.

The Committee noted an error in text of the recommendation and resolved unanimously to amend it as follow:

Additional wording in bold and underlined:

*The Council has delegated its Licensing function to the Licensing Committee and further delegated authority to the Licensing Sub Committee and to Officers of the Council who will determine applications and licensing decisions in accordance with the Policy.*

*Any decision to refuse to grant, refuse to renew, **revoke** 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.*

*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.*

The Committee:

**Resolved (unanimously):**

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

*The Council has delegated its Licensing function to the Licensing Committee and further delegated authority to the Licensing Sub Committee and to Officers of the Council who will determine applications and licensing decisions in accordance with the Policy.*

*Any decision to refuse to grant, refuse to renew, revoke or suspend an application or any decision relating to the policy will be determined by Officers through the scheme of delegations. The applicant will have the right of appeal to the Magistrates Court.*

*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.*

*If it appears that the interests of public safety require the suspension or revocation of the licence of a driver with immediate effect, the Head of Service or his/her deputy, in consultation with the Chair of Licensing has the delegated authority to make such a decision.*

*The driver has the right of appeal against the decision to the Magistrates Court.*

- ii. Approved the amendment of the constitution as outlined in the below:

*The Council has delegated the following powers to the Head of Service:*

*All matters relating to Hackney Carriage, Private Hire, and Trishaw vehicles, and the drivers, proprietors and operators of those vehicles.*

**17/57/Lic Annual Review of Licensing Fees & Charges 2017/18**

Question from member of the public.

Mr Wratten responded to the report and made the following comments:

- i. Had made formal representation within the consultation period.
- ii. Questioned why the increase in charges to drivers was so large.
- iii. Annual increases had been agreed three years ago. However, this increase was considerable above the current inflation figure.
- iv. The annual charge for a taxi badge would increase from £152 to £220.
- v. At the same time the rise in fares had been restricted to 1%.
- vi. Administration processes do not appear to have changed.
- vii. The cost of vehicle checks also appears excessive for a process that was very quick.

The Environmental Health Manager responded:

- i. Full consultation on the changes had been carried out.
- ii. The change to the charges reflected the true cost of providing the service.

Mr Wratten responded as follows:

- i. The increase is excessive and the service received had not changed.
- ii. Drivers had reported that the time taken to administer services had not increased and if anything, was taking less time.
- iii. Some of the work being undertaken was very straightforward and an increase of 15% was unfair.

The Committee received a report from the Environmental Health Manager regarding the level of fees and charges with effect from 1<sup>st</sup> April 2017, as set out in Appendix A of the Officer's report, and to request officers to communicate the charges to the businesses, taxi trade and public.

The Committee then debated the Officer's report. The Committee made the following comments:

- i. Supported a move towards a more accurate charging process.
- ii. Confirmed that the council should not be making a profit from, or be subsidising, the provision of the service.
- iii. Confirmed that costs included other services such as, enforcement, training and administration of the forums.



- iv. Stated that the council could not afford to make a loss on this service.
- v. Had some sympathy with the trade who would experience a large increase in charges.
- vi. Suggested that this level of increase was likely to be a one off, catch up process.

The Committee:

**Resolved (unanimously)**

To approve the level of fees and charges with effect from 1<sup>st</sup> April 2017, as set out in Appendix A of the Officer's report, and to request officers to communicate the charges to the businesses, taxi trade and public.

The meeting ended at 10.50 am

**CHAIR**

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## CAMBRIDGE CITY COUNCIL

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REPORT OF: Yvonne O'Donnell  
Environmental Health Manager

TO: Licensing Committee

20 March 2017

WARDS: All

### **PROCUREMENT AND IMPLEMENTATION OF A HACKNEY CARRIAGE DEMAND SURVEY**

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#### **1 INTRODUCTION**

- 1.1 In January 2015 Licensing Committee resolved to limit the amount of Hackney Carriage Vehicles (HCV) following results of a taxi demand survey, conducted in 2014, that concluded there was no significant unmet demand in the city.
- 1.2 Government guidance recommends that the maximum reasonable period between surveys is three years.
- 1.3 The commissioning of a new demand survey, to determine whether a significant unmet demand continues to exist in the city, is therefore advised.
- 1.4 In 2001 a policy was introduced that all new HCV would have to be wheelchair accessible except those vehicles that were on plates 1 – 121, this policy was reviewed when the last demand survey was carried out, and the findings from the demand survey were primarily around drivers attitudes towards disabled users rather than the number of these type of vehicles
- 1.5 The Law Commissions final report on Taxi and Private Hire Services (published May 2014) recommends that the accessibility review should be conducted every 3 years.

## **2. RECOMMENDATIONS**

- 2.1 Members are asked to instruct officers to procure and implement a new Hackney Carriage Demand Survey to determine whether a significant unmet demand continues to exist in the City, and to bring the results and recommendations to Licensing Committee in January 2018.
- 2.2 Members are asked to instruct officers as part of the demand survey, to review the accessibility policy in relation to the Hackney Carriage Vehicles and to bring the results and recommendations to Licensing Committee in January 2018.

## **3. BACKGROUND**

- 3.1 Section 16 of the Transport Act 1985 (which amends Section 37 of the Town Police Clauses Act 1847) allows Licensing Authorities to limit the number of HCV licences issued, but only provided it ensures that there is no significant unmet demand for taxis in their licensing authority area.
- 3.2 In January 2015 Licensing Committee was presented with a committee report outlining the results of the taxi demand survey completed by CTS in 2014. However some of the survey was carried out in 2012, but due to lack of engagement with the trade a conclusion at that time could not be made. The final report 2014 concluded that there was no significant unmet taxi demand in Cambridge.
- 3.3 Informed by the report Licensing Committee was satisfied that there was no significant demand for hackney carriages in the city which is unmet. A decision was therefore made to introduce a limit on the number of HCV licences which may be issued.
- 3.4 The following reasons to introduce a limit on the number of HCV licences were given:
  - Public safety
  - Congestion and air pollution
  - Over-ranking
  - To allow the development of the trade
- 3.5 The limit was set at the levels licensed at the time, including those applications awaiting processing, totalling 317, with immediate effect.

It was agreed 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 renewed, or revoked, until the set limit had been met. To set a higher limit would not meet the objectives of the Committee; it was therefore decided that the current number of licences would allow the Committee to meet the objectives that had been agreed.

- 3.6 The eventual limit number became 321; however, the total number of HCV licences is currently 327. This is because six extra licences were granted as applicants could prove they had already bought a new vehicle and it was deemed unfair to refuse them the grant of a licence.
- 3.7 As of February 2017 there were 153 Private Hire Vehicles licensed with Cambridge City Council.
- 3.8 An 'Expression of Interest' list was set up the following the committee decision where by persons could be added to a waiting list should the number of Hackney Carriage Vehicles fall below 321. In May 2015 the waiting list was closed due to there being over 100 expressions of interest submitted.
- 3.9 Paragraph 49 of The Department for Transport's 'Taxi and Private Hire Vehicle Licensing: Best Practice Guidance' (March 2010) states:
- "If a local authority does nonetheless take the view that a quantity restriction can be justified in principle, there remains the question of the level at which it should be set, bearing in mind the need to demonstrate that there is no significant unmet demand. This issue is usually addressed by means of a survey; it will be necessary for the local licensing authority to carry out a survey sufficiently frequently to be able to respond to any challenge to the satisfaction of a court. An interval of three years is commonly regarded as the maximum reasonable period between surveys"*
- 3.10 In addition, the Law Commission's final report on 'Taxi and Private Hire Services' (published May 2014) recommends that limits should be reviewed every three years and be subject to local consultation. The report also advised that an accessibility review should be conducted at three-yearly intervals.
- 3.11 It would therefore appear in the interests of the Council to commission a taxi demand survey as it has been three years since the last survey was conducted.

- 3.12 The procurement of a contractor to conduct the survey will be subject to the standard corporate procurement process. The survey will be financed by the Hackney Carriage trade with a maximum budget estimated of £12,000.

The contract will be awarded on the basis of the most advantageous bid, in accordance with the following criteria:

- Price
- Method Statement for carrying out the work & quality of the proposal (e.g. quality of example questionnaires)
- Availability to commence the survey

- 3.13 When commissioning a demand survey the Council will need to agree with the contractor what methodology will be used and the parameters to be investigated.

- 3.14 As a guide, the Department for Transport has set out a list of 'Useful questions when assessing quantity controls of taxi licences' in Annex A of its March 2010 Best Practice Guidance document. These questions fall into three categories:

- Questions relating to the policy of controlling numbers
- Questions relating to setting the number of taxi licences
- Questions relating to consultation and other public transport service provision

A copy of the questions is attached as Appendix A.

- 3.15 The 2012/14 demand survey used several investigation techniques, which included as follows: rank surveys; public consultations; stakeholder consultations; and consultation with the taxi trade.
- 3.16 The commissioning of a taxi demand survey presents the opportunity to explore particular elements of the demand for HCVs. An example of this could be to review the quantity of Wheelchair Accessible Vehicles (WAVs) following the Law Commission's recommendations relating to a three-yearly accessibility review.
- 3.17 The current 'Taxi and Private Hire Licensing Policy' adopted in October 2016 stipulates that all new HCV licences can only be granted to WAVs. As of January 2017 65% of the Hackney Carriage Vehicle fleet are wheelchair accessible.

- 3.18 The Commercial and Licensing Team has, within the last three months, received at least two comments from members of the public that they find the number of WAVs excessive. Their circumstances related to the difficulty of getting into a WAV, which require a step up into the vehicle, and their preference for saloon, estate and hatchback vehicles, which do not.
- 3.19 Members may therefore wish to instruct officers for the demand survey to review the provision of WAVs in the city.
- 3.20 Members may also wish to have regard to the Council's Air Quality Management Plan (AQMP).  
For example, the Council has agreed a 10 year plan with the aim of the entire Hackney Carriage fleet becoming either electric or hybrid type with the aim of reducing pollution levels in the city

Several options and bids are being looked at, which include:

- Creating a 'clear air zone' in the city centre banning or imposing restrictions on the driver of non-electric and hybrid HCVs and Private Hire Vehicles
  - Providing a significantly discounted licence fee for proprietors of electric and hybrid vehicles
- 3.21 Members may therefore wish to consider the aims and objectives of the AQMP and how this could shape the methodology to be employed when conducting a demand survey and the provisions of WAV in the City.
- 3.22 Members should also be advised that there is no requirement to undertake a demand survey in order to delimit the number of HCV licences, however it is strongly recommended and a consultation must be conducted. However, any increase or decrease in the set limit of HCV licences should be supported by evidence.

## **4. OPTIONS**

- 4.1 The Committee may resolve to:
- a) Instruct officers to procure a contractor to conduct a Hackney Carriage Demand Survey in 2017 in include a review of the accessibility policy; or
  - b) Instruct officers to procure a contract to conduct a Hackney Carriage Demand Survey in 2017 only and not a review of the accessibility policy

- c) Instruct officers not to procure a contractor and thus not commission a Hackney Carriage Demand Survey or a review of the accessibility policy
- 4.2 If members pick option a) or b) then the results of the survey will be due to be presented at the January 2018 meeting of the Licensing Committee, to ascertain whether there exists a significant unmet demand for taxis in Cambridge
- 4.3 If members pick option c) then they must be satisfied that the decision to not allow commissioning of a demand survey to ascertain whether there exists a significant unmet demand for taxis in Cambridge could withstand challenge.

## **5. IMPLICATIONS**

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

The survey will be financed by the Hackney Carriage trade; there is a maximum budget of £12,000 available.

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

If members resolve for the survey to go ahead then the work involved would be absorbed by existing staff resources.

### **(c) Equal Opportunities Implications**

The results of the demand survey and accessibility review will be subject to an equalities impact assessment and will form part of the committee report presented to Licensing Committee in January 2018

### **(d) Environmental Implications**

The results of the accessibility review will have an impact as to whether the air quality action plan is achievable

### **(e) Procurement**

The corporate procurement rules will be following in discussion with the procurement team

### **(f) Consultation and communication**

Nil.



- (g) **Community Safety**  
Nil.

## **APPENDICES**

Appendix A – ‘Useful questions when assessing quantity controls of taxi licences’ (*Department for Transport – Taxi and Private Hire Vehicle Licensing: Best Practice Guidance March 2010*)

The author and contact officer for queries on the report is Alex Beebe on X7723.

Date originated: 07 March 2017  
Date of last revision: 07 March 2017

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## **TAXI AND PRIVATE HIRE VEHICLE LICENSING: BEST PRACTICE GUIDANCE**

### **Useful questions when assessing quantity controls of taxi licences**

- Have you considered the Government's view that quantity controls should be removed unless a specific case that such controls benefit the consumer can be made?

#### Questions relating to the policy of controlling numbers

- Have you recently reviewed the need for your policy of quantity controls?
- What form did the review of your policy of quantity controls take?
- Who was involved in the review?
- What decision was reached about retaining or removing quantity controls?
- Are you satisfied that your policy justifies restricting entry to the trade?
- Are you satisfied that quantity controls do not:
  - reduce the availability of taxis;
  - increase waiting times for consumers;
  - reduce choice and safety for consumers?
- What special circumstances justify retention of quantity controls?
- How does your policy benefit consumers, particularly in remote rural areas?
- How does your policy benefit the trade?
- If you have a local accessibility policy, how does this fit with restricting taxi licences?

#### Questions relating to setting the number of taxi licences

- When last did you assess unmet demand?
- How is your taxi limit assessed?
- Have you considered latent demand, ie potential consumers who would use taxis if more were available, but currently do not?
- Are you satisfied that your limit is set at the correct level?
- How does the need for adequate taxi ranks affect your policy of quantity controls?

#### Questions relating to consultation and other public transport service provision

- When consulting, have you included etc
  - all those working in the market;
  - consumer and passenger (including disabled) groups;
  - groups which represent those passengers with special needs;
  - local interest groups, eg hospitals or visitor attractions;
  - the police;
  - a wide range of transport stakeholders eg rail/bus/coach providers and traffic managers?
- Do you receive representations about taxi availability?
- What is the level of service currently available to consumers (including other public transport modes)?

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