

LICENSING COMMITTEE

1 October 2018
10.00 - 11.10 am

Present: Councillors Bird (Chair), Benstead, Gawthrop, Gehring, Holt, McPherson, McQueen, Moore, Page-Croft, Pippas and Sargeant

Officers

Environmental Health Manager: Yvonne O'Donnell
Environmental Health & Licensing Support Team Leader: Victoria Jameson
Team Manager (Commercial & Licensing): Karen O'Connor
Senior Technical Officer: Luke Catchpole
Legal Advisor: Paul Weller
Committee Manager: James Goddard

Other Persons

Councillor Gillespie

FOR THE INFORMATION OF THE COUNCIL

18/24/Lic Apologies

Apologies were received from Councillor Thittala.

18/25/Lic Declarations of Interest

No declarations of interest were made.

18/26/Lic Minutes

The minutes of the meeting held on 9 July 2018 were approved as a correct record and signed by the Chair.

18/27/Lic Public Questions

There were no public questions.

18/28/Lic Hackney Carriage Livery

The Committee received a report from the Environmental Health Manager.

The report advised that under the powers conferred to Cambridge City Council under the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976, (as amended), Cambridge City Council had responsibility for licensing Hackney Carriage, Private Hire and Dual Licence Drivers as well as vehicle proprietors and Private Hire Operators within the City.

The current Hackney Carriage & Private Hire Licensing Policy (the 'policy') applies to all drivers, vehicles and operators and was last updated in October 2016.

Following two separate periods of consultation in July 2017 and March 2018, at Full Licensing Committee on 9th July 2018 Members agreed, in part, on the specification for a Livery for Hackney Carriage Vehicles.

Members agreed to the vehicle base colour for Hackney Carriage Vehicles, the exclusion of said base colour for Private Hire Vehicles and also the implementation plan.

Members were requested to review the additional Livery proposals and determine what the Livery for Cambridge City Council Hackney Carriages should be, along with the date from which this will take effect.

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

- i. Some Councillors expressed support for the 'Cambridge Blue' Solid Strip.
- ii. Some Councillors expressed support for the 'Grass' Green Solid Strip. It would be a colour scheme that would clearly distinguish Cambridge taxis from other Operators. Plus it would be easier to see for visually impaired people than other colours eg 'Cambridge Blue' Solid Strip. This colour green would match the green colour used on other council vehicles.
- iii. Inebriated people were likely to get into any taxi with a sign/light on its roof. Distinguishing features such as a crest and unique colours would be needed to separate City taxis from other Operators.
- iv. The Chequered Strip would be unsuitable for taxis as it looked too much like an emergency vehicle.
- v. Suggested Cambridge City Council and South Cambridgeshire District Council worked together in future on a reciprocal licensing arrangement. For example, Cambridge City Council would register silver private hire vehicles and South Cambridgeshire District Council would register white private hire vehicles.

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

- i. There was another Operator who used the 'Cambridge Blue' Solid Strip already. Another colour was advisable as the city wanted taxis to be unique and distinguishable. This is why silver had been chosen as the taxi base colour on 9 July 2018, as other Operators used colours such as black or white for their main taxi vehicle colours.
- ii. The Environmental Health Manager would liaise with South Cambridgeshire District Council Licensing Officers about aligning policies. This was not a commitment that could be made at Committee today – the decision was about city taxi stripe width and colour. (South Cambridgeshire District Council had already decided their livery colours.) The City Council and South Cambridgeshire District Council were starting to co-operate already.

The Legal Advisor said a licensing policy agreement between the City Council and South Cambridgeshire District Council may not be legally enforceable, and so could only act as guidance. As such it may not be a good use of resources to implement.

The Committee:

The Chair decided that the recommendations highlighted in the Officer's report should be voted on and recorded separately.

- i. That the 'wrap' of two gloss stripes, one placed either side of the vehicle (running horizontally from the front of the vehicle to the back of the vehicle) should be one of the following colour/designs:
 - a. Solid Black Strip - **Resolved** (by 10 votes to 1) to refuse.
 - b. 'Cambridge Blue' Solid Strip - **Resolved (by 7 votes to 3)** to refuse.
 - c. Yellow and Black Chequered Strip - **Resolved (unanimously)** to refuse.
 - d. 'Grass' Green Solid Strip - **Resolved (by 6 votes to 3)** to accept.

Resolved (unanimously):

- ii. That the stripes must be fitted along the side of the vehicle and should follow the natural line of the vehicle.
- iii. That the stripe should have a break on any part of it, on the front passenger and driver doors, to allow for the positioning of the crests.

- iv. For Multi-Seater Vehicles, the stripe must be a thickness of 6 inches (150mm).
- v. For Saloon Vehicles, the stripe must be a thickness of 4 inches (100mm).
- vi. That the changes in policy would follow the previously set down implementation plan as agreed on 9 July 2018 and would take effect from 1 January 2019.

18/29/Lic Licensed Drivers - Disclosure & Barring Service (DBS) Update Service

The Committee received a report from the Environmental Health Manager.

The report advised that under the powers conferred to Cambridge City Council under the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976, (as amended), Cambridge City Council has responsibility for licensing Hackney Carriage, Private Hire and Dual Licence Drivers as well as vehicle proprietors and Private Hire Operators within the City.

Licensed drivers provide a public service and the City Council will not licence any individual to drive a Hackney Carriage or a Private Hire Vehicle unless it is satisfied that they are a fit and proper person.

There is no definition of 'fit and proper' in legislation, nor a fixed legislative process. It is for Cambridge City Council to determine how it wishes to be satisfied that a driver is fit and proper.

One of the requirements is for a driver to undertake a criminal record check at 'enhanced disclosure' level upon application and at three yearly intervals. This check is known as an Enhanced DBS (Disclosure and Barring Service) Check.

Since the launch of the Update Service in June 2013, Cambridge City licensed drivers have been encouraged to subscribe to it. Given the benefits for licence holders and the authority, it is proposed that subscription to the DBS Update Service becomes mandatory for all licensed drivers.

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

- i. The DBS was important to ensure that drivers were 'fit and proper' people.
- ii. Queried if there were any General Data Protection Regulation implications?

The Environmental Health Manager said no General Data Protection Regulation implications were expected, as DBS was a national scheme, so should comply with the regulation.

The Committee:

Resolved (unanimously) to make subscription to the DBS Update Service mandatory for all licensed drivers with immediate effect.

18/30/Lic Animal Welfare Licensing Policy

The Committee received a report from the Team Manager (Commercial & Licensing).

The report advised Cambridge City Council has powers granted under the legislation and secondary legislation listed below to regulate a variety of animal related businesses, as well as the keeping of specified dangerous animals by individuals.

The type of licences that the Council is able to issue are:

- Animal boarding establishment licences.
- Dog breeding establishment licences.
- Pet shop licences.
- Riding establishment licences.
- Zoo licences.*
- Dangerous wild animal licences.*

* Zoo licences and Dangerous wild animal licences were not affected by the new regulations coming into effect on 1 October 2018.

The Animal Welfare Act 2006 allowed the Department for the Environment, Food and Rural Affairs (DEFRA) to pass regulations that could repeal or amend any of the primary Licensing Acts or create new forms of licences.

In April 2018 DEFRA exercised this power and the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 (“2018 Regulations”) were passed by Government. This new law would take effect on 1st October 2018.

The Team Manager (Commercial & Licensing) amended a typographical error in section 3.9 of the officer’s report and section 8.1 of the policy. ‘Magistrates court’ should read ‘first tier tribunal’.

Councillor Gillespie joined in the discussion of this item with the Chair's permission, but did not vote, as he was not a Committee Member.

Councillor Gillespie's representation covered the following issues:

- i. The new powers should have a positive impact and gave the council an opportunity to use them to ensure animal welfare.
- ii. Signposted RSPCA responses to the national consultation. Suggested these needed further consideration by Cambridge City Council:
 - a. Reporting of issues.
 - b. Training officers in the use of legislation so they could undertake enforcement action.
 - c. Involving others in the monitoring of animal welfare such as vets or dog trainers.
- iii. Requested some non-statutory guidance be written to help support owners of animals not covered by the legislation such as pet birds.
- iv. Took issue with the levels of supervision proposed under the "star scheme".
- v. Requested an appropriate hotline and webpage be set up where people could report animal well fare issues. Suggested that comments from vets should be captured in a way that could be used as evidence in animal welfare cases.

Councillors Gehring and Gillespie made the following comments in response to the report:

- i. Suggested there should be a local consultation on policy changes.
- ii. Councillor Gillespie specifically welcomed consultation on:
 - a. Silent fireworks.
 - b. Banning fur trading on the market.
 - c. Animal welfare.

Councillor Moore, speaking as Executive Councillor for Environmental Services and City Centre, said:

- i. The City Council's policy was a response to the new national policy. It would only affect 8 City Council Licensees so consultation was of limited value. Licence conditions were set out legislation so could not be amended by local views.
- ii. Officers were looking at how star ratings could be displayed. Possibly in a similar way to hygiene ratings for cafes/restaurants.

- iii. Offered to liaise with Councillor Gillespie after the meeting about fur trading on the market and animal welfare in general.

In response to Members' questions the Team Manager (Commercial & Licensing) said the following:

- i. The City Council had not undertaken any consultation on policy changes. This had been undertaken at a national level.
- ii. The policy had been drawn up to simplify/consolidate a lot of complicated background documents. There was very limited local discretion on options that could be varied.
- iii. Animal boarding conditions were set out in legislation. The Council had no discretion to amend these.
- iv. There were some mechanisms for reporting animal welfare issues on the City Council's website. There was no hotline at present due to lack of officer resources.
- v. The City Council had 3 years to implement the new officer training requirements and officers would follow up how to work in conjunction with neighbouring councils.

Councillor Gehring suggested neighbouring authorities who had similar policies could share a welfare hotline.

- vi. The City Council was not responsible for the welfare of laboratory animals.

The Committee:

Resolved (unanimously) to:

- i. Approve the Animal Welfare Licensing Policy (Appendix A) to take effect from 1st October 2018. To include amendment to section 8.1 of the policy: 'Magistrates court' should read 'first tier tribunal'.
- ii. Approve and adopt the proposed fee structure (Appendix B) to take effect from 1st October 2018.
- iii. Delegate any decisions in relation to Animal Welfare to Officers.

18/31/Lic Gambling Statement of Principles

The Committee received a report from the Team Manager (Commercial & Licensing).

The report advised that Cambridge City Council, as the Licensing Authority, is required to discharge its responsibilities under the Gambling Act 2005 with a view to promoting the three licensing objectives, namely:

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime.
- Ensuring that gambling is conducted in a fair and open way.
- Protecting children and other vulnerable persons from being harmed or exploited by gambling.

The Statement of Gambling Principles is required to be reviewed every three years. The current statement runs until the end of January 2019 after which a revised Statement must be in place in order for the relevant duties to be undertaken.

Following review of the Statement, a 12 week consultation was undertaken; 2 responses were received.

After consideration, and minor amendment, the proposed 2019-2022 Statement was presented to the Licensing Committee for consideration.

The Team Manager (Commercial & Licensing) tabled an amendment to section 13 Appendix A of the policy (agenda P153). The new wording is:

13. Self-Service Betting Terminals (SSBTs) in Betting Premises

The Council will, as per s181 of the Gambling Act 2005, take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of SSBTs by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number / nature / circumstances of SSBTs an operator wants to offer.

The Committee unanimously resolved to accept the amendment.

The Committee:

Resolved (unanimously) to endorse the post-consultation draft Statement of Gambling Principles shown in Appendix A (and amended above); and recommend to full Council that the Statement is approved for publication on 3rd January 2019, and for it to come into effect on 31st January 2019.

The meeting ended at 11.10 am

CHAIR