

**LICENSING COMMITTEE**

25 January 2021

10.00 - 11.30 am

**Present:** Councillors Bird (Chair), Gehring, Johnson, Massey, McPherson, McQueen, Moore, Page-Croft and Summerbell

**Officers**

Environmental Health Manager: Yvonne O'Donnell

Senior Technical Officer: Luke Catchpole

Legal Adviser: Paul Weller

Committee Manager: James Goddard

Producer: Liam Martin

**Other Officers:**

Environmental Health and Licensing Business Support Team Leader: Wangri

Njiiri

PC Metcalfe

PS Emms

**FOR THE INFORMATION OF THE COUNCIL****21/13/Lic Apologies**

Apologies were received from Councillor Thittala. Councillor Johnson was present as the Alternate.

Councillor Massey joined the meeting from the item on Cumulative Impact Assessment.

Councillor Gehring left the meeting after the vote on Cumulative Impact Assessment due to another commitment.

**21/14/Lic Declarations of Interest**

<b>Name</b>	<b>Item</b>	<b>Interest</b>
Councillors Gehring and Summerbell	21/19/Lic	Personal: Works for University of Cambridge which falls within the area mentioned in the Officer's report

**21/15/Lic Minutes**

The minutes of the meeting held on 28 September 2020 were approved as a correct record.

**21/16/Lic Public Questions**

The Committee Manager read a statement from the Chairman of Cambridge Hackney Carriage Association:

- i. Requested the committee to suspend issuing returned plates.
- ii. Councillors will be aware, the two demand surveys carried out concluded there was no significant unmet demand in the city and the numbers are capped at 321. The trade did not object the motion of passing returned plates to the individuals on the council's waiting list. However, the pandemic has devastated the industry - it faces a bleak and uncertain future, and the economic road to recovery is expected to be long and arduous.
- iii. Even Pre-Covid-19, rank space in town was scarce. This was due to oversupply of taxis and the relatively low levels of demand. This in turn caused overcrowding on the available ranks. This is a constant frustration for our members on a daily basis.
- iv. Although we have the use of extra ranks in the evenings, we still have a huge shortage of rank spaces. At any going time at least a third of the fleet are out working and competing for space on 3 designated ranks which can accommodate around 18 - 20 taxis. Unfortunately, the lack of work and space leads to many driving around the city to find rank space or work - this only has a negative impact on the traffic and the environment in the city.
- v. A suspension on reissues of returned plates will help to reduce taxi numbers which will in turn improve our working conditions and most importantly will help towards reducing rising levels of congestion and poor levels of air quality.

The Environmental Health Manager responded:

- i. The demand survey had been deferred to date.
- ii. She would consider the request after the meeting and bring a report to the next Licensing Committee in March that gave the committee options and recommendations that could be considered.

## **21/17/Lic Re-Ordering Agenda**

Under paragraph 4.2.1 of the Council Procedure Rules, the Chair used her discretion to alter the order of the agenda items. However, for ease of the reader, these minutes will follow the order of the published agenda.

## **21/18/Lic Review of Statement of Licensing Policy**

The Committee received a report from the Senior Technical Officer.

The report advised Section 5 of the Licensing Act 2003 requires a licensing authority to prepare and publish a statement of its licensing policy at least every five years. During the five-year period, the policy must be kept under review and the licensing authority may make any revisions to it as it considers appropriate. The existing Statement of Licensing Policy for Cambridge City Council became effective on 19th October 2017.

The Statement of Licensing Policy has been reviewed within the 5 year period as on 6th April 2018, The Policing and Crime Act 2017 amended the Licensing Act 2003 to place Cumulative Impact Assessments on a statutory footing.

The Statement of Licensing Policy contains a section on the cumulative impact of a concentration of licensed premises.

The proposed Statement of Licensing Policy has seen this section amended and also produced as a stand-alone document, The Cumulative Impact Assessment.

The process to start the review of the Statement of Licensing Policy began in August 2020 and a twelve-week public consultation took place between 31 August 2020 and 22 November 2020.

The current Statement of Licensing Policy expires on 18 October 2022 and a new Statement of Licensing Policy must be in place by this date otherwise under the legislation, Cambridge City Council will not be able to process any applications covered by the Licensing Act 2003 until the policy is in place.

The section on Cumulative Impact had to be reviewed before April 2021 and this is why the Statement of Licensing Policy is being reviewed within the five year period.

The Committee:**Resolved (by 8 votes to 0) to:**

- i. Consider the results of the public consultation exercise as summarised in Appendix B of the Officer's report.
- ii. Approve the amended Statement of Licensing Policy attached to the Officer's report as Appendix D. Appendix C included tracked changes showing the amendments that have been made.

Councillor Gehring did not take part in the discussion or decision making on this item.

**21/19/Lic Cumulative Impact Assessment**

The Committee received a report from the Senior Technical Officer.

The Officer's report advised Section 5 of the Licensing Act 2003 requires a licensing authority to prepare and publish a statement of its licensing policy at least every five years. During the five-year period, the policy must be kept under review and the licensing authority may make any revisions to it as it considers appropriate. The existing Statement of Licensing Policy for Cambridge City Council became effective on 19th October 2017.

The Statement of Licensing Policy has been reviewed within the 5 year period as on 6th April 2018, The Policing and Crime Act 2017 amended the Licensing Act 2003 to place Cumulative Impact Assessments on a statutory footing.

The Statement of Licensing Policy contains a section on the cumulative impact of a concentration of licensed premises.

The proposed Statement of Licensing Policy has seen this section amended and also produced as a stand-alone document, The Cumulative Impact Assessment. Whilst drafting the Cumulative Impact Assessment, evidence was provided by Cambridge Constabulary supporting the current areas covered by the special policy on cumulative impact.

The evidence also proposed a further area of Cambridge be added to the Cumulative Impact Assessment. The map at Appendix 3 of the Cumulative Impact Assessment highlights the area of Chesterton Road, Milton Road and Mitcham's Corner. The area runs along Chesterton Road from Croft Holme Lane to Ferry Path; Victoria Avenue from the River Cam to Chesterton Road; and Milton Road around Mitcham's Corner and up to Springfield Terrace.

The process to start publishing a Cumulative Impact Assessment began in August 2020 and a twelve-week public consultation took place between 31 August 2020 and 22 November 2020.

The Senior Technical Officer highlighted the submission from Poppleston Allen representing the UK Hospitality.

The Committee were advised that PC Metcalfe had nothing to add to the Officer's report. Covid had affected alcohol related crime behaviour.

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

- i. There was clear evidence that the Cumulative Impact Area (CIA) was needed where indicated in the report recommendation.
- ii. Expressed concern that alcohol sales were shifting from independent shops and pubs to supermarkets. Queried if this would bias sales towards those who could complete the administration of the licence application process.
- iii. Given the difficulties in controlling supermarket off-licence sales, it was a good idea to put the CIA where indicated in the report recommendation as people drank alcohol in the street, which could lead to undesirable behaviour.
- iv. The CIA was an added tool to control alcohol related anti-social behaviour, not a way to stop sales of alcohol.

In response to Members' questions the Senior Technical Officer said the following:

- i. If people provided sensible conditions and applications for alcohol sales in a CIA, they would be permitted to make off-licence sales.
- ii. Each application will be reviewed on its own merits.
- iii. The City Council website invited people to seek advice from the City Council and/or Police prior to making an application, so they could be assisted as much as possible. People who did not put in well thought out applications may attract representations (ie concerns) and so the application would appear before committee for consideration.

The Committee:

**Resolved (by 8 votes to 0) to:**

- i. Consider the results of the public consultation exercise as summarised in Appendix B of the Officer's report and the information provided by

- Cambridge Constabulary and Public Health before the public consultation as attached to the Officer's report as Appendix C;
- ii. Approve the proposed Cumulative Impact Assessment attached to the Officer's report as Appendix D. Appendix E is the current section in the Statement of Licensing Policy on the cumulative impact of a concentration of licensed premises.

Councillor Moore took part in the discussion on this item but was unable to vote due to technical reasons. She expressed support for the recommendation before and after the vote.

### **21/20/Lic Statutory Taxi & Private Hire Vehicle Standards**

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.

The Licensing Authority seeks to carry out its licensing functions with a view to promoting the following objectives:

- i. The safety and protection of the public;
- ii. Vehicle safety, comfort and access;
- iii. The prevention of crime and disorder;
- iv. The promotion of environmental sustainability;
- v. Protection of children and adults at risk from harm.

As a Licensing Authority, Cambridge City Council ensure all licensing activities are carried out in line with its policies.

The Hackney Carriage and Private Hire Licensing policy (the 'policy') was produced in order to provide the Council, its officers, the trade and the public with appropriate guidelines that put the Council's licensing requirements into practice in a clear and transparent manner. In exercising its discretion in carrying out its regulatory functions, the Council shall have regard to the Hackney Carriage and Private Hire Licensing policy document.

The aim of the Policy is primarily to protect the public as well as to ensure that all the above objectives are met.

The current Hackney Carriage & Private Hire Licensing Policy applies to all drivers, vehicles and operators and was last updated in October 2019.

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

- i. A full Equality Impact Assessment would be undertaken in future.
- ii. A language proficiency test was proposed as part of a knowledge test for drivers. The Equality Impact Assessment would review how this could be done. A knowledge test that requires language proficiency was in place already. This was a statutory requirement, so no applicants would be discriminated against. Licensing Officers were working with the Equalities Officer to ensure drivers of all nationalities would be given a fair test.
- iii. drivers were required to sign up to an on-line Enhanced Disclosure and Barring Service (DBS) check under current licensing policy.
- iv. The City Council was issuing guidance to drivers on 'what/how to do' when driving people in lockdown. Drivers could refuse to transport people without a mask. Drivers could be accredited to show they had undertaken training.
- v. Fees and charges for DBS were set out in another report in the agenda pack. There was an annual fee of £13 per year for a DBS check once drivers had signed up to the system and paid a £40 fee. There were no other costs for drivers at present. Support offered to drivers by the City Council:
  - a. A licence fee reduction.
  - b. An option to pay by instalments.
  - c. Drivers could ask for their licence to be suspended if they were not (currently) driving.

The Committee:

**Resolved (by 8 votes to 0) to:**

- i. Approve the new standards, as written as new licence conditions, policy requirements and procedures. Described in proposed changes in Appendix A and Appendix C to the Officer's report.
- ii. Approve the proposed implementation time scales, as detailed in Appendix C of the Officer's report.
- iii. Approve that the new standards as written as new licence conditions, policy requirements and procedures be added to the Hackney Carriage and Private Hire Policy, and published by 5th February 2021.

Councillor Gehring did not take part in the discussion or decision making on this item.

## **21/21/Lic Annual Review of Licensing Fees and Charges 2021/22**

The Committee received a report from the Environmental Health Manager.

The report advised Cambridge City Council, as the Licensing Authority, is responsible for processing and issuing licences for a wide range of activities.

The Council needs to demonstrate that the fees it charges for such licences have been set in accordance with the law and best practice, so as to recover its allowable costs in administering the various licensing regimes for which it is responsible.

Fees should be set so as to avoid either a surplus or a subsidy where possible and adjusted, if necessary, in succeeding years to achieve and maintain the correct balance.

The Officer's report set out the revised fees and charges for licences and associated items, which it is proposed should take effect from 1 April 2021.

Cambridge City Council acknowledge the impact of the current Covid 19 pandemic on many of the businesses and individuals it is responsible for processing and issuing licences for. As a result of the reported reduced income experienced by some of those it licences, Cambridge City Council is proposing no change for majority of the fees and charges they are responsible for.

The Committee:

**Resolved (by 8 votes to 0)** to approve the level of the fees and charges with effect from 1st April 2021, as set out in Appendix A of the Officer's report. Members also requested officers to communicate changes with members of the public, businesses and taxi trade.

Councillor Gehring did not take part in the discussion or decision making on this item.

The meeting ended at 11.30 am

**CHAIR**