

LICENSING COMMITTEE

6 June 2011
10.00 am - 1.10 pm

Present: Councillors Smith (Chair), Rosenstiel (Vice-Chair), Benstead, Blencowe, Hart, McPherson, Pippas, Pogonowski, Reiner, Saunders and Stuart

Officers Present:

Environmental Health Manager – Yvonne O'Donnell
Solicitor – Carol Patton
Committee Managers – Toni Birkin and Martin Whelan
Licensing Manager - Christine Allison

FOR THE INFORMATION OF THE COUNCIL

11/8/licf Apologies for absence

Apologies were received from Councillors Brierley and McPherson
Councillors Owers and Boyce were in attendance as alternates.

11/9/licf Declarations of Interest

Councillor Reiner declared a personal interest as a committee member of Park Street Residents Association which had made representation on item 11/14/licf.

Councillor Smith declared a personal interest as a member of The Council of the Cambridge University Catholic Association; the Chaplin had discussed the topic in item 11/14/licf

11/10/licf Minutes of the meeting held 24th January 2011

The minutes of the meeting held on the 24th January 2011 were approved as a true and accurate record.

Change to Agenda Order

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 agenda.

11/11/licf Public Questions

The Chair agreed to take public questions with the relevant agenda items.

11/12/licf Consultation of Hackney Carriage and Private Hire Licensing Policy

Public Speaker Mr Wratten spoke on behalf of Cambridge City Licensed Taxis Limited and made the following points:

- The introduction of a sliding scale of fees would have little impact on emissions as the majority of taxis have no choice about vehicles they use in order to be offer wheel-chair access.
- Alternative vehicles are not available
- Applying controls to buses would achieve greater results
- Changes to taxi testing due to be introduced later this year will have a significant impact on the trade.
- Charges need to be realistic and the Council should work with the trade.
- Lack of rank spaces increases emissions as taxis are forced to cruise around looking for a space.
- Growth in taxi numbers has not been matched by rank spaces.
- A moratorium on taxi numbers would help.

The Licensing Manager introduced the report regarding the consultation on hackney carriage and private hire licensing policy.

The Chair asked for clarification on the ability of this committee to reject a decision that had been taken at the Environment Scrutiny Committee. Officers confirmed that the decision would need to be referred back to the Executive Councillor for Environmental and Waste Services for review.

The committee made the following comments regarding the report:

- I. Regulation of buses is outside the remit of this committee.
- II. Members would in principle support approaches that offer an incentive to drivers who upgrade to lower emission taxis.
- III. Members accept that wheel chair accessible vehicles lag behind other vehicles in terms of low emissions.
- IV. New licence plates would all fall into the higher brackets.
- V. Older plates are free to select saloon cars which some groups with mobility issues prefer.
- VI. Members discussed limiting the number of vehicles operating in the City. It was agreed that there is limited scope to do this.
- VII. Rank space was discussed and members noted that some ranks were unused whilst others had insufficient space. Members were advised that this is a County Council issue.
- VIII. Members felt that the sliding scale was unfair to wheel-chair accessible vehicles.
- IX. Members asked if the different types of vehicle could be consulted on separately as there appear to be competing objectives of accessibility and emissions reduction?

Councillor Blencowe proposed and Councillor Pogonowski seconded the following amendment to add:

As part of the consultation process to consider a moratorium on the number of licence applications approved until more rank spaces can be provided.

This was rejected (by a vote of 5 to 7).

Councillor Rosenstiel proposed and Councillor Pogonowski seconded an amendment to recommendation 2.2 to read:

To approve the consultation of the new proposed sliding scale fee relating to CO2 emissions for hackney carriage and private hire vehicles *with the possibility of a discount to be applied to wheel-chair accessible vehicles.*

The amendment was agreed (by a vote of 8 to 0)

The committee resolved by 7 votes to 0 to:

- I. note the content of the report and approve the consultation of the draft policy and process in order to adopt a final taxi licensing policy.

The committee further resolved by 8 votes to 0 to:

- II. approve the consultation of the new proposed sliding scale fee relating to CO2 emissions for hackney carriage and private hire vehicles with the possibility of a discount of around 5% to be applied to wheel-chair accessible vehicles.

11/13/licf Licensing Act 2003 Statement of Licensing Policy - results of public consultation on the section of Hills Road between the junctions of Regent Street and Purbeck Road as a fourth cumulative impact area and extension of the Leisure Park cumulative impact (CI) area to include the section of Cherry Hinton Road running from Hills Road to Clifton Road.

The Licensing Manager introduced the report regarding the Licensing Act 2003 – Statement of Licensing Policy. This concerned the results of public consultation to include Hills Road as a fourth cumulative impact area and an extension of the Cambridge Leisure park cumulative impact area to include the section of Cherry Hinton road running from Hills Road to Clifton Road.

Members expressed support for the policy.

The committee resolved unanimously to:

- I. adopt the section of Hills Road running from the city to Purbeck Road (both sides of the road) as a fourth area.
- II. extend the existing Cambridge Leisure Park cumulative impact area to include the section of Cherry Hinton Road opposite the leisure park running from Hills Road to Clifton Road (both sides of road).
- III. approve the insertion of the appropriate wording as set out in Appendix C of the report.
- IV. recommend adoption by full Council, within the Statement of Licensing Policy, the amendments stated in paragraphs above and to revise paragraph 5.8 of the Statement of Licensing Policy as set out in Appendix C.

11/14/licf Sex Establishments - Statement of Licensing Policy

Public Speaker Norah Al-Ani on behalf of Cambridge Rape Crisis Centre, Cambridge Women's Aid and the Womens Resources Centre and made the following points.

Seven (out of a total of fifteen) of the consultation responses requested that the Council adopt a nil policy for sex establishments in Cambridge.

The group she was representing would ask the Committee to seriously consider, and indeed adopt, the approach used by the London Borough of Hackney in their Sex Establishment Licensing Policy (see below) to overcome and resolve this barrier to a nil policy, as identified in 3.10 of the Committee Report:

Public Speaker Janie Huber

As the parent of two daughters, would the committee consider that the policy is likely to increase the number of such venues in the City.

The Chair responded. New legislation allows the authority to regulate such premises. However, there is no expectation that this would increase the number of applications or that any licence would be granted. The policy is merely a framework with which to deal with future applications.

Ms Huber replied that business pressure would result in women having to fight each application, year on year. Asked the committee to adopt a nil policy.

The committee received a report from the Head of Refuse and Environment regarding the Licensing of Sex Establishments. The Licensing Manager introduced the item.

The committee asked the following questions:

I. If a nil policy were to be adopted, would applications still be heard?

A. The officer responded that any application received would be considered on its individual merits.

II. What will happen to the venue that has an existing Licence?

A. The existing licence holder will be required to apply for a licence under the new arrangements before December 2011. The Chair requested clarity on a potential challenge from the existing licence holder. The officer clarified that

transitional arrangements would apply. However, members were advised that the adoption of a nil policy could be subject to challenge under Human Rights Legislation and Judicial Review

III. Has the nil policy adopted by the London Borough of Hackney been tested in the courts?

A. The Hackney approach is new and there has been no opportunity for it to be tested.

The Chair asked for a legal view on the robustness of the Hackney approach whereby each ward in the borough is treated as a relevant locality and the London Borough of Hackney decided that the appropriate number of sex establishments for each ward is nil . The Legal Representative said the situation was unchallenged to date.

IV. Why is Burlesque not included?

One-off burlesque events would be covered by the regulations on infrequent (less than 11 times a year) type events.

Members made the following comments.

- V. Reliance on an untested approach could be risky. However some member's felt it was worth the risk.
- VI. Burlesque is a different type of event and members were reluctant to restrict all forms of adult entertainment.
- VII. Members recognised that workers in sexual entertainment venues are vulnerable to abuse and the policy should offer them protection. It was suggested that the policy could include wording requiring the disclosure of financial arrangements between performers and venue management.

Councillor Hart suggested that the policy was contradictory as no contact is allowed with performers during the performance and performers were required to be covered after the performance. This allowed no opportunity for gratuities to be placed in garters. She questioned at what point a performance was deemed to have ended. The Chair suggested that how performers were paid was not a matter for this committee.

Members debated the nil policy approach and agreed that they could not use moral arguments as the grounds for such a policy. There was further concern that a nil policy had not been an option in the consultations and therefore the public had not had an opportunity to express an opinion. A second round of consultation was suggested as per the recommendation.

The Licensing Manager drew the committee's attention to the difference between Sex Establishments, which would include shops and cinemas, and Sexual Entertainment Venues (SEVs). A nil policy for SEVs would need clarity regarding which types of venue it covered.

Councillor Hart proposed and Councillor Pogonowski seconded the following amendments to the draft policy (words in italic added), to be subject to further consultation:

Section 9.1

We have not imposed a limit on the number of sex establishment premises that may be licensed in any area of the City, however, whilst deciding each application upon its own merits we will not normally licence premises that are in close proximity to:

9.1.1 a residential area

9.1.2 a school, nursery or any other premises substantially used by or for children under 16 years of age;

9.1.3 a park or other recreational areas used by or for children under 16 years of age;

9.1.4 a church or other place of religious worship;

9.1.5 a community centre

Sexual Entertainment Venues will be subject to additional criteria as detailed in section 13.3

Section 13.3

The 'relevant locality' means: in relation to premises, the locality where they are situated; and in relation to a vehicle, vessel or stall, any locality where it is desired to use it as a sex establishment.

The Council has set a limit on the number of Sexual Entertainment Venues that it thinks is appropriate for its relevant localities. The Council treats each ward in the district as a relevant locality. Having regard to its analysis, the Council has determined that the appropriate number of Sexual Entertainment Venues for each ward is as follows:

Ward	Appropriate Number
<i>Abbey</i>	<i>Nil</i>
<i>Arbury</i>	<i>Nil</i>
<i>Castle</i>	<i>Nil</i>
<i>Cherry Hinton</i>	<i>Nil</i>
<i>Coleridge</i>	<i>Nil</i>
<i>East Chesterton</i>	<i>Nil</i>

<i>King's Hedges</i>	<i>Nil</i>
<i>Market</i>	<i>Nil</i>
<i>Newnham</i>	<i>Nil</i>
<i>Petersfield</i>	<i>Nil</i>
<i>Queen Edith's</i>	<i>Nil</i>
<i>Romsey</i>	<i>Nil</i>
<i>Trumpington</i>	<i>Nil</i>
<i>West Chesterton</i>	<i>Nil</i>

The amendment was agreed (by 8 votes to 4)

Committee resolved (unanimously) to approve the wording of the further draft Sex Establishment Licensing Policy attached as Appendix 2 to the report and subject to the amendments detailed above, to go out for further consultation.

The policy will be subject to further consultation and will return for consideration by the Licensing Committee at a subsequent meeting. Once implemented it would be reviewed at least every five years.

Ruling in Item

The Chair, ruled that under 100B(4)(b) of the Local Government Act 1972 the late agenda item from the **Head of Refuse and Environment** on the **Hackney Carriage Fare Review 2011/12** despatched and placed on deposit on 3rd June 2011 be considered, despite not being made publicly available five clear days prior to the meeting.

The reason is that the information was not available before agenda despatch.

11/15/licf Hackney Carriage Fare Review 2012/13

Public Speaker Mr Wratten spoke on behalf of Cambridge City Licensed Taxis Limited. Taxis drivers costs have risen by around £40 per week over the last year. Option 1 would help towards the escalating costs.

The committee received a report from the Licensing Manager to consider and determine the application from Cambridge City Licensed Taxis Limited for the annual increase in hackney carriage fares.

The committee asked the following questions regarding the report:

- I. The existing policy has a surcharge option should diesel prices reach £1.47 per litre. Would drivers be better off under this pricing structure?
- II. Why is option 1 favoured over option 2?

The officer responded that option 1 would be simple to implement and was the option favoured by the trade. The policy would be a replacement rather than an addition and the 40p surcharge would no longer be an option. She suggested that the policy could be implemented by the 1st August 2011.

Members were unhappy that a third option had been introduced at this late stage and that they had not had time to fully consider this as an option.

Councillor Rosenstiel proposed and Councillor Stuart seconded the following amendment to the recommendation:

To agree an increase of 20p drop price and no increase in distance and time tariff and to remove the surcharge.

The amendment was agreed (unanimously).

Councillor Pogonowski proposed and Councillor Hart seconded a further amendment to introduce the new charges from 1st August 2011.

The amendment was agreed (unanimously).

NB The committee agreed to delegate the details of further consultations to the Chair and Spokes.

The committee resolved unanimously:

To agree an increase of 20p drop price and no increase in distance and time tariff and to remove the surcharge with effect from 1st August 2011.

The meeting ended at 1.10 pm

CHAIR