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Cambridge City Council

LICENSING COMMITTEE

To: Councillors Smith (Chair), Rosenstiel (Vice-Chair), Benstead, Boyce, Hart, McGovern, McPherson, Pogonowski, Saunders, Stuart and Znajek

Despatched: Thursday, 26 May 2011

Date: Monday, 6 June 2011

Time: 10.00 am

Venue: Committee Room 1 & 2 - Guildhall

Contact: Martin Whelan

Direct Dial: 01223 457012

AGENDA

- 1 **APOLOGIES FOR ABSENCE**
- 2 **DECLARATIONS OF INTEREST**
- 3 **MINUTES OF THE MEETING HELD 24TH JANUARY 2011** *(Pages 1 - 4)*
- 4 **PUBLIC QUESTIONS**
- 5 **CONSULTATION OF HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY** *(Pages 5 - 104)*
- 6 **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.** *(Pages 105 - 124)*
- 7 **SEX ESTABLISHMENTS - STATEMENT OF LICENSING POLICY** *(Pages 125 - 210)*

Information for the public

Public attendance

You are welcome to attend this meeting as an observer, although it will be necessary to ask you to leave the room during the discussion of matters which are described as confidential.

Public Speaking

You can ask questions on an issue included on either agenda above, or on an issue which is within this committee's powers. Questions can only be asked during the slot on the agenda for this at the beginning of the meeting, not later on when an issue is under discussion by the committee.

If you wish to ask a question related to an agenda item contact the committee officer (listed above under 'contact') **before the meeting starts**. If you wish to ask a question on a matter not included on this agenda, please contact the committee officer by 10.00am the working day before the meeting. Further details concerning the right to speak at committee can be obtained from the committee section.

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LICENSING COMMITTEE

24 January 2011

10.00 - 10.35 am

Present: Councillors Smith (Chair), Rosenstiel (Vice-Chair), Hart, McGovern, McPherson, Pogonowski, Saunders, Stuart and Znajek

Officers Present:

Environmental Health Manager – Yvonne O'Donnell

Solicitor – Carol Patton

Committee Manager – Martin Whelan

FOR THE INFORMATION OF THE COUNCIL

11/1/licf Apologies for absence

Apologies for absence were received from Councillors Benstead, Boyce and Shah.

11/2/licf Declarations of Interest

There were no declarations of interest.

11/3/licf To approve the minutes of the meeting held on 11th October 2010

The minutes of the meeting held on 11th October 2010 were approved as a true and accurate record.

11/4/licf Review of delegations under the Gambling Act 2005

The committee received a report from the Head of Refuse and Environment regarding the review of delegations under the Gambling Act 1995.

The committee asked the following questions regarding the report

- i) Clarification was requested on why a different approach was proposed on the cancellation of club gaming/club machine permits to the same type of permits relating to licensed premises.
- ii) Clarification was also requested on why certain provisions were delegated only to officers.

In response to points i) and ii) the Legal Advisor confirmed that the table included in the committee report, replicated the statutory guidance but that it related to the minimum level of permitted delegation and that the committee could raise the minimum level at its discretion.

- iii) Officers confirmed that the provisions in relation to cancellation of permits had not been used in the last five years. Officers also confirmed that the cancellation of a licence could cover a range of circumstances including voluntary surrender and forced cancellation.

The sub-committee agreed following discussion that the minimum level for the following categories should be raised to Sub-Committee of Licensing committee where relevant representations had been received

- i) Application for other permits
- ii) Cancellation of licenced premises gaming machine permits

Resolved

The committee resolved (unanimously) to adopt the table of delegations as set out in Appendix A of the committee report as amended with immediate effect.

11/5/licf Licensing of Sexual Entertainment Venues - Procedural matters, delegation of authority and the approval of a draft Sex Establishment Licensing Policy for Public Consultation

The committee received a report from the Head of Refuse and Environment regarding the licensing of sex establishments.

The committee made the following comments regarding the report

- i) The importance of robust procedures to ensure that the applications were properly advertised was highlighted. It was also agreed that a mechanism should be put in place to ensure that the notices were visible and legible.

- ii) It was questioned why the officers were delegated to the Head of Refuse and Environment. It was confirmed that the Head of Refuse and Environment had responsibility for Licensing functions.
- iii) Clarification was sought on the inspection regimes and it was questioned how certain conditions would be checked. The Environmental Health Manager advised that all sex establishments are reviewed annually to ensure compliance with the conditions.
- iv) Confirmation was requested on whether the fees would rise in line with others in April. The Environmental Health Manager confirmed that fees would rise in line with existing fee structure.
- v) In response to a question regarding a potential inconsistency regarding the use of challenge 21 and 25, it was confirmed that challenge 25 should be used throughout.
- vi) The Environmental Health Manager confirmed that the existing model conditions included in the committee papers, related to shops.
- vii) Clarification was requested on the review process and the ability to request reviews. The Environmental Health confirmed that all sex venues were reviewed annually and that there was provision to request reviews in between annual reviews.

Resolved

The committee resolved (unanimously) to

- i) Delegate to the Licensing Sub-Committees the determination of applications for Sex Establishment licences under Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 as amended, including applications for new licences, variations, transfers and renewals of licences where relevant objections have been received.
- ii) Delegate to the Head of Refuse and Environment the determination of applications for Sex Establishment licences under Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982, as amended, including applications for new licences, variations, transfers and renewals of licences: where no relevant objections have been received.
- iii) Delegate to the Head of Refuse and Environment all enforcement and inspection functions relating to Sex Establishments
- iv) Set the fees for SEV applications at the same level as for existing Sex

Establishments (currently £4,549 for new applications, transfers and variations and £699 for renewals), and to delegate fee reviews to the Head of Refuse and Environment, in consultation with the Chair and Spokesperson of the Licensing Committee.

- v) Approve the draft Sex Establishment Licensing Policy for public consultation, including the current model conditions for Sex Establishments, to the draft policy and model conditions to encompass the new category of SEV.
- vi) Approve the hearings procedure.

The meeting ended at 10.35 am

CHAIR

CAMBRIDGE CITY COUNCIL

REPORT OF: Head of Refuse and Environment

TO: Licensing Committee

6/6/2011

WARDS: All

CONSULTATION OF HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY

1 INTRODUCTION

- 1.1 The Council has responsibility for licensing hackney carriage and private hire vehicles, drivers and operators within Cambridge City. The Council has traditionally exercised this responsibility through a number of different policies and procedures that have developed over a number of years.
- 1.2 In March 2010 the Department for Transport (DfT) produced an up to date Taxi and Private Hire Vehicle Licensing Best Practice Guidance (Appendix 1).
- 1.3 Due to changes in service delivery with the Customer Service Centre and the above guidance, a full review of the policies has been undertaken. A new draft Hackney Carriage and Private Hire Licensing Policy has been developed consolidating all previous policies.
- 1.4 This is also an opportunity to update current practices, for example, within the DfT best practice guidance report, this highlights the benefits of having the option to offer to the drivers the choice of renewing their licences annually or every three years and potentially having an annual CRB check. Our current practice is to renew annually and carry out a CRB check every three years. Dependant on the feedback from the consultation we would seek to amend the Policy to reduce the burden for drivers and operators and administration costs.

- 1.5 The draft policy attached, as Appendix 2 will be subject to 12 weeks public consultation in accordance with the Government's Code of Practice. All comments will be considered and will formulate the final policy to be presented for adoption by licensing committee in October 2011.
- 1.6 At Environment Scrutiny Committee in June 2010 it was agreed that the current fee structure should be amended to create a fee banding system based on vehicle carbon dioxide (CO₂) emissions and this new structure be adopted at Licensing Committee.
- 1.7 Below is the new proposed fee structure based on road tax bandings that will go out to consultation:

Band	CO2 Emission Figure (g/km)	Discount/ Surcharge	Proposed New Fee	Number of Current Taxis
A	Up to 100	-35%	£125	0
B	101-110	-30%	£135	1
C	111-120	-25%	£145	1
D	121-130	-20%	£155	10
E	131-140	-15%	£165	52
F	141-150	-10%	£175	33
G	151-165	-5%	£185	90
H	166-175	0	£195	30
I	176-185	5%	£205	33
J	186-200	10%	£215	110
K-M	201+	15%	£225	115
Unknown				33
TOTAL				508

- 1.8 By introducing the above fee structure this will ensure that Year 1 shows it to be cost neutral to the Council. It also is designed to encourage new vehicles to be greener, which will result in a discount in the annual licence fee. The fee structure will have to be reviewed regularly to ensure that it remains cost neutral to the Council for future years.

2. RECOMMENDATIONS

Members are recommended:

- 2.1 To 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.
- 2.2 To approve the consultation of the new proposed sliding scale fee relating to CO₂ emissions for hackney carriage and private hire vehicles.

3. BACKGROUND

- 3.1 The DfT first issued its Best Practice Guidance in October 2006, and updated it in March 2010. The Guidance is not statutory, but the document is intended to assist licensing authorities. Paragraph 4 states that 'it is for individual licensing authorities to reach their own decision both on overall policies and on individual licensing matters, in the light of their own views of the relevant considerations'.
- 3.2 Traditionally each policy decision has been brought to Licensing Committee for approval and therefore there are a number of different policies relating to taxi licensing.
- 3.3 Currently, Cambridge City Council's conditions and policies relating to the Licensing of hackney carriage and private hire vehicles and drivers, and private hire operators are found in the City Council's 'Taxi Guide'. This was last updated in August 2009
- 3.4 In March 2011 consultation was undertaken to obtain the views of the public, trade and stakeholders on the introduction of a shared hackney carriage service and the introduction of a sliding scale for taxi licensing fees relating to CO₂ emissions. The final version of the consultation report is attached as Appendix 3.
- 3.5 The outcome of the study was that the majority of the trade were against a shared hackney carriage service and it was felt that such a scheme would not be successful in Cambridge.
- 3.6 The majority of the public felt that taxis should have higher fees for the more polluting vehicles; research has been carried out to look at the CO₂ emissions from the various types of vehicles.

4. CONSULTATIONS

- 4.1 We are proposing to undertake 12 weeks consultation on the proposals in accordance with HM Government's Code of Practice on consultation. Consultation will be undertaken by a variety of means including letters to the trade, through the Taxi forum and on our website. It is envisaged that consultation will take place during 13 June – 4 September 2011.

- 4.2 Feedback is welcomed and all comments will be considered in preparation of the final document, although we will not be able to give individual responses to comments received.
- 4.3 The results of the consultation exercise will be put to members at the next licensing committee to take account of feedback from stakeholders and to consider any amendments to the policy.

5. **IMPLICATIONS**

(a) **Financial Implications**

Provision is made in the council's budget for the taxi licensing service, which is run on cost recovery basis. The cost of consultation will form a part of the administrative function.

(b) **Staffing Implications**

Existing staff resources will absorb any changes arising.

(c) **Equal Opportunities Implications**

Equality Impact Assessment has not yet been conducted but will be carried out on the new policy after the consultation process has been completed and before it is formally adopted.

(d) **Environmental Implications**

If proprietors of licensed vehicles support such a scheme then a potential benefit could be a reduction in the environmental impact of the Council's current taxi and private hire fleet so that in time the City would have a fleet of modern, clean, fuel efficient taxis which would contribute to cleaner air for Cambridge.

(e) **Community Safety**

Cambridge City Council has a duty to provide a safe and secure taxi service; this includes setting minimum standards of safety for all travelling passengers, including those with disabilities and mobility issues.

APPENDICES

Appendix 1

Department for Transport (DfT) Taxi and Private Hire Vehicle Licensing Best Practice Guidance.

Appendix 2

Draft Hackney Carriage and Private Hire Licensing Policy

Appendix 3

Consultation Study by Halcrow Fox Ltd.

BACKGROUND PAPERS: The following are the background papers that were used in the preparation of this report:

Hackney Carriage and Private Hire Licensing Fees and Conditions Report to Executive Councillor of Environmental and Waste Services 22nd June 2010

The author and contact officer for queries on the report is Yvonne O'Donnell on extension 7951.

Report file:

Date originated: 25 May 2011

Date of last revision: 25 May 2011

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Cambridge Taxi and Private Hire Consultation Study

Cambridge City Council

Final Report

March 2011





Cambridge Taxi and Private Hire Consultation Study

March 2011

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Document history

Cambridge Taxi and Private Hire Consultation Study

Cambridge City Council

This document has been issued and amended as follows:

Version	Date	Description	Created by	Verified by	Approved by
1	10.02.11	Draft	Karen Naylor	Liz Richardson	Liz Richardson

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1 Study Objectives and Overview

1.1 General

This consultation study has been conducted by Halcrow on behalf of Cambridge City Council. The study sought to obtain the views of the public, trade, and stakeholders on the following proposals:

- The introduction of a shared hackney carriage service; and,
- The introduction of a 'sliding scale' for taxi licensing fees related to CO2 emissions.

Cambridge City Council has a commitment to promoting Cambridge as a sustainable city and these proposed changes could have a positive effect on reducing the carbon dioxide emissions across the City.

Consultation on these proposals has been undertaken by a number of means and with a range of consultees. The consultation has been split into a number of distinct tasks:

- Public Consultation;
- Trade Consultation; and
- Stakeholder Consultation.

1.2 Cambridge Overview

Cambridge is the administrative centre of Cambridgeshire. Cambridgeshire is located in East Anglia and is approximately 50 miles from London. Cambridge is well known for a large student population.

According to the 2001 Census, Cambridge has a population of 108,863 which includes 22,153 students. Cambridge is home to many high-tech businesses including Microsoft Research, Abcam, CSR, ARM Limited, CamSemi, Jagex, and Sinclair.

Cambridge has good train links to London as well as Peterborough, Norwich, Ipswich, and Stansted Airport. The M11 and the A14 run on the outskirts of the city. Cambridge was also one of the UK's eleven "Cycling Cities", a status given in 2008.

The City Council currently licenses some 312 hackney carriages and 197 private hire vehicles.

2 Background

2.1 General

This section of the report provides a general background to the taxi market in Cambridge and the relevant legislation governing the market.

The Department for Transport first issued Best Practice Guidance in October 2006 to assist those local authorities in England and Wales that have responsibility for the regulation of the taxi and private hire vehicle (PHV) trades. In March 2010 this was updated following a feedback and consultation exercise. This guidance is intended to assist licensing authorities, but it is only guidance, and decisions on any matters remain a matter for the authority concerned.

The guidance provides detailed information on flexible transport services, whilst the information on environment related vehicle licensing policy is limited. Details are provided below:

2.2 Legislation – The Transport Act 1985

There are three sets of provisions conferring different levels of operational flexibility on operators of taxis or private hire vehicles and their passengers. In summary the provisions are:

- Section 10 lays down the conditions under which a hackney carriage may be hired at separate fares for a journey commencing there and then; and
- Section 11 provides provisions for shared advanced hackney and private hire bookings; and
- Section 12 allows hackneys and private hire vehicles to operate local 'bus' services – often known as taxibuses.

2.3 Shared Schemes

Shared taxis – immediate hirings

Section 10 of the Transport Act 1985 states that local taxi licensing authorities can set up a taxi sharing scheme so that passengers, who would not normally travel together but who are going to the same or similar destinations, can travel in the same taxi and pay separately. Passengers must all board the taxi at a designated place, usually a taxi rank. Where a rank is also in use for a regular taxi service, passengers can make their own choice on whether they wish to hire the vehicle as a whole or if they wish to share the journey and pay separate fares.

Licensed taxis (not PHVs) can be hired at separate fares by up to eight people from ranks or other places that have been designated by the authority. (The authority is required to set up such a scheme if holders of 10% or more of the taxi licences in the area ask for one.) The passengers pay only part of the metered fare but the driver receives more than the metered fare.

The benefits of shared taxis is that passengers pay only a proportion of the metered fare so more people may be attracted to use shared taxis. Drivers also benefit because collectively they will receive more than the metered fare.

Local authorities gain from shared taxi schemes because the number of vehicles being used on their streets may be less, thereby reducing congestion and pollution, and they can plan where to put ranks for shared use.

Taxi or PHV sharing by advanced booking

Section 11 of the Transport Act 1985 allows taxi's and private hire operators to offer discounted fares to those passengers, booking in advance - usually by telephone - who are willing to share a journey and pay separately even though they do not know each other. The initiative for this lies with the operator, although would-be hirers can ask operators if there is anyone suitable for a shared journey.

This could be for "one-off" journeys, such as two passengers in the same vicinity wishing to travel to the local airport, or used for journeys on a regular basis, such as weekday journeys to and from the local train station or weekly visits to town and back on market day.

The benefits of a shared taxi or PHV through advanced booking offers taxi and private hire operators flexibility to match up passengers either at pick up or on return, or both. Passengers also pay lower fares than for an exclusive hiring, but overall operators will take more for shared journeys, as well as having the potential to attract more passengers because of lower fares.

Taxibuses

Section 12 of the Transport Act 1985 allows owners of licensed taxis and private hire vehicles can apply to the Traffic Commissioner for a 'restricted public service vehicle (PSV) operator licence'. The vehicle owner can then use the vehicle to run a bus service for up to eight passengers. The route must be registered with the Traffic Commissioner and must have at least one stopping place in the area of the local authority that licensed the taxi, though it can go beyond it. The bus service will be eligible for Bus Service Operators Grant (subject to certain conditions) and taxibuses can be used for local authority subsidised bus services. The travelling public have another transport opportunity opened for them, and taxi owners have another business opportunity. The Local Transport Act 2008 contains a provision which allows the owners of PHVs to acquire a special PSV operator licence and register a route with the traffic commissioner.

2.4 Experience of Innovative Taxi Schemes

Since the 1985 Transport Act there has been mixed success and experimentation with Section 10, 11 and 12 taxi schemes. This Section reviews some of this mixed success.

The launch of the Rural Bus Challenge Competition in 1998 and Urban Bus Challenge Competition in 2001 resulted in an increase in the number of innovative transport projects. A number of these innovative projects were called 'taxibus' schemes. However, these are schemes predominantly run under PSV licensing and are registered as scheduled bus services. Examples of these schemes run in most rural counties and a number of metropolitan areas.

One reason for this predominance of bus-based schemes is that the majority of local authorities bidding for challenge money are County Councils and therefore do not license taxis. Another reason is maybe due to the tendering process for such schemes.

It appears that when County Councils and Passenger Transport Executives tender for such schemes the lowest tender is usually provided by a PSV operator.

Section 10

Blackpool Borough Council operated a Section 10 Shared hackney scheme. The scheme was in existence in the late 1980s and was instigated by the borough council – however it is no longer running. The scheme operated from designated stands along the promenade and had a fixed fare/fixed destination fare structure. The taxi must be hired and agreement to sharing is required of the first boarding passenger.

The scheme had little success, which was partly due to poor publicity. The licensing authority has stated that the scheme did not work as it was set up to due to taxi drivers ‘plying for hire’ with passengers. Essentially, the scheme offered discounted fares for passengers travelling along the promenade. Since the scheme was not widely publicised individual hackney drivers found it more attractive to offer the standard fares to passengers. It is possible that the lack of impetus behind the scheme arises from a desire to support ridership on the Blackpool tram system, which is owned and run by Blackpool Borough Council.

Section 11

The APT (Arranged Passenger Transport) scheme in Greater Manchester is a shared private hire scheme operating across the GMPTE area. The service runs on four routes across Greater Manchester and uses a combination of private hire vehicles and minibuses. All journeys must be booked in advance.

Section 12

Exeter City Council licensed a Section 12 taxibus scheme in 2000. The taxibus was developed and operated by a local hackney proprietor. The taxibus served Exeter and the surrounding area between 2300 and 0300 providing transport for those leaving the city’s nightclubs and bars.

The scheme was not very successful and was withdrawn three months after it started by the operator. The lack of success was attributed to two main reasons. Firstly the service was not allowed to commence close to the city’s main nightclubs. People were required to walk across the city to board the service. Secondly, there was little support or demand for the service.

Taxi Share UK

Taxi Share UK works by matching taxi users with others making the same or similar journey on a regular basis. The service aims to provide a convenient, affordable, door-to-door chauffeur driven ride to your chosen destination. To take part in the scheme people have to register as a member and register the journey required. The administrator then matches the member with people making similar journeys and arranges the members regular taxi journeys, pickup times, etc. The member pays in advance for using the service. The scheme is currently running in Milton Keynes but it hoped that it will expand to other areas.

Only registered members can take part in the scheme. Taxi sharers can be picked up en-route from different locations and also be dropped off at different locations. If a sharer was ill or on holiday, the taxi would continue to provide the service whilst there were funds available.

London Paddington Taxi Share Scheme

Since 1998, to help reduce waiting times, Heathrow Express has operated a taxi sharing scheme from London Paddington on weekday mornings. It runs on weekday mornings, between 08:30 and 10:30, however they stop operating the service once there are sufficient taxis for everyone. Taxi travellers choose to share a taxi. It is not compulsory, although sharers do generally depart quicker. Heathrow Express employs taxi marshals, members of the Licensed Taxi Drivers Association, who help organise sharers into groups travelling to the same central London zone.

To book a taxi share users collect a destination zone voucher from the Share Marshals at the taxi queue; skip the queue straight to the priority loading bays; the taxi marshal shows the passenger to the shared taxi; and then the passenger pays the driver the fixed fare shown on the zone voucher for your chosen destination.

2.5 Taxi and Private Hire Vehicle Licensing and the Environment

The Best Practice guidance states that the local licensing authorities may wish to consider how far their vehicle licensing policies can and should support any local environmental policies that the local authority may have adopted. This will be of particular importance in designated Air Quality Management Areas (AQMAs). Local authorities may, for example, wish to consider setting vehicle emissions standards for taxis and PHVs. However, local authorities would need to carefully and thoroughly assess the impact of introducing such a policy; for example, the effect on the supply of taxis and PHVs in the area would be an important consideration in deciding the standards, if any, to be set. They should also bear in mind the need to ensure that the benefits of any policies outweigh the costs (in whatever form).

Cambridge City Council is committed to promoting Cambridge as a sustainable city, particularly in relation to reducing carbon dioxide emissions. A key action for Environmental Services for 2010/2011 is to consider introducing a 'taxi' licence fee related to CO₂ emissions.

2.6 Summary

The policy review undertaken has identified that there is a range of legislation available to allow the hackney and private hire trade to develop innovative sustainable transport solutions. A number of authorities have sought to develop schemes under this legislation with mixed results. The majority of schemes however have received some initial 'pump priming' funding to kickstart them. It is also clear from the policy review that thought should be given to the role that hackneys and private hires have to supporting local environmental policies.

3 Public Attitude Pedestrian Survey Results

3.1 Introduction

A public attitude interview survey was designed with the aim of collecting information regarding opinions on both shared taxi services and licensing fees.

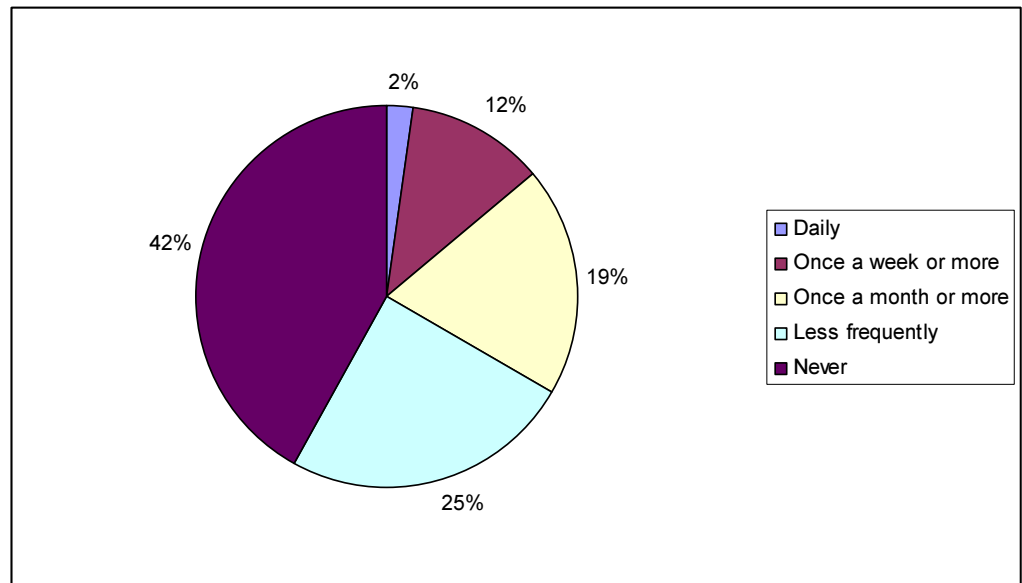
Some 582 on-street public interview surveys were carried out between November 2010 and February 2011. The surveys were conducted across a range of locations within Cambridge City Centre. A quota was followed so that the survey reflected the age and gender characteristics of the local community. This, in turn, ensured that broadly representative results were obtained.

It should be noted that in the tables and figures that follow the totals do not always add up to the same amount. This is due to one of two reasons. First, not all respondents were required to answer all questions; and second, some respondents failed to answer some questions that were asked.

3.2 General Use of Hackney Carriages

Respondents were asked how often they used hackney carriages in Cambridge. Figure 3.1 details the results.

Figure 3.1 How often do you use hackney carriages?



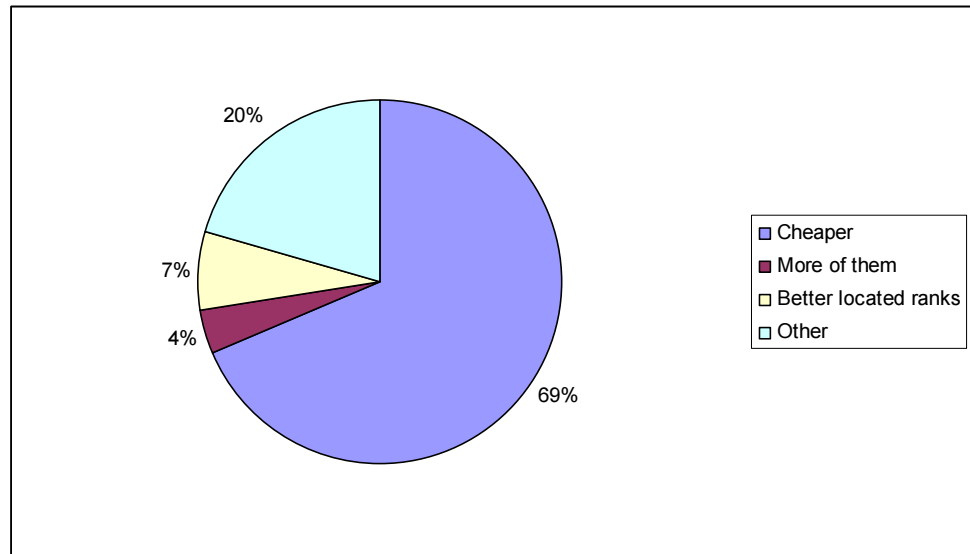
Some 42% of respondents stated that they never use hackney carriages in Cambridge, with 19% stating that they use them once a month or more. Respondents were then asked what the main reason was for them not to use taxis in Cambridge more often. Table 3.1 details that a third of respondents did not use taxis more because they were too expensive. A fifth of respondents (20.8%) did not use taxis more due to their being a bus available. Those that had an 'other' reason included:

- Live in the City Centre so don't need to use taxis; and
- Rude/impolite drivers.

Table 3.1 What is the main reason that you don't use taxis in Cambridge more often?

	Frequency	Percentage
Too expensive	189	33.6
Waiting time/availability	14	2.5
Distance to ranks	3	0.5
Don't feel safe	6	1.1
Car available	64	11.4
Bus available	117	20.8
Walk/cycle	78	13.9
No need	82	14.6
Other	9	1.6
Total	562	100.0

Respondents were also asked what would encourage them to use taxis more. Figure 3.2 highlights these results.

Figure 3.2 What would encourage you to use taxis more?

Some 69% of respondents stated that they would use taxis more if they were cheaper. Some 20% of respondents stated an 'other' reason that would encourage them to use taxis more. These included:

- When less able to travel independently;
- Nothing would encourage me as I have no need to use taxis;
- More eco friendly vehicles;
- Car seat available for children; and
- If there were less buses.

3.3 Shared Taxi Services

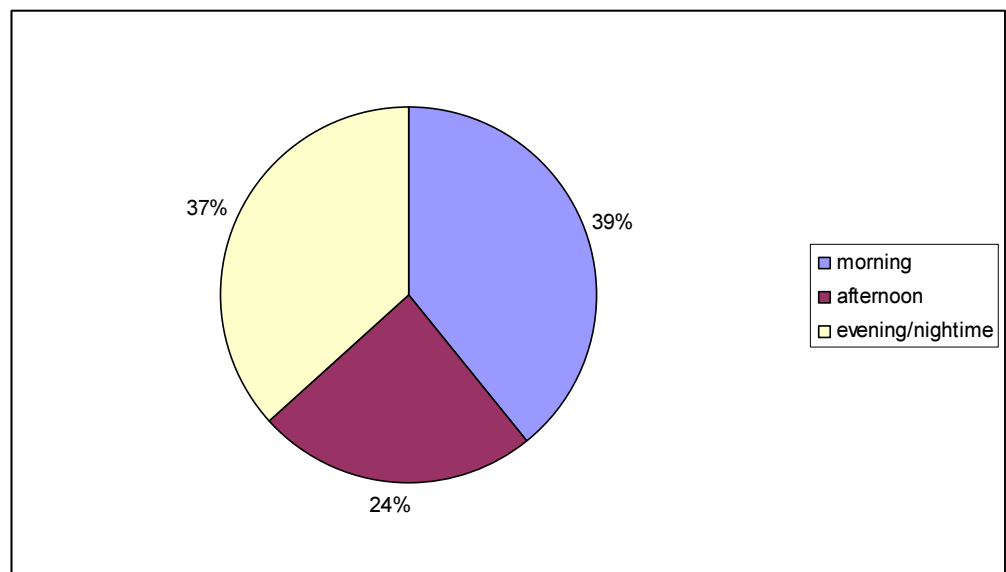
Members of the public were then told the principles of how a shared taxi scheme may work in Cambridge. They were then asked whether they would consider using such a scheme. Some 36.6% stated that they would with 63.4% stating that they would not consider using such a scheme.

Those 36.6% that would consider using such a scheme were then asked a series of questions. Firstly respondents were asked for the type of journeys that they would use it for. The most popular starting points and destinations suggested were:

- Cambridge City Centre;
- Rail Station;
- Cherry Hinton;
- Trumpington;
- Tesco;
- Grafton;
- Addenbrookes Hospital
- Sawston; and
- Newmarket Road.

Respondents varied across the potential time of day that they would use such a service. As detailed in Figure 3.3, 39% would use the service during the morning, 24% in an afternoon and 37% during the evening and night time period.

Figure 3.3 What time of day would you use such a service?



Respondents were asked what was the maximum length of time that they would be prepared to wait for a shared taxi. The results are detailed in Table 3.2

Table 3.2 Maximum length of time you would be prepared to wait (those who would use such a scheme)?

	Average Time (mins)	Minimum (mins)	Maximum (mins)
	14.4	1	40

Respondents were subsequently asked for the amount they would be prepared to pay for a two mile journey. The average price was £2.84 with a minimum of £1 and a maximum of £6.

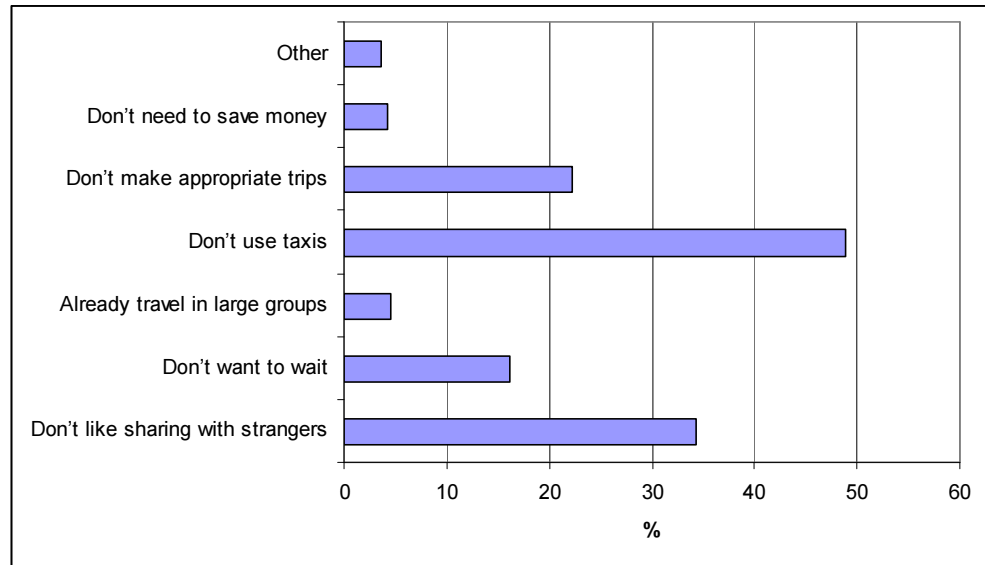
In terms of the types of trips that respondents would consider using a shared taxi service for Table 3.3 details the results.

Table 3.3 What types of trips would you use a shared taxi service for? (multiple responses)

	Percentage
Commuting	61.5
Connection with other transport	78.5
Health Care	52.4
Education	44.0
Leisure	72.7
Shopping	66.3

Some 78.5% of respondents stated that they would use a shared taxi service in order to connect with other transport e.g. access to the rail station. Less popular choices was access to education (44%)

Those respondents who would not consider using such a service were asked for their reasons. Results are detailed in Figure 3.4.

Figure 3.4 Reasons for not using shared taxi services

Some 48.9% of those stating that they would not use a shared taxi service stated it was because they didn't use taxis. 'Other' responses included:

- Use Park & Ride;
- Have no need to use such a scheme;
- If pay for a taxi I would want its sole use.

Respondents were then asked what if anything would make them consider sharing a taxi with strangers. As detailed in table 3.4 the majority of respondents (94.2%) would share a taxi in order to save money.

Table 3.4 What would encourage you to use a shared taxi service

	Percentage
To save money	94.2
To avoid a long wait	53.8
Alternative to the bus	33.2
If strangers were the same sex	26.0
If only sharing with one other	23.6
If sharing with the same people each time	42.8

Respondents were then asked whether they would use the service if they only had to pay half of the fare. Results were evenly split with some 48.5% stipulating that they would use the service if they had to pay half the fare and 51.5% stating that they would not.

However if users had to only pay a quarter of the fare some 65.5% stipulated that they would use the service.

Respondents were then asked what was the maximum length of time that they would be prepared to wait for a shared taxi. The results are detailed in Table 3.5

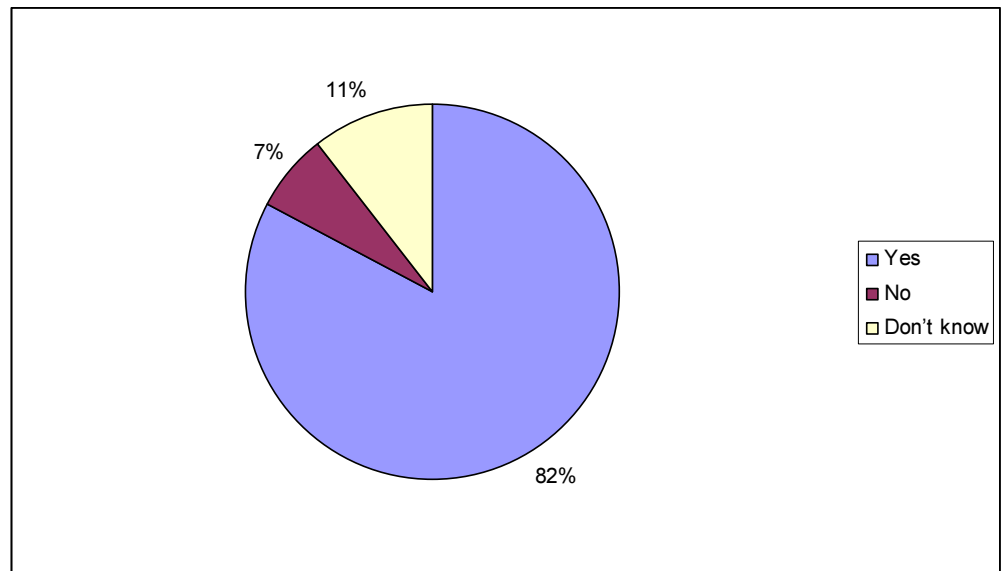
Table 3.5 Maximum length of time you would be prepared to wait (those who wouldn't use a shared taxi scheme)?

	Average Time (mins)	Minimum (mins)	Maximum (mins)
	13.0	1.0	50

3.4 Taxi Emissions and Fees

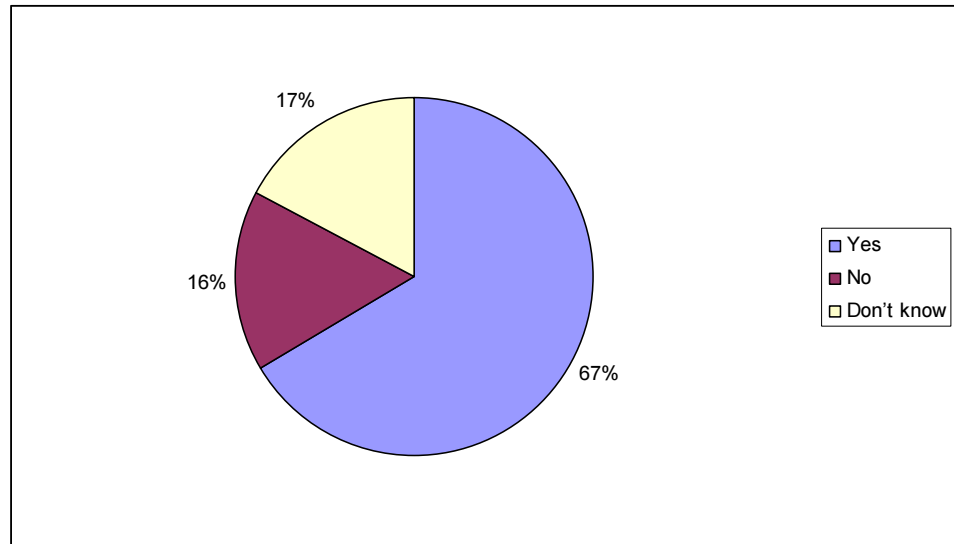
Respondents were consulted regarding the contribution taxis and private hire vehicles make towards improving air quality in Cambridge. As detailed in Figure 3.5 some 82% of those surveyed felt that taxis should contribute towards improving air quality.

Figure 3.5 Do you think it is important that taxis and phv's contribute towards improving air quality in Cambridge by running lower emission licensed vehicles?



Respondents were also asked whether drivers with more polluting vehicles should pay more to licence their vehicles than those with less polluting vehicles. The results to this question were more mixed with two thirds of respondents (67%) agreeing that drivers should pay more for greater polluting vehicles. Figure 3.6 details the results.

Figure 3.6 Do you feel that taxi drivers with more polluting vehicles should pay more to licence their vehicles than those drivers with less polluting vehicles?



4 Trade Survey

4.1 Survey Administration

The survey was conducted through a self completion questionnaire. These were sent to all 794 licensed hackney and private hire drivers and operators in Cambridge. A total of 63 questionnaire forms were completed and returned, giving a response rate of around 7.9%, a fairly low value for this type of survey. Therefore caution should be exercised when interpreting these results. In addition to these survey forms a number of forms (10) were received from members of the trade stating that they were not going to complete the survey and that they would be advised further by their trade representatives.

Of the respondents 69.8% were hackney carriage respondents and 30.2% were from the private hire trade. It should be noted that 13 hackney trade respondents were also private hire car drivers.

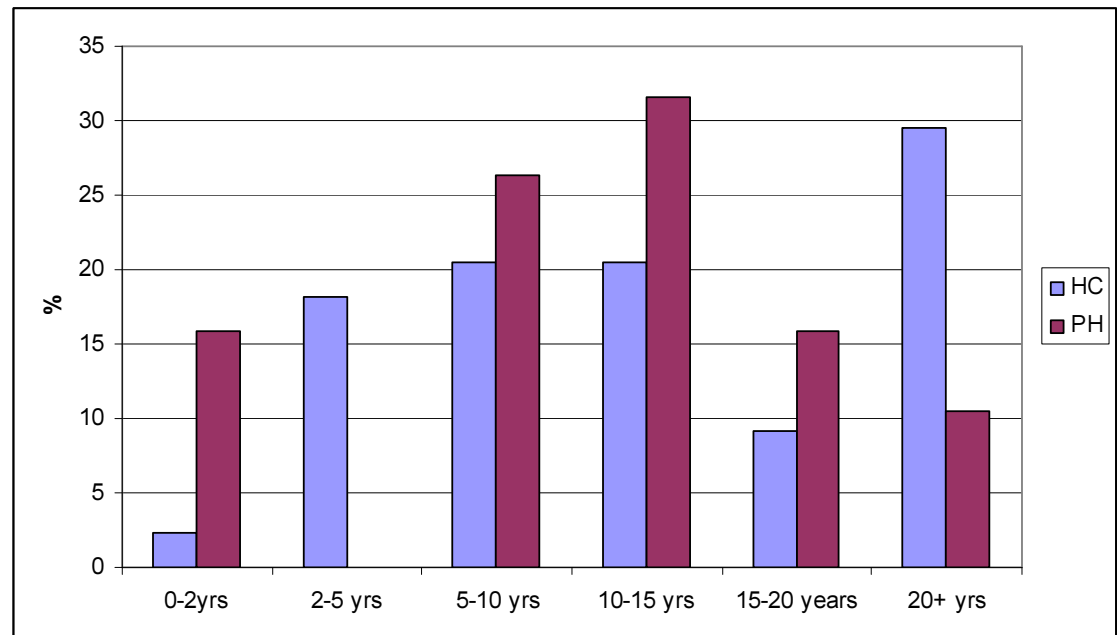
It should be noted that not all totals sum to the total number of respondents per trade group as some respondents failed to answer all of the questions.

4.2 General Information

The responses provided have been disaggregated on a hackney carriage and private hire trade basis.

Figure 4.1 indicates that that 59.1% of hackney carriage respondents have been involved in the Cambridge taxi trade for over 10 years, with more of the private hire trade (57.9%) working in the trade for over 10 years.

Figure 4.1 How long have you been involved with the trade in Cambridge?



Respondents owing a vehicle were asked which tax band their vehicle falls in to. As detailed in Figure 4.2 those respondents owning a Private Hire vehicle have lower polluting vehicles than those owning hackney carriage vehicles. Some 55% of hackney carriage vehicle owners own vehicles in Bands A-G compared to 85.7% of private hire vehicle owners.

Figure 4.2 Tax Band of vehicles

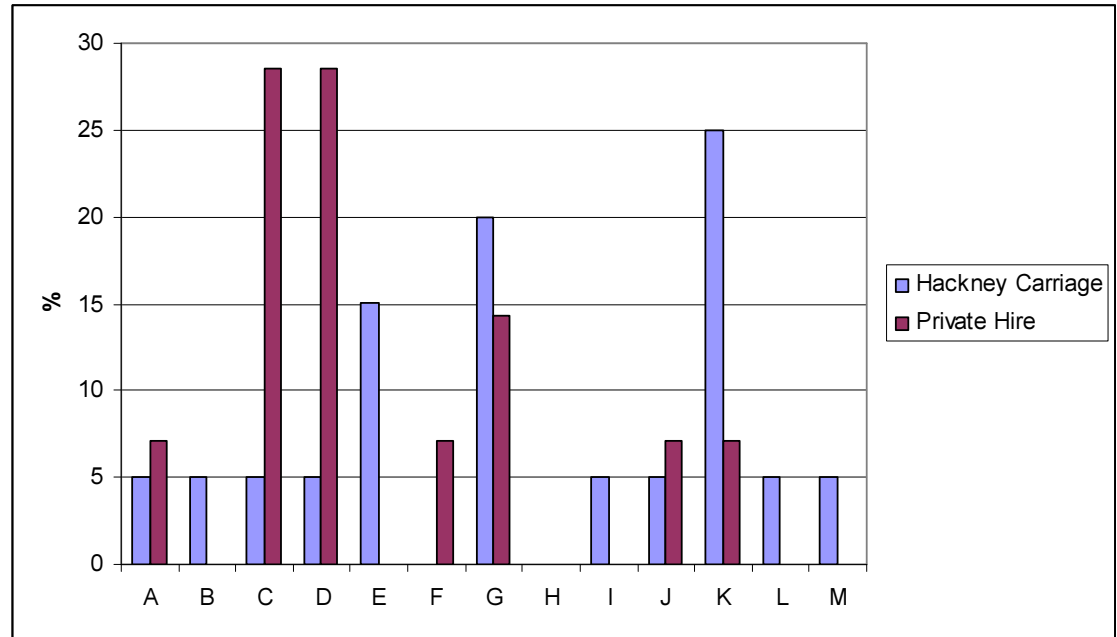
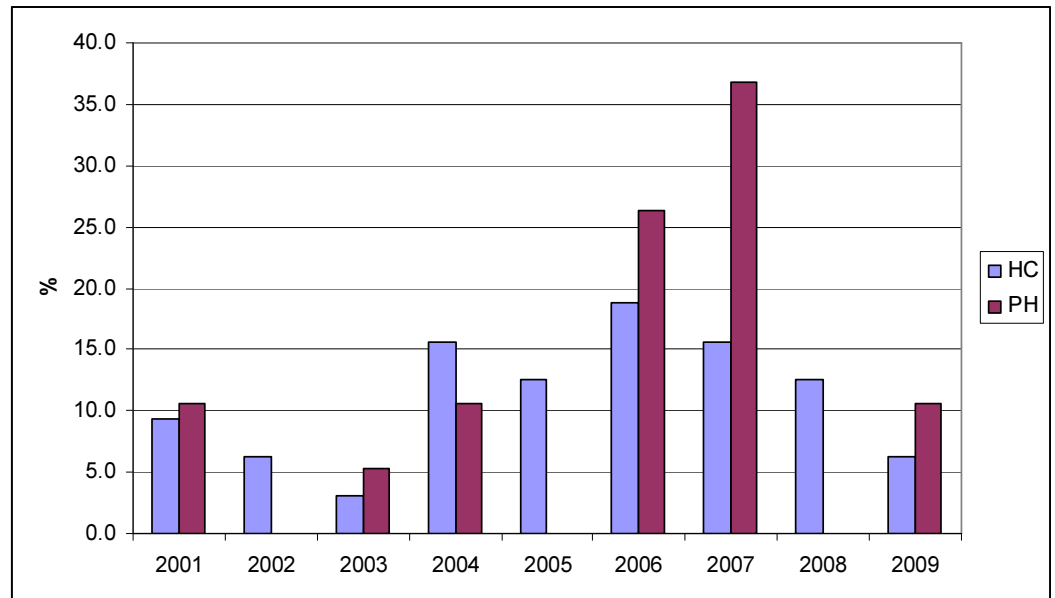


Figure 4.3 details the age range of vehicles owned by respondents to the survey. Some 73.7% of private hire vehicles were less than five years old compared to 53.1% of hackney carriages.

Figure 4.3 Age range of vehicles



4.3 Shared Taxis

Members of the trade were asked for their views on a potential shared taxi service. Table 4.1 details the views relating to potential advantages to such a scheme. Views were mixed however some 38.6% of the hackney respondents felt that there were no advantages to a shared taxi scheme. Those who stated 'other' included:

- Customers will argue late at night over fares;
- Customers want privacy and don't want to share;
- Taxi drivers do not want shared taxis;
- The Council is putting taxi drivers lives at risk as there will be fights over fares;

Table 4.1 Advantages of shared taxis

	Hackney	PH
Better value to passengers	27.3	21.1
Allows taxis to compete more effectively with buses	18.2	15.8
Allows peak demands to be met more effectively	18.2	15.8
Reduces passenger delay and increases customer satisfaction	15.9	5.3
Reduces passenger delay and reduce unmet demand	4.5	0
Make better use of vehicle capacity	20.5	10.5
Allow drivers to earn more income per trip	11.4	15.8
Improve air quality and reduce the carbon footprint	13.6	10.5
No advantages	38.6	21.1
Other	18.2	26.3

Respondents were then asked whether they would take part in a shared taxi scheme. Some 61% of hackney respondents stated that they would not take part in such a scheme compared to 59% of private hire respondents. However some 22% of hackney respondents stated that they would take part.

Those stating a desire to be involved in such a scheme were asked what type of journeys the service could be used for. Suggestions included services between the city centre and:

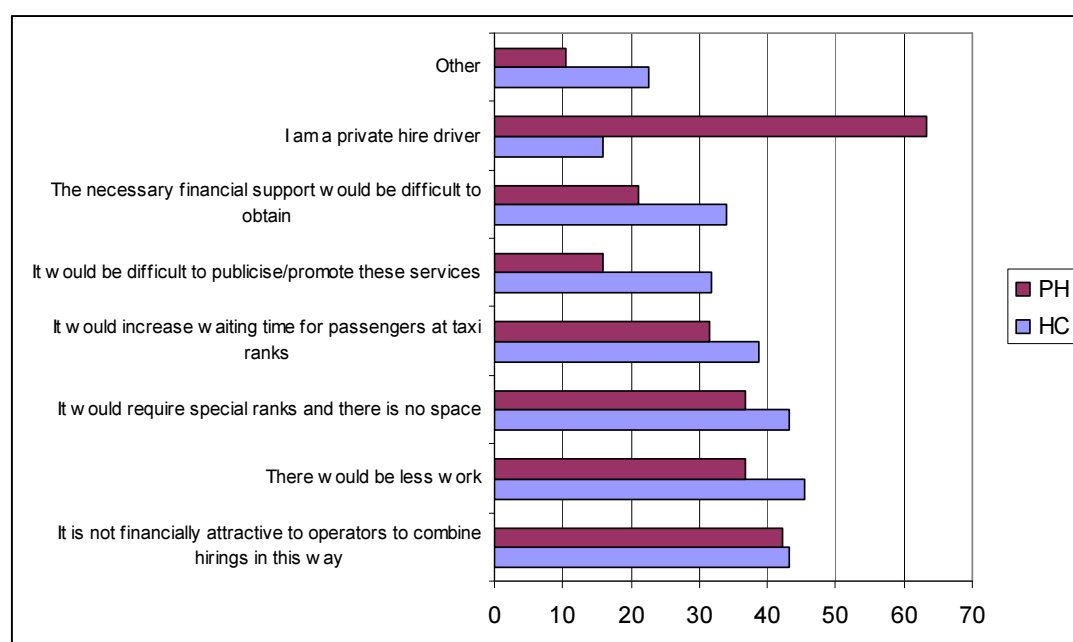
- Rail Station;
- Addenbrookes hospital;
- Science Park;
- City Centre bus stops.

A wide range of operating hours were provided which covered the majority of day time hours. No body suggested that the scheme would be effective at night. When questioned as to the maximum length of time that a driver would be prepared to wait for the vehicle to fill up the results were mixed as detailed in Table 4.2

Table 4.2 Maximum length of time you would be prepared to wait?

	Average Time (mins)	Minimum (mins)	Maximum (mins)
Hackney Carriage	14	5	35
PHV	12.5	5	20

Those respondents who did not wish to take part in a shared taxi scheme were asked for their reasons why.

Figure 4.4 Why would you not wish to take part in a shared taxi scheme? (multiple responses)

As detailed in Figure 4.4 respondents had a range of reasons for not wanting to take part. Some 45.5% of hackney respondents felt that there would be less work as a result of the scheme.

Respondents were also asked what would encourage them to take part in such a scheme. Guaranteed subsidy was the most popular response with 34.1% of hackney respondents and 36.8% of private hire respondents.

Table 4.3 What would encourage you to take part in a scheme?

	Hackney Carriage	PHV
Guaranteed subsidy	34.1	36.8
Dedicated taxi sharing ranks	20.5	10.5
Access to bus lanes/gates	27.3	15.8
Other	18.2	5.3

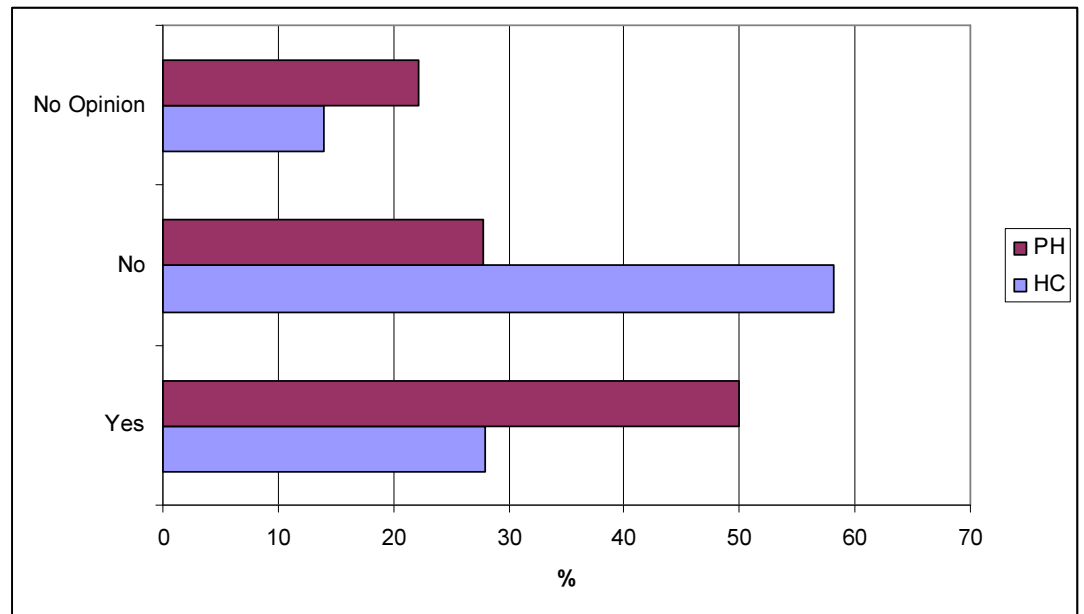
Other responses included:

- Reduce licensing fees;
- Nothing would encourage me;
- Only if the Council limited hackney numbers;
- Don't believe that there is public demand.

4.4 Taxis and CO2 Emissions

In order to consult on the proposed sliding scale for taxi licensing fees a number of questions were posed to the trade. Firstly the trade were asked whether they supported a proposal for a 'sliding scale'. As detailed in figure 4.5 over half (58.1%) of hackney carriage respondents did not support the proposal. However half of private hire drivers supported the proposal.

Figure 4.5 Do you support the 'sliding scale' proposal?



Those who did not support the proposal gave the following reasons why:

- 'Unfair on those with wheelchair accessible vehicles';
- 'It will penalise those with purpose built vehicles';
- 'Everybody is doing the same job so why should some pay less'; and
- 'It's a means for the Council to obtain extra money'.

Following this question respondents were asked when they felt that this policy should be applied. Some 91% of hackney respondents stated that this should be applied at Vehicle replacement. A number of respondents stated that this should never be applied.

Respondents were subsequently asked what the effect would be on their personal circumstances should the proposal be introduced. Table 4.4 documents the results.

Table 4.4 Effect of introducing the proposal (multiple answers)

	Hackney	Private Hire
Purchase a lower emission vehicle when required	0	0
Purchase a lower emission vehicle sooner than required	0	10.5
Obtain a licence from a different authority	22.7	15.8
Keep the same vehicle	18.2	36.8
Leave the trade	11.4	5.3
Other	22.7	10.5

Others included:

- Cant afford at the moment to change vehicle;
- Become a private hire driver;
- Become a South Cambs driver;
- Will change vehicle if the Council provide financial support.

When asked what the effect would be on the environment of this policy change some 64% of hackney respondents felt that the policy would not have a positive effect on the environment compared to 27% of private hire respondents.

5 Stakeholder Consultation

5.1 Introduction

A number of organisations and key stakeholders were contacted by letter, email or telephone and given the opportunity to provide written consultation or face to face consultation on issues regarding the proposals put forward by Cambridge City Council. Consultation included:

- Hackney carriage and private hire trade;
- Cambridge City Council;
- User/disability groups representing those passengers with special needs;
- Local interest groups including hospitals, visitor attractions, entertainment outlets and education establishments; and
- Rail, bus and coach operators.

5.2 Direct Consultation

A number of relevant stakeholder organisations were given the opportunity to attend a meeting in February 2011 to discuss a series of issues regarding the proposals put forward by Cambridge City Council. Separate meetings were organised with the following:

- Hackney Carriage Trade Representatives;
- Private Hire Trade Representatives;
- Disability Representatives
- Planning, Highways, and Safety;
- Businesses; and,
- Tourism

The comments from those attending the organised meetings are summarised below.

Trade Representatives

Representatives from Panther Taxis, CCLT, NPHA and a Cambridge City Councillor attended the meeting.

The representatives did not support the consultation study and they did not feel that the study was necessary as the Council know that they are against the proposals. These issues along with others were noted and reported to the Council.

With regards to the proposals, the representatives did not support the idea of a shared taxi scheme in Cambridge and said that it would not work. There is a lack of rank space at the moment so it was felt that there would be no room for additional shared taxi ranks.

The representatives were concerned as to how long they would have to wait for the shared taxi to fill up, and if it did not fill up they would expect the Council to subsidise the loss in fares.

The trade felt that taxi marshals would be required at the shared taxi ranks and were concerned over who would pay for them. They do not think it is right that the trade should have to pay for taxi marshals, particularly as they do not support the scheme.

The trade feel that people use taxis to travel privately and that they would not want to travel with strangers. They also felt that there could be safety issues due to people travelling with strangers and due to the confined nature of a taxi.

It was stated that shared taxi schemes may work in London where there are a lot more people travelling to the same destinations. Cambridge does not have the same footfall as London and people wish to travel to multiple destinations.

The representatives felt that air pollution could be improved if more rank space was provided because this would stop taxis having to drive around the city looking for a rank to park up in.

The representatives were against the proposal to have a 'sliding scale' for taxi licensing fees relating to the CO2 emissions. It was explained that wheelchair accessible vehicles are more polluting so drivers may change their vehicles to a saloon. This would then reduce the availability of wheelchair accessible vehicles in the city. There would need to be an exception for wheelchair accessible vehicles.

It was stated by the trade that cars and taxis only make up 3% of the pollution in Cambridge, whilst buses contribute to 44% of the pollution. It was felt that bus operators should be targeted to reduce their emissions before taxis. It was explained that Arriva have already reduced their emissions but Stagecoach have not. It was felt that the Council should be putting their efforts in to ensuring Stagecoach reduce their CO2 vehicle emissions.

It was also stated that even if the trade replaced their vehicles to the tax band below the one their vehicle currently falls in to, it would only save them £10, which is not much of an incentive.

It was stated that if one or both of these proposals were implemented, drivers would move to another licensing district such as South Cambs. It would then cause an increase in illegal plying for hire.

It was also stated that only 10% of the 312 hackneys in Cambridge are petrol. The rest are diesel and diesel vehicles emit two thirds less pollution than petrol vehicles. It was therefore felt unnecessary to require taxi drivers to pay more licensing fees.

The representatives felt that the proposed 'sliding scale' in licensing fees was an excuse for the Council to increase the fees.

Travel Plan Plus and Travel to Work Partnership

The Travel Plan Plus (TP+) and Travel to Work Partnership took part in the consultation. A representative came along to a meeting and as well as providing written consultation. The representative is the Area Travel Plan coordinator for the Travel Plan Plus Project which covers the Cambridge Science Park, Cambridge Business Park, St John's Innovation Park, Cambridge Regional College and Taylor Vinters Solicitors. This area includes over 200 employers and over 7,500 commuters.

Employers in the TP+ area range from large employers such as Napp (850 staff), Cambridge Regional College (870 staff), Cambridge Silicon Radio (600 staff), RSC (330

staff), Amgen (400 staff) to small one, two three man organisations based in serviced offices located on the Cambridge Science Park, Cambridge Business Park and St John's Innovation Centre. It was felt that commuters and visitors to these companies would benefit from a shared taxi scheme.

There is currently a planning application for a 260 room hotel to be built on the Cambridge Science Park, if approved construction will start in the summer of 2011 (2 year build). Hotel guests would also use the service.

It was explained that there is increasing demand for a taxi services between the area covered by TP+ and:

- Cambridge Railway Station – the TP+ area is not directly served by bus linking them to the train station.
- Cambridge University buildings - spin-out organisations from the University tend to set up their first office locations in the TP+ area. It must be noted that university buildings are spread out across Cambridge rather than one campus.
- South East based airports (Stansted, Heathrow, Luton, London City). Employers in have asked TP+ to investigate some form of taxi pooling scheme for shared travel to from airports.

It was also recognised that there may be problems with locating a shared taxi point in areas covered by TP+ because part of the site is within the City Council boundaries (Cambridge Business Park and St John's Innovation centre) and the other half is located in South Cambridgeshire's licensing authority (Cambridge Science Park). Therefore it was unclear whether a shared taxi point or rank would have to be located with the city councils boundaries.

In addition to the area covered by TP+ , there are number of other areas which would benefit from a shared taxi scheme, including:

- West of the city – there are a number of business parks and large business such as Capital Park, University buildings, Microsoft and Aviva.
- Addenbrookes hospital
- Marshalls, East Cambridge – A large employer of between 2-3,000 people

It was noted that when the Cambridgeshire guided bus is running it will link the TP+ area to the train station. The guided bus scheme is 2 years behind schedule

The representatives felt that the advantages of a shared taxi scheme would be:

- Sharing of cost
- Shorter taxi queues
- Reduction in congestion
- Environmentally friendly
- Potential to travel with colleagues
- Networking opportunities (meeting new potential contacts)

The representatives felt that the disadvantages of a shared taxi scheme would be:

- Waiting too long for the taxi to fill up with potential travellers going to the same location
- Taxi may not go direct to a location - the last person out of a group of 4 may feel aggrieved that he/she has not been taken direct
- Need to factor in wait time when using service - if someone arrives at the station and is potentially late for a meeting they may not want to wait further for the taxi to fill up
- Reluctance for people to share with people they do not know
- Women may be less willing to share than men

It is very important that any shared taxi scheme is publicised so that people know about it. This could be undertaken through posters, and advertising on the back of train tickets. TP+ sends out regular newsletters to all of their members so they could publicise a shared taxi scheme.

The representatives felt that the maximum waiting time for a shared taxi should be 10 minutes. If passengers were not able to wait in the taxi, then there should be appropriate shelters available.

The representative felt that for a two-mile journey which would normally cost £6, a person sharing the journey should pay £1.50-£2.

The proposal for a 'sliding scale' for taxi licensing fees relating to CO2 emissions is supported and it was stated that the scheme would act as an incentive for taxi owners to purchase more environmentally friendly solutions. It was felt that if the proposal was introduced, there would be a gradual improvement in air quality over time.

It was highlighted that everybody needs to contribute to improving air quality, not just the owners of taxis and private hire vehicles.

There is a general appetite for consumers to adopt environmentally friendly practices and hence there will be an increasing trend to choose solutions which match their beliefs. So if there is a choice between a green taxi and a more polluting taxi hopefully people should choose the more environmentally friendly solution.

During a recent trip to Wellington New Zealand the representative noted that there was a taxi service in the city based on Hybrid vehicles - the taxi's were all painted green and the green message was heavily promoted.

Disability Representatives

Representatives from the disability organisations Headway and Shopmobility attended a focus group. It was felt that people with disabilities and people who are vulnerable may or may not feel comfortable using a shared taxi. Some people may find sharing a taxi with others reassuring and a chance to meet new people however other people may feel uncomfortable. It was therefore felt that a shared taxi scheme would be a good idea as long as there is still the option to obtain taxis privately.

It should be also noted that a person in a wheelchair would take up a lot more space in a taxi therefore they should not be penalised in anyway in relation to cost.

In addition, people may be more comfortable sharing a London style taxi with strangers rather than a saloon vehicle due to the size and personal space it provides.

Taxis are also expensive so it would be attractive for people who use taxis a lot to use a shared taxi service.

Cambridge City Council run a Taxicard scheme therefore consideration would be needed as to whether the vouchers could be used in shared taxis.

The areas where a shared taxi scheme could be used is the train station, bus station, Addenbrookes hospital, the town centre, the Triangle, Grafton, the Cineworld, the Beehive shopping centre, the County Council offices, and the main Colleges and University buildings.

The representatives felt that the maximum waiting time for a shared taxi would be 10 minutes. The representatives felt that for a two-mile journey which would normally cost £6, a person sharing the journey should pay between £2 and £4.

5.3 Indirect Consultation

In addition to the face to face consultation undertaken a number of stakeholders were contacted by letter. In accordance with advice issued by the DfT the following organisations were contacted:

- Cambridge City Council;
- user/disability groups representing those passengers with special needs;
- local interest groups including hospitals, visitor attractions, entertainment outlets and education establishments; and
- rail, bus and coach operators.

5.4 Comments Received

Travel for Work Partnership

In addition to the written response from the Coordinator at Travel Plan Plus Project which has been incorporated in to the comments from the focus group, written comments were received from the Development Manager at the Travel for Work Partnership.

The Travel for Work Partnership is a 10 year old partnership that helps business promote and facilitate environmentally friendly and healthy travel to and for work – mostly by the development of workplace Travel plans. They currently work with over 89 employment sites (including most of the Science and Business parks) employing over 59,000 commuters. The Travel for Work Partnership are also managing the EU supported Travel Plan plus project on behalf of our host organisation, Cambridgeshire County Council.

The locations in Cambridge where a shared taxi service would be beneficial include the rail station, hospital, university and the Science Park. Other business park areas might also benefit such as West Cambridge, Peterhouse Business Park, Capital Park, Fulbourn Road. Trips could link to Cambridge Rail Station making rail journeys to work more attractive. The scheme could be linked to the Travel for Work train discounts.

It was suggested that employees at out of town centres of employment and visitors/patients for Addenbrooke's hospital would use the shared taxi service.

It was felt that the advantages of shared taxis in Cambridge would be a reduction in vehicles on the road, encouraging modal shift to train or shared journey from home and a reduction in CO2.

It was felt that people would be encouraged to use shared taxis by the substantial commuter savings; an easy to use booking system (online or via mobile phone etc); option to pay in advance; a reliable service; a comfortable service; and an opportunity to meet people and make friends.

From the Travel for Work Partnership experience of promotion of car sharing, they are aware that people are wary of sharing with people they don't know – though when 'forced' to do so they often find they like it. This is why the benefits must be so great that they overcome this 'fear' to try it in the first place.

It was felt that 10 minutes would be the maximum waiting time for a shared taxi. Waiting more than 10 minutes would prove unattractive to most commuters – especially if they had to wait outside.

The representative felt that for a two-mile journey which would normally cost £6, a person sharing the journey should pay £1.50.

The representative felt that it was important that taxis and private hire vehicles contribute towards improving air quality in Cambridge by running lower emission licensed vehicles. Only with incentives will taxis become as environmentally friendly as possible. If the scheme is introduced there should be a period of grace to warn of the change and to allow owners to consider their next taxi purchase.

Electric Taxis for Cambridge City Centre would also be good. This would link in with the region's Plugged in Places initiative.

It was felt that if a sliding scale is introduced in Cambridge there would be an improvement in air quality over time.

It was noted that there is a taxi sharing scheme in Milton Keynes which is a good model to consider.

Passenger Transport Services

A response was received from the Community Transport Officer of the Passenger Transport Services Team, Cambridgeshire County Council. The representative explained that he did not have any specialist knowledge of taxis specifically, but the passenger transport team has contracts with the larger taxi operators in Cambridge for them to accept taxi vouchers as part payment for journeys made through these companies. Voucher holders have to meet certain criteria. This is slightly different to the scheme operated by Cambridge City Council.

Passenger Transport Services Team would like to ensure that permitted taxi card holders would still be able to use their vouchers as part payment in any taxi-sharing initiative being considered. It is in the terms and conditions of the taxi vouchers that should users wish to share a taxi and pool vouchers then the taxi driver must accept more than one voucher per journey upon request. This currently differs from the terms and conditions in the City Taxicard Scheme (i.e. one voucher only per journey).

Either way, the taxi driver will not be out of pocket as we will continue to honour and reimburse the taxi operator for vouchers accepted as part-payment.

The representative also comments that as a wheelchair user, he would be happy to share a taxi with other passengers in a sharing arrangement, but wheelchairs tend to take up at least two seats/spaces, therefore it is hoped that taxi shares do not get complicated, with wheelchair users being turned away because they take up too much space or it is uneconomical to share with others.

Disability representative

A representative who suffered from a stroke took part in the consultation through a telephone interview as they were unable to make the focus group. The representative did not personally feel that she would use a shared taxi due to her experiences of using a voluntary shared taxi scheme when she used to visit Addenbrookes hospital. The representative and the other passengers did not like to share the taxi as it involved a lot of waiting time. This would cause problems with being late to hospital appointments and then coming back home there would often be a long time to wait before the taxi was full. After a hospital appointment, the representative did not want to wait for a long time, as they wanted to get home.

In addition, the representative felt uncomfortable using a taxi with strangers because her medical condition meant that she could not communicate through speech.

The representative prefers to use a taxi on her own because the taxi driver provides more assistance and help to the passenger. The taxi driver was always rushed and unable to provide as much assistance in a shared taxi.

The representative was supportive of the proposal for a sliding scale in taxi licensing fees related to CO2 emissions. It is particularly important for taxis who work in the centre of town. It was felt that there is a lot of congestion in the centre of Cambridge and congestion and air quality would improve if taxis had more environmentally friendly vehicles.

Another representative whose wife has suffered from a stroke took part in a telephone interview. The representative felt that shared taxis would be beneficial in Cambridge as long as they were located in areas where there were enough people and served 2 or 3 of the most popular destinations. The suggested destinations included the rail station, Addenbrookes hospital, and the city centre such as outside John Lewis. It was highlighted that it would be difficult to serve the University because the buildings and colleges are spread out across the city. It was also pointed out that if the taxi dropped people at individual homes rather than a key destination, the journey could take a very long time, making it a less attractive option.

The respondent also felt that it would be important for there to be a limit of the length of time people would have to wait for the shared taxi and this was suggested as a maximum of 20 minutes. Another issue could be making sure there was plenty of room for luggage.

A shared taxi scheme needs to be as simple as possible, with a small number of key destinations, and set fare prices. It was also felt that the fares need to be a set price and this should be clearly publicised. The representative felt that a 2 mile journey should cost £2 in a shared taxi. It was suggested that passengers could prepay for the

journeys by buying a book of vouchers. There could be an incentive such as 'buy 10 journeys get a journey free'.

It was suggested that the concept of a shared taxi should be promoted as a new form of transport. It was suggested that minibus style vehicles that can hold up to 10 people could be used, so they are recognised as being different to a taxi and a bus.

The respondent suggested that an application could be developed for mobile phones so that people could register a journey and a time and then they could get an alert when a shared taxi is due to leave from a particular point.

The respondent was supportive of the proposal for a sliding scale in taxi licensing fees related to CO2 emissions. It was felt that this proposal would reduce the number of cars in Cambridge city centre and therefore congestion would be reduced. It was noted that the representative did not recognise Cambridge as having a noticeable problem with air pollution.

It was also suggested that taxis could have electric vehicles as these would be ideal for short journeys.

Access Officer – Cambridge City Council

The Access Officer from Cambridge City Council took part in the written consultation. The Access Officer felt that in general disabled people would welcome shared taxi journeys. There may need to be some negotiation as the City Council has a Taxicard scheme to reduce fares for disabled people. The Taxicard scheme means that those who qualify receive 100 vouchers per year and one voucher can be used per journey. There could be times when two Taxicard holders would both want to use vouchers on a shared journey and the protocols for this would have to be established.

The representatives felt that a shared taxi scheme would work at the train station, hospital, and to the city centre from local centres. It was felt that older people would make most use of a shared taxi scheme.

The main advantages of a shared taxi scheme would be the reduced cost to the passenger. The potential issues with a taxi sharing scheme would be how the costs are shared; that fact that you had no choice who you shared with; and the extra time incurred to complete the journey.

The maximum length of time to wait for a shared taxi is 10 minutes. The representative felt that for a 2 mile journey should cost £4 in a shared taxi.

The Access Officer felt that it is not important that taxis and private hire vehicles contribute towards improving air quality in Cambridge by running lower emission licensed vehicles. However the representative did feel that taxi drivers with more polluting vehicles should pay more to licence their vehicles than those drivers with less polluting vehicles.

If the proposal for a sliding scale for licensing fees related to CO2 emissions was introduced, it was felt that there would be no effect on the air quality in Cambridge.

Support Services Manager, Cambridge University Hospitals NHS Foundation Trust

The Support Services Manager from Cambridge University Hospitals NHS Foundation Trust took part in the written consultation. The representative manages the taxi contract that they have in place with Panther.

The representative felt that people undertaking journeys to the hospital would use shared taxis. The representative stated that the rail station is the only location where the hospital has regular journeys to and from. The rail station, schools, universities, hospitals, night clubs, bars and pubs are locations where people could make use of shared taxis.

It was suggested that the cost would encourage people to share taxis. If shared taxis were implemented, the number of vehicles on the road should be reduced and therefore journey time should be reduced.

Potential issues with a taxi sharing scheme was identified as: having to wait for the taxi to fill up; not going directly to your destination; possible longer journey time if several drops are made on route; and the effort it would take to plan the route.

The representative felt that the maximum length of time that they would be prepared to wait for a shared taxi is 5- 10 minutes.

The representative felt that a 2 mile taxi journey which usually costs £6, should be cheaper than a bus fare, therefore less than £2.

The representative was supportive of the proposal for a 'sliding scale' for taxi licensing fees related to CO2 emissions. The representative felt that taxis and private hire vehicles should contribute towards improving air quality in Cambridge by running lower emission licensed vehicles. It was explained that this is already part of the requirement for their current contract with Panther Ltd.

The representative felt that taxi drivers with more polluting vehicles should pay more to licence their vehicles than those drivers with less polluting vehicles. It is hoped that this might kind of policy would encourage drivers to purchase lower emission vehicles. It was also suggested that arrangements could be made with dealers so that drivers who hold a licence could purchase a vehicle at a lower cost.

The representative was asked what they thought the effects would be on air quality if a sliding scale was introduced in Cambridge. It was thought that that a sliding scale would enable taxi owners to make a saving by selecting a car suitable for the type of customer they target thus reducing their carbon footprint and providing cleaner air quality. It was suggested that Cambridge City Council should explore partnerships with car manufacturers/sellers with regards to reduced prices in return for Cambridge City Council advertising the 'Green' use of their cars.

Written response from a Taxi Driver

A written response was provided by a taxi driver. The driver felt that proposals for sharing taxis may be viable in the summer but asked what would happen in winter when customers are waiting in cold weather. He felt that as a result cars would be sat with their engines running in order for the heating to work which would result in greater levels of CO2 being emitted.

The driver states that if the Council are committed to lowering CO2 they should either:

- Provide more ranks for vehicles to ply from; or
- Stop issuing hackney carriage plates.

The driver feels that reducing CO2 is something that needs to be looked at but that taxi sharing is not the solution – relimiting is.

6 Conclusions

6.1 Introduction

This exercise was undertaken on behalf of Cambridge City Council who wished to consult on the following proposals:

- Introduction of a shared hackney carriage service; and
- Introduction of a 'sliding scale' for taxi licensing fees related to CO2 emissions.

Consultation on these proposals has been undertaken by a number of means and with a range of consultees. For ease the consultation has been split into a number of distinct tasks:

- Public Consultation;
- Trade Consultation; and
- Stakeholder Consultation.

6.2 Shared Hackney Carriage Services

The consultation undertaken with the trade identified that the majority of drivers would not take part in such a scheme – many believing that there was no public demand for such a scheme. However some 22% of hackney respondents to the trade survey stated that they would take part. Those stating a desire to be involved in such a scheme suggested potential services between the city centre and:

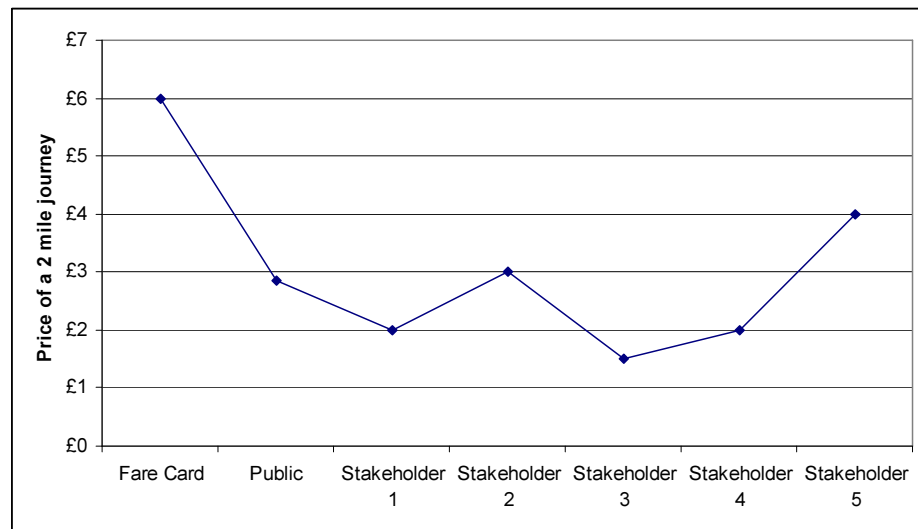
- Rail Station;
- Addenbrookes hospital;
- Science Park;
- City Centre bus stops.

Following discussion with the trade representatives it was clear that they were against the scheme in any form.

Consultation undertaken with the public provided similar results with only 36.6% stating that they would use such a scheme.

However consultation undertaken with stakeholders was more positive with stakeholders suggesting that shared taxi services may be popular with out of town employment sites and the hospital.

When identifying potential fares for a 2 mile journey all stakeholders varied as to the fare to be charged. Figure 6.1 details this. The majority of respondents wished to pay less than half of the farecard rate.

Figure 6.1 Comparison of proposed shared fares

6.3 CO2 emissions and Taxis

Views from the trade were mixed regarding this proposal. Over half of drivers responding to the trade survey were against the proposal; however half of private hire drivers were for the proposal. The main reason for not supporting the proposal was the fact that vehicle owners would be penalised for having an accessible vehicle. The focus group with members of the trade echoed this sentiment.

Members of the public overwhelmingly felt that taxis should contribute towards improving air quality. However only two thirds of respondents felt that drivers should pay more for more polluting vehicles.

Stakeholders were generally in favour of the proposals. Many supported the 'sliding scale' as they felt it would encourage taxi drivers to buy more environmentally friendly vehicles. Others felt that it would reduce the number of vehicles in the city centre. However one stakeholder felt that everybody needs to contribute to improving air quality, not just the owners of taxis and private hire vehicles

6.4 Recommendations

It would appear from the consultation that the majority of the trade are against the introduction of a shared hackney carriage service. Without the trade responding to such a proposal in a more positive manner it is unlikely that any such scheme would be successful in Cambridge. Suggested reasons included:

- 'Unfair on those with wheelchair accessible vehicles';
- 'It will penalise those with purpose built vehicles';
- 'Everybody is doing the same job so why should some pay less'; and
- 'It's a means for the Council to obtain extra money'.

However it appears that there is some public and stakeholder demand for such a service especially in relation to out of town shopping and employment sites as well as Cambridge Rail Station. Based on this there may well be the opportunity to develop a shared private hire service at one of these centres. Further discussion with the Travel to Work Partnership may bring the potential for a more structured pre booked service.

It would appear from the consultation that two thirds of the public felt that drivers should higher fees for more polluting vehicles. Whilst this may initially seem a fair system we would agree that this may penalise those who have invested in fully accessible vehicles. We would recommend that a separate sliding scale is developed in order to deliver a fairer system for wheelchair accessible vehicles. This would hopefully encourage drivers to purchase more efficient and clean accessible vehicles and not penalise them from purchasing an accessible vehicle.



HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY



DRAFT

June 2011

HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY

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1.0 SCOPE AND BACKGROUND

- 1.1 Cambridge City Council's Hackney Carriage and Private Hire Licensing Policy applies to all Hackney Carriage and Private Hire Drivers and Vehicles along with Private Hire Operators who are licensed by Cambridge City Council.
- 1.2 Hackney Carriage and Private Hire Vehicles play a vital and integral part in an integrated transport system. They are also able to provide services in situations where other forms of transport are either not available (e.g. late evenings) or for persons with mobility difficulties.
- 1.3 This Hackney Carriage and Private Hire Vehicle Licensing policy is intended to ensure that both the trade and the public have a document that fully explains the licensing procedures in a clear and transparent manner.

2.0 POWERS AND DUTIES

- 2.1 The licensing of Hackney Carriages dates back to 1847 and for Private Hire Vehicles (outside London) to 1976.
- 2.2 The Local Government (Miscellaneous Provisions) Act 1976, as amended ("the 1976 Act") places on Cambridge City Council as the Licensing Authority ("the Authority") the duty to carry out its licensing functions in respect of Hackney Carriages and Private Hire Vehicles.
- 2.3 This document sets out the policy that the Authority will apply when making decisions about new applications and licences currently in force.
- 2.4 In undertaking its licensing function, the Authority will also have regard to other relevant legislation (and any legislation replacing or amending same or any regulations made thereunder) including:
 - i) Transport Act 1985
 - ii) Road Vehicles (Constructions and Use) Regulations 1986.
 - iii) Crime and Disorder Act 1998
 - iv) Environmental Protection Act 1990
 - v) Equalities Act 2010
 - vi) Health Act 2006 and Smoke-free Regulations 2006/7
 - vii) Legislative and Regulatory Reform Act 2006
 - viii) Road Safety Act 2006
 - ix) Road Traffic Acts

3.0 AIMS AND OBJECTIVES

- 3.1 The Authority shall seek to promote the following objectives that impact on the Hackney Carriage and Private Hire trades: -
 - i) The protection of the public;
 - ii) The establishment of professional and respected hackney carriage and private hire trades;
 - iii) Access to an efficient and effective public transport service; and
 - iv) The protection of the environment

- 3.2 The Authority shall seek to use its licensing powers to ensure that licensing vehicles within the district are safe, comfortable, properly insured and available where and when required.
- 3.3 The aim of the licensing process in relation to the policy is to regulate the Hackney Carriage and Private Hire trade in order to promote the above objectives. It is the Authority's wish to facilitate well-run and responsible businesses, which display sensitivity to the needs of the general public.

4.0 BEST PRACTICE GUIDANCE

- 4.1 In formulating this policy, advice contained in the Taxi and Private Hire Vehicle Licensing: Best Practice Guidance issued by the Department for Transport in March 2010 has assisted the Authority.
- 4.2 There is recognition within the Guidance that a too restrictive approach may be detrimental to the public interest and could have adverse safety implications and this is taken note of in this Policy.
- 4.3 Local circumstances and requirements have been taken into account in this policy.

5.0 STATUS

- 5.1 In exercising its discretion in carrying out its regulatory functions, the Authority shall have regard to this policy document and the objectives set out above.
- 5.2 Notwithstanding the existence of this policy, each application or enforcement measure shall be considered on its own merits. Where it is necessary for the Authority to depart substantially from its policy, clear and compelling reasons shall be given for doing so.
- 5.3 This policy will provide the Authority and Council Officers who are required to administer the licensing function with appropriate guidelines within which to act.
- 5.4 Where applications do not meet the requirements of the policy the Head of Refuse and Environment has the delegated authority to approve those applications.

6.0 IMPLEMENTATION

- 6.1 This policy shall take effect from DATE for a maximum period of 5 years and the Authority expects all licence holders to comply with its terms immediately. It is acknowledged however, that certain provisions may place financial obligations on existing licence holders and accordingly the Authority is prepared to permit a transitional period, during which, necessary changes must be made.
- 6.2 The Authority will keep this policy under review and will consult where appropriate on proposed revisions and when necessary to reflect changes in legislation and case law.
- 6.3 From the effective date this policy will override and supersede all existing policies and guidance in relation to Hackney Carriage and Private Hire Licensing.

7.0 LICENSING PROFILE

- 7.1 A Hackney Carriage is a public transport vehicle with no more than 8 passenger seats, which is licensed to ply for hire. This means that it may stand at ranks or be hailed in the street by members of the public.
- 7.2 Private Hire Vehicles must have no more than 8 passenger seats and must be booked in advance by customers through an operator and may not ply for hire in the street.

8.0 LIMITATION OF VEHICLE NUMBERS

- 8.1 No powers exist for licensing authorities to limit the number of Private Hire Vehicles that they licence.
- 8.2 The current legal provision on quantity restrictions for Hackney Carriages is set out in section 16 of the Transport Act 1985. This provides that the grant of a Hackney Carriage Licence may be refused, for the purpose of licensed Hackney Carriages “if, but only if, the local authority is satisfied that there is no significant demand for the services of Hackney Carriages (within the area to which the licence would apply) which is unmet”
- 8.3 The Authority is satisfied that there is no significant unmet demand for the services of Hackney Carriages. Halcrow Ltd. undertook an independent survey in Autumn 2010, to improve the environmental impact of licensed vehicles and in particular to look at CO2 emissions and shared taxi services. It is intended that a further demand survey will be carried out in 2011/ 12.

9.0 SPECIFICATIONS AND CONDITIONS

- 9.1 Local licensing authorities have a wide range of discretion over the types of vehicle that they can licence as Hackney Carriage or Private Hire Vehicles.
- 9.2 Government guidance suggests that best practice is for local licensing authorities to adopt the principle of specifying as many different types of vehicle as possible. Authorities are encouraged to leave it open to the trade to put forward vehicles of their own choice that can be shown to meet basic criteria. In that way, emerging designs for vehicles can be taken into account.
- 9.3 Licensing authorities are asked to be particularly cautious about specifying only purpose-built Hackney Carriages, with the strict constraint on supply that implies. There are at present only a small number of designs of purpose-built Hackney Carriages. They are, however, encouraged to make use of the “type approval” rules within any specifications they determine.
- 9.4 A vehicle will only be licensed as a private hire vehicle if it is not of an appearance or design that is considered likely to lead the public to think it is a licensed Hackney Carriage.
- 9.5 The council is empowered to impose such conditions, as it considers reasonably necessary in relation to the grant of a Hackney Carriage or Private Hire vehicle licence. Hackney Carriages and Private Hire vehicles provide a service to the public,

so it is appropriate to set criteria for the external and internal condition of the vehicle, provided that these are not unreasonably onerous.

- 9.6 Hackney Carriages, in general, will be licensed for the carriage of up to four passengers, but applications in relation to larger vehicles that can accommodate up to eight passengers will be accepted provided that there is compliance with the manufacturer's specifications applicable to such vehicles.
- 9.7 This will also apply to Private Hire vehicles unless they are treated as a "special vehicle".
- 9.8 The 'Taxi Guide' will set out the specification and minimum standards in respect of Hackney Carriages and minimum standards for Private Hire Vehicles.

10.0 ACCESSIBILITY

- 10.1 Hackney Carriage licence plates numbered 1 to 121 retain grandfather rights to use saloon style vehicles.
- 10.2 All new Hackney Carriage licence plates must be wheelchair accessible vehicles, either purpose built or converted to M1 or SVA European safety standards. There is not the same requirement for private hire vehicles.
- 10.3 The authority is committed to social inclusion and ensuring that disabled residents have a wide variety of opportunities to enjoy a high quality of life. It fully supports the view of the Equality and Human Rights Commission that "Making successful journeys is critical to the social inclusion of disabled people. Without the ability to travel, disabled people are denied access to life opportunities. Their access to education, shopping, employment and healthcare, as well as social and family life, is significantly improved when journeys become accessible." For this reason, the council considers it important that disabled residents have access to all forms of public transportation.
- 10.4 In addition to the general conditions, accessibility for disabled people including, but not limited to, people who need to travel in a wheelchair is an important consideration in respect of licensed vehicles.
- 10.5 It is arguable that different accessibility considerations should apply between Hackney Carriage and Private Hire vehicles in that Hackney Carriages can be hired directly in the street or at a Hackney Carriage stand ("taxi rank"), by the customer dealing directly with a licensed driver. However, Private Hire vehicles can only be booked through a licensed Private Hire operator, normally by telephone or by visiting the Private Hire operator office. It is therefore considered particularly vital that a person with disabilities should be able to hire a Hackney Carriage on the spot with the minimum delay or inconvenience, and requiring that all new Hackney Carriages are accessible assists in achieving that aim.
- 10.6 It is important that vehicle proprietors and Private Hire operators ensure that licensed drivers do not cause wheelchair passengers to travel sideways in their wheelchair and that drivers are trained in the use of relevant belts and other restraint locking mechanisms. They should also ensure that driver training is up to date.

10.7 Licensed drivers have a duty, under the Equality Act 2010, to provide assistance to people in their wheelchairs (if their vehicle is designated to do so). However, a licensed driver may apply for an exemption notice from the Authority if they are physically unable to carry out the actual duties to assist.

11.0 MAXIMUM AGE OF VEHICLES

11.1 The Authority shall support any local environmental initiatives such as setting vehicle emissions standards or promoting cleaner fuels.

11.2 All Hackney Carriage and Private Hire Vehicles must be less than 8 years of age. No vehicle will be re-licensed after its 8th birthday. Upon the change of vehicle, the new Hackney Carriage or Private Hire vehicle must be less than 4 years of age.

11.3 The term 'new' means any vehicle that is being licensed for the first time i.e. a complete new licence or change of vehicle within the current licence term.

12.0 VEHICLE TESTING

12.1 The Authority needs to be satisfied that licensed vehicles operating within its area are safe to do so.

12.2 Hackney Carriage and Private Hire vehicles are granted licences for a maximum period of one year. Prior to being granted a licence, each vehicle shall be examined and tested at Cambridge City Council's garage, situated at Mill Road Depot, at which compliance with the requirements is assessed and confirmed by the issue of a certificate.

12.3 Testing is carried out twice yearly. The 'Taxi Guide' will set out the specification and standards for vehicle testing and compliance.

12.4 Licensed vehicles that fail an authorised examination and test, and, are deemed non-compliant by the examiner, will result in the vehicle proprietor being invited to re-test the vehicle. If an existing licensed vehicle fails, it must not work until a compliance test has been passed.

12.5 Proprietors of licensed vehicles are required to inform the Authority as soon as practicable or certainly within 72 hours of any accident causing "damage materially affecting the safety, performance or appearance of the Hackney Carriage or Private Hire vehicle or the comfort or convenience of persons carried therein".

13.0 SIGNAGE AND ADVERTISING

13.1 It is important that the public should be able to identify and understand the difference between a Hackney Carriage and a Private Hire vehicle.

13.2 Private Hire vehicles shall not be permitted to display roof mounted signs and any signs that include the words "taxi" or "cab" or "for hire".

13.3 Roof signs fitted to Hackney Carriage vehicles shall be illuminated at all times when the vehicle is available for hire. The sign bearing the word "TAXI" in black lettering on a yellow background on the front and "Cambridge Licensed Taxi Cab" in black lettering on a red background on the back is at all times to be prominently displayed on the roof of the vehicle except:

- i) when the vehicle is on hire for a wedding
- ii) when it is necessary to accommodate passengers luggage by use of a roof rack
- iii) when the vehicle is being used for social, domestic or pleasure purposes.

13.4 The roof sign can also be removed when the vehicle is undergoing maintenance work or is being cleaned, but must be put back on the vehicle before the vehicle is used again as a licensed vehicle.

13.5 Limited advertising is permitted on hackney carriages in accordance with the Advertising Standards Agency code of practice and providing the advertising leaves a 20cm distance from the door crests.

13.6 The existing Conditions of Fitness relating to Hackney Carriages and Private Hire vehicles do not permit the display of advertisements. However, in the light of a general change in attitude nationwide towards advertising and because the proceeds of such advertising could be used to improve the safety and comfort of the vehicle and assist in the purchase of CCTV camera systems, external and internal advertising will be permitted on both hackney carriage and private hire vehicles subject to the prior written approval of the Council although advertisements concerning the following subjects will not normally be approved: -

- i) Political, ethnic, religious, sexual or controversial subjects
- ii) Escort agencies, gambling establishments or massage parlours
- iii) Nude or semi-nude figures
- iv) Tobacco or alcohol
- v) Anything likely to offend public taste

13.7 Vehicle identification plates are a key feature in helping to identify vehicles that are properly licensed. Hackney Carriage vehicles display a large blue plate on the rear of the vehicle whilst Private Hire vehicles display a small green plate on the front of the vehicle and a large green plate on the rear of the vehicle.

14.0 HACKNEY CARRIAGE CRESTS

14.1 In order to ensure that the crests remain prominent and are not compromised by any other advertising the crests should be a minimum of 9.5 inches in diameter if circular in size and 10 inches width and height if square.

15.0 DRIVER SAFETY

15.1 The trades provide a valuable service and security for drivers and passengers is of paramount importance.

15.2 There are a number of ways to reduce risks such as prepayment of fares, driver screens, CCTV surveillance systems and radio link schemes.

15.3 It is not proposed that measures such as CCTV should be required, as part of the licensing regime, as it is considered that they are best left to the judgment of the proprietors and drivers themselves. The Hackney Carriage and Private Hire trades are, however, encouraged to build good links with the local police force, including participation in any crime and disorder reduction partnerships.

16.0 VEHICLE APPLICATION PROCEDURES

16.1 The application procedures for a Hackney Carriage or Private Hire vehicle licence shall be made on the specified application form and in accordance with the application procedure set out in The 'Taxi Guide'.

17.0 CONSIDERATION OF VEHICLE APPLICATIONS

17.1 The Authority shall consider all applications on their own merits once it is satisfied that the appropriate criteria have been met and the application form and supporting documents are complete.

18.0 RENEWAL OF LICENCES

18.1 Existing licence holders shall be reminded prior to their expiry date, that their licenses are due to be renewed and of the need to arrange an appointment. Application forms, appropriate fees and supporting documentation, as set out in the 'Taxi Guide' shall be produced and appointments shall be arranged on a date prior to the expiry date of the licence.

18.2 It is the licence holder's responsibility to ensure that licenses are renewed prior to their expiry.

18.3 It is advised that vehicles should be examined and tested at the garage in good time to allow for a vehicle to be repaired and re-tested, should the vehicle examination identify the need, and prior to the expiry of the licence.

19.0 ENVIRONMENTAL CONSIDERATIONS

19.1 The Authority considers that every effort should be made to improve the efficiency of vehicles licensed to operate in the city by reducing the levels of CO2 emitted.

19.2 Government guidance suggests that authorities may wish to consider setting vehicle emissions standards by promoting cleaner fuels. It also states that local licensing authorities may wish to note that a review carried out by the National Society for Clean Air and Environmental Protection in 2005 found taxis were more likely than other vehicles to fail emissions tests.

19.3 The Authority commissioned a survey undertaken by Halcrow Ltd. and will be consulting on the recommendations.

19.4 The Authority proposes to consider reducing licence fees for vehicles that produce lower carbon dioxide emissions. This will be based on the current vehicle tax bands as below:

Band	CO2 Emission Figure (g/km)
A	Up to 100
B	101-110
C	111-120
D	121-130
E	131-140
F	141-150
G	151-165
H	166-175
I	176-185
J	186-200
K-M	201+

19.5 Encouraging better maintenance of vehicles could reduce emissions from licensed vehicles further, it is intended that this aspect be tackled through education and promotion.

20.0 STRETCHED LIMOUSINES, SPECIAL VEHICLES & PLATE EXEMPTION

20.1 Stretched limousines are elongated saloon cars, which are generally used for Private Hire work and special occasions.

20.2 Most limousines are imported for commercial purposes and are therefore required to take a Single Vehicle Type Approval (SVA) test. The SVA Scheme is an Inspection Scheme for vehicles that are not approved to British and European Standards and its purpose is to ensure that these vehicles meet modern safety standards and environmental standards before being used on public roads.

20.3 Any stretched limousines that are offered for private hire do require a licence. Some operators of these vehicles have a wedding car licence insurance policy on the basis that the vehicle will be used largely during daylight hours, once or twice per week.

20.4 Applications to licence stretched limousines as Private Hire vehicles will be treated on their merits. However, imported stretched limousine type vehicles:

- i) be granted an exemption from the requirement under the conditions of licence for Private Hire to be right hand drive;
- ii) be authorized as prestige type vehicles; and
- iii) be approved for licensing as Private Hire vehicles subject to the additional conditions detailed in the 'Taxi Guide'

21.0 CONTRACT VEHICLES

21.1 The Road Safety Act 2006 requires vehicles used for a contract with an organization or company, for carrying passengers for hire or reward under a contract, to be licensed as private hire vehicles. As a general guide this shall include executive hire, chauffeur services, park and ride for private car parks, airport travel, stretch limousines and novelty vehicles.

21.2 All vehicles with less than 8 passenger seats or fewer that carry passengers for hire and reward must be licensed by the Local Authority. Although there has been some legal debate regarding this particular issue, current case law supports the view that vehicles which are used as 'courtesy cars', i.e. for transporting customers to and from hotel, nightclubs, etc are being provided for hire and reward in the course of business, irrespective of whether or not a charge is made for such service. They should, accordingly be licensed.

21.3 Those operating 'courtesy cars', e.g. for transporting customers to and from hotels, nightclubs, etc should have an operator's licence and the vehicles and driver must be appropriately licensed.

21.4 All ambulances registered with the British Ambulance Association will be exempt from private hire licensing.

21.5 Other patient transport services provided by either:

- i) Primary Care Trusts
- ii) Voluntary services

that are registered with the British Ambulance Association will be exempt from private hire licensing.

- 21.6 All other ambulance or patient transport services that are not registered with the British Ambulance Association may be required to conform to private hire licensing requirements. The Authority strongly recommends that anyone wishing to provide this type of service contact the licensing authority for each case to be considered on its merits.
- 21.7 In relation to Voluntary Sector Transport, the Authority will assess each individual organisation on its own merits to determine whether or not it will require licensing as a private hire business. Whilst it is clear that the organisation is providing a service, it is less clear that such provision can be defined as operating a private hire business.
- 21.8 The Authority will, however, seek to enforce against unlicensed businesses where it can be proven that the business obtains a benefit and the Council considers that private hire vehicle licensing is necessary.

22.0 PRESTIGE TYPE VEHICLES

- 22.1 Proprietors of prestige type vehicles licensed as Private Hire vehicles or Private Hire vehicles used in special circumstances may seek the permission of the Authority to waive the conditions of their licence relating to the display of licence plates, door stickers and driver badges.

23.0 WEDDING VEHICLES

- 23.1 A vehicle does not need to be licensed while it is being used solely for the wedding service.

24.0 FUNERAL VEHICLES

- 24.1 There is no requirement for a vehicle to be licensed when it is used in connection with a funeral, or is wholly or mainly used by a person carrying on the business of a funeral director.

25.0 DRIVERS PARALLEL PROCEDURES

- 25.1 The statutory and practical criteria and qualifications for a Hackney Carriage Driver are similar to those of a Private Hire Driver. The sections below therefore, apply equally to Hackney Carriage and Private Hire Drivers unless indicated.

26.0 LICENCES

- 26.1 The Authority requires that separate driver's licences be held in respect of driving Hackney Carriage and Private Hire vehicles. Licences shall be issued for a maximum period of 12 months.

- 26.2 A 12-month licence provides the Authority with more control over licensed drivers, as there is a more frequent assessment of the qualifications of the driver in relation to their abilities, both medical and personal.
- 26.3 Applicants shall be over 18 years of age and shall have held a full driving licence issued in the UK, the European Community (EC) or one of the other countries in the European Economic Area (EEA) for at least 12 months.
- 26.4 The Authority shall use the services of an appropriate party to access DVLA records in addition to checking the full licenses produced by the applicant.

27.0 ELIGIBILITY TO WORK

- 27.1 Applicants must provide the Authority with proof that they are eligible to work within the UK in accordance with the Immigration, Asylum and Nationality Act 2006. Further guidance is available in the 'Taxi Guide'.

28.0 CRIMINAL RECORDS BUREAU

- 28.1 A Criminal Record Bureau disclosure application (CRB) is seen as an important safety measure by both central and local government. An enhanced CRB shall be undertaken upon application and every three years after (if subsequent renewal applications are made) as these disclosures include details of spent convictions, police cautions and other relevant information.
- 28.2 Cambridge City Council is an approved CRB registered body and applicants can therefore deal with the CRB through the council. The council will not accept portability of a CRB.
- 28.3 Applicants who have lived out of the UK for any period of time within the five years prior to their application must obtain a certificate of good conduct from the relevant embassy covering that period.
- 28.4 The Rehabilitation of Offenders Act 1974 does not apply to applicants for both hackney and private hire driver's licences. They are required to disclose all convictions, including those that would normally be regarded as spent.
- 28.5 Drivers must report all new convictions, warnings, reprimands, ASBOs, cautions, Community Service Orders, Restraining Orders and fixed penalties to the council in writing within seven working days. Further information on CRB's, relevance of Convictions and Cautions and the Rehabilitation of Offenders Act 1974 can be found in the 'Taxi Guide'.
- 28.6 In relation to the consideration of convictions and police cautions recorded against persons, the Authority has adopted the policy set out in the 'Taxi Guide'.
- 28.7 In assessing whether the applicant is a fit and proper person to hold a licence, the Authority shall consider each case on its merit. It will take account of cautions and convictions, whether spent or unspent, but only in so far as they are relevant to an application for a licence. Upon receipt of a disclosure from the Criminal Records Bureau, the licensing officer will assess whether any or all of the convictions, and any additional information received, is capable of having real relevance to the issue of whether or not the applicant is a fit and proper person to hold a licence in line with the policy guidance in the 'Taxi Guide'.

29.0 MEDICAL EXAMINATION

- 29.1 Medicals are required for all new applicants and every five years thereafter (unless requested on a more frequent basis by the applicants doctor). Once a driver has reached the age of 45 the medical certificate will need to be renewed five-yearly and at the age of 60, it will last for one year and be required annually thereafter.
- 29.2 The Authority requires that all drivers must meet Group 2 medical standards as recommended by the Medical Commissioners on Accident Prevention. A licensee must inform the Authority of any medical condition affecting their ability to drive that may arise after a licence has been granted.
- 29.3 Adopting 'group 2' medical standards and applying the C1 standards to hackney carriage and private hire drivers with insulin treated diabetes is considered to be best practice. The 'Taxi Guide' provides further guidance.

30.0 TOPOGRAPHICAL KNOWLEDGE

- 30.1 Hackney Carriage and Private Hire drivers need a good working knowledge of the area for which they are licensed, because vehicles can be hired immediately, directly with the driver, at hackney carriage stands, on the street or by prior booking.
- 30.2 Applicants will be required to undertake a test as to their knowledge of:
- i) Relevant rules and regulations which govern hackney carriage and private hire driver and vehicle licensing
 - ii) Local geography by naming roads/ buildings
 - iii) Local geography by identifying roads/building on a map
 - iv) Shortest routes between certain roads
- 30.3 The test can only be attempted four times within 12 months, and then it is usual to have a break of at least one year before re-commencing the application process. Additional guidance can be found in the 'Taxi Guide'.

31.0 DRIVING PROFICIENCY

- 31.1 The Driving Standards Agency (DSA) provides a driving assessment designed for Hackney Carriage and Private Hire drivers.
- 31.2 Cambridge City Council has concluded that the DSA Private Hire/ Hackney Carriage Assessment be the standard of driving competency for the drivers of Hackney Carriage and Private Hire vehicles licensed with this Authority commensurate with the costs involved. There are no exceptions.

32.0 DRIVER APPLICATION PROCEDURES

- 32.1 An application for a Hackney Carriage or Private Hire driver's licence shall be made on the specified application form. The application procedure is set out in the 'Taxi Guide'.

33.0 RENEWAL OF DRIVER LICENCES

33.1 Driver licence holders shall be reminded prior to expiry when their licences are due to be renewed and the need to arrange a renewal appointment. Application forms, appropriate fees, and supporting documentation, as set out in the 'Taxi Guide'.

34.0 CONDITIONS OF DRIVER LICENCES

34.1 The Authority considers that the conditions as set out in the 'Taxi Guide' are reasonable, necessary and appropriate for all licensed Hackney Carriage and Private Hire drivers.

35.0 CODE OF GOOD CONDUCT

35.1 The standards expected of all licensed drivers are set out in the 'Taxi Guide' and should be read in conjunction with the other statutory and policy requirements set out in this document.

36.0 PRIVATE HIRE OPERATORS REQUIREMENTS AND OBLIGATIONS

36.1 Any person who operates a Private Hire service must apply to the Authority for a Private Hire Operator's Licence. The objective in licensing private hire operators is the safety of the public, who will be using operator's premises, and vehicles and drivers, arranged through them.

36.2 The primary objective in licensing private hire operators is the safety of the public, both in the vehicles and at the operator's premises.

36.3 A private hire vehicle shall only be dispatched to a customer by a Private Hire operator who holds an operators' licence. Such licence permits the operator to make provision for the invitation or acceptance of bookings for a Private Hire vehicle.

36.4 A Private Hire operator shall ensure that every Private Hire vehicle is driven by a person who holds a Private Hire driver's licence.

36.5 Applications for the operator's licence shall be made on the prescribed form, together with the appropriate fee. The Authority will then decide whether the applicant is a fit and proper person to hold an operator's licence.

36.6 All three licences:

- i) Private Hire operator's licence
- ii) Private Hire driver's licence
- iii) Private Hire vehicle licence

must be issued by the same Licensing Authority

36.7 Private hire operators, that are not licensed drivers, cannot be required to produce an enhanced CRB disclosure. A Basic Disclosure from the CRB, or a certificate of good conduct from the relevant embassy for overseas applicants, is, however, considered appropriate in promoting the objective of public safety.

- 36.8 A reference covering, for example, the applicant's financial records and/or business history could also be considered appropriate as well as the requirements outlined in some instances.
- 36.9 Before an application for a private hire operators licence will be considered, the applicant must provide a current (less than 3 months old) Basic CRB Disclosure of Criminal Convictions, or a Certificate of Good Conduct from the relevant embassy in the case of an overseas applicant.
- 36.10 The Authority has power to impose such conditions on an operator's licence, as it considers reasonable necessary and these are set out in the 'Taxi Guide'.

37.0 INSURANCE

- 37.1 Before an application for Private Hire operator's licence is granted, the applicant shall produce evidence that they have taken out appropriate public liability insurance for the premises, which are to be open to the public, to be licensed.
- 37.2 The conditions proposed for private hire operators licences, will require that the operator produce an appropriate certificate of motor insurance that covers every private hire vehicle they operate.

38.0 PRIVATE HIRE OPERATOR LICENCE DURATION

- 38.1 Cambridge City Council shall grant Private Hire operator licences for a period of one year from the date of grant.
- 38.2 Holders of existing Private Hire operator's licences shall be reminded when their licences are due to be renewed.

39.0 RECORD KEEPING

- 39.1 The records required to be kept by the operator under Section 56(2) and (3) of the Local Government (Miscellaneous Provisions) Act 1976 shall be kept in a suitable book or on a computer or any other recordable device. If you are using a book the pages must be numbered consecutively and the operator shall enter or cause to be entered before commencement of each journey, the following particulars of every booking accepted:

- i) The time and date of the booking
- ii) The name of the hirer
- iii) How the booking was made e.g. telephone or email and the time
- iv) The point of pick up and drop off
- v) The registration or plate number of the vehicle allocated
- vi) The name of the driver

40.0 ADDRESS FROM WHICH AN OPERATOR MAY OPERATE

- 40.1 The Authority, when it grants an operator's licence, will specify the address from which the operator may operate. This will be the premises where the records referred to (in section 39, above) are kept and at which the licensing Authority may inspect them.

- 40.2 The operator must notify the Authority in writing of any change of address during the period of the licence, within seven working days.
- 40.3 The operator is responsible for ensuring that appropriate planning consent exists for the use of the operational address to be used for that purpose. The grant of a private hire operator's licence will not imply that planning consent has been given. Proof of planning permission may be required before a licence is granted.
- 40.4 The Authority will not grant an operator's licence for an operator with an operating base that is outside the district area. This is to ensure that proper regulation and enforcement measures can be taken and is in no way intended to be a restraint on trade.

41.0 ENFORCEMENT

- 41.1 It is recognised that a well-directed, risk based approach to enforcement activity by the Authority benefits not only the public but also the responsible members of the Hackney Carriage and Private Hire trades. The DoT accepts that the resources devoted by licensing authorities to enforcement will vary according to local circumstances.
- 41.2 In pursuance of the objective to encourage responsible Hackney Carriage/ Private Hire businesses, the Authority shall operate a firm but fair disciplinary and enforcement regime. With a view to balancing the promotion of public safety with the need to permit individuals to safeguard their livelihood without undue interference, the Authority will only intervene where it is necessary and proportionate to do so, having regard to the objectives set out in section 3.0 of this document. Where such defects are such that vehicles or drivers need to be immediately prohibited, livelihood interference is inevitable.
- 41.3 The Enforcement guidelines, as set out in the 'Taxi Guide', will ensure that the Authority's enforcement effort is reasonable, transparent and well directed.

42.0 RANGE OF POWERS

- 42.1 The Council may take any of the steps below upon receipt of evidence that an offence has been committed in relation to Hackney Carriage licences, Private Hire licences or Private Hire operator's licences. A breach of a condition in the Licensing Policy amounts to an offence in this context.

- i) Suspension of the Licence;
- ii) Revocation of the Licence;
- iii) Refusal to Renew;
- iv) Issuing of Warnings or Cautions;
- v) Prosecution.

Further detail can be found in the 'Taxi Guide'.

- 42.2 All Officers of Cambridge City Council, duly authorised under the Authority's Scheme of Delegation, are responsible for the day-to-day operation of the Hackney Carriage and Private Hire Vehicle Licensing Policy and enforcement of conditions made under the Policy.

42.3 The following powers are specifically delegated to the Head of Service, Environmental Health Manager, Licensing Manager, Enforcement Officer and Assistant Licensing Officers, subject to the post holder/s being competent to exercise the powers.

- i) Suspension of existing licences in urgent situations.
- ii) Refusal to renew existing licences
- iii) Refusal of new applications
- iv) Amendments to Schedules of this Policy
- iii) Representations regarding the application of the Policy or Conditions in individual cases.

42.4 The following powers are delegated to the Licensing Sub Committee:

- i) The formulation and adoption of the Council's Hackney Carriage and Private Hire Licensing Policy
- ii) Hearing applications or reviews of licenses when the Breaches of Licensing Conditions and Convictions Scheme require a Committee Hearing.
- iii) Consideration of suspensions of licenses when charges relating to serious offences have been laid.

43.0 DISCIPLINARY HEARINGS

43.1 Disciplinary matters that are considered by the Authority's Licensing Sub Committee shall follow procedures as set out in the 'Taxi Guide'.

44.0 WARNINGS

44.1 In respect of minor breaches of licence conditions the Authority shall issue warnings and cautions as are appropriate to the circumstances. Further guidance relating to this can be found in the 'Taxi Guide'.

45.0 RIGHTS OF APPEAL

45.1 In general terms, where an applicant is aggrieved by the Council's decision to refuse to grant, refuse to renew, suspend or revoke a licence; the applicant has a right of appeal to the local Magistrates' Court. The specific grounds for appeal are detailed in the 'Taxi Guide'.

45.2 Any appeal must be lodged at the Court within twenty-one days of the applicant receiving notification of the Council's decision. The appeal must state the grounds upon which the appeal is based.

46.0 VEHICLE INSPECTIONS

46.1 Licensed vehicles shall be kept at all times in an efficient, safe, tidy and clean condition. Compliance with the vehicle specifications and conditions of licence is essential and will be enforced by periodic and/ or random vehicle inspections by the Authority. Further guidance on vehicle inspections can be found in the 'Taxi Guide'.

47.0 REVOCATION AND SUSPENSION OF LICENCES

47.1 Where a licence holder has been referred to the Licensing Sub Committee, the Sub Committee may order the revocation or suspension of the licence.

48.0 REFUSAL TO RENEW

48.1 As an alternative to revocation, the Licensing Sub Committee may decide that the appropriate action, in a situation where the licence is shortly to expire, is order that the licence shall not be renewed.

49.0 PROSECUTION

49.1 The Authority shall prosecute licence holders for relevant offences in accordance with the statutory Regulators Compliance Code and its own enforcement guidelines.

50.0 COMPLAINTS

50.1 The general public can submit complaints about licensed drivers and operators and the Authority will deal with each complaint on a case-by-case basis. All complaints will be dealt with in accordance with the process as in the 'Taxi Guide'.

51.0 FARES

51.1 The Hackney Carriage Table of Fares ("the tariff") is set by the Authority and is a maximum fare that can be charged by Hackney Carriage Drivers.

51.2 The Authority shall review the tariff annually and will do so ready for each new financial year (1 April).

51.3 A table of authorized fares shall be provided to each Hackney Carriage licence holder, which must be displayed in each vehicle so that it is easily visible to all hirers.

51.4 Private Hire operators that use licensed vehicles fitted with a fare meter shall provide the Authority with a current table of fares.

51.5 The Authority is not able to set fares for Private Hire vehicles.

51.6 Further guidance on fares and meters can be found in the 'Taxi Guide'.

52.0 METERS

52.1 The meter will be calendar controlled to the current tariff as set by the Authority.

52.2 The taximeter and the operating devices must be sealed by the installer and certificated to confirm that the equipment is CBC compliant. The certificate issues must be available for inspection on the vehicle.

52.3 Seals must be intact at any time that the vehicle carries a licence plate except when at an approved installers premises.

52.4 Meters are required to meet the Public Carriage Office specification.

53.0 FEES

- 53.1 The legislation provides that fees charged to applicants should be sufficient to cover the costs of inspecting the vehicles, providing Hackney Carriage stands and administering the regulation of the Hackney Carriages and Private Hire trades.
- 53.2 The appropriate fee must be paid when the application is submitted.
- 53.3 Licences surrendered prior to their expiry, or licenses that are suspended or revoked shall not be eligible for a refund.

54.0 HACKNEY CARRIAGE STANDS

- 54.1 The purpose of Hackney Carriage stands (known as Taxi Ranks) is to provide the public with a set location where they can hire a licensed Hackney Carriage. The stand is the only situation where a Hackney Carriage may ply for hire in a stationary position.
- 54.2 Stands can be continual or be for part time use.
- 54.3 Details of all public taxi ranks in the city are attached the 'Taxi Guide'.

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To: Executive Councillor for Environmental and Waste Services
Report by: Jas Lally - Head of Environmental Services
Relevant scrutiny committee: Environment Scrutiny Committee 22/6/2010
Wards affected: All Wards

Hackney Carriage and Private Hire Licensing Fees and Conditions Key Decision

1. Executive summary

- 1.1 The Council is committed to promoting Cambridge as a sustainable city, particularly in relation to reducing carbon dioxide emissions and the amount of waste going into landfill in the City and sub-region. The Council is also committed to maintaining a healthy, safe and enjoyable city for all.
- 1.2 A key action for Environmental Services for 2010/2011 is to consider introducing a 'taxi' licensing fee related to CO₂ emissions.
- 1.3 This report proposes that the current fee structure for licensed vehicles is revised by introducing a sliding scale which relates to carbon emission levels of vehicles.
- 1.4 If proprietors of licensed vehicles are encouraged to contribute towards an improvement in air quality by running lower emission licensed vehicles and this policy is implemented successfully then when licensees replace their current vehicles they may choose to purchase ones in a lower emissions band. Therefore, if the current fleet of 500 vehicles all moved up one emission band, then based on vehicles traveling an estimated 50,000 km per year, we would save 10g x 500 x 50,000 = 250,000,000 g or 250,000 kg CO₂ annually. To put this into context, in 2005 the average carbon footprint for a Cambridge City resident was estimated to be 6.2 metric tons and so any significant reduction in taxi emissions would offset this figure.

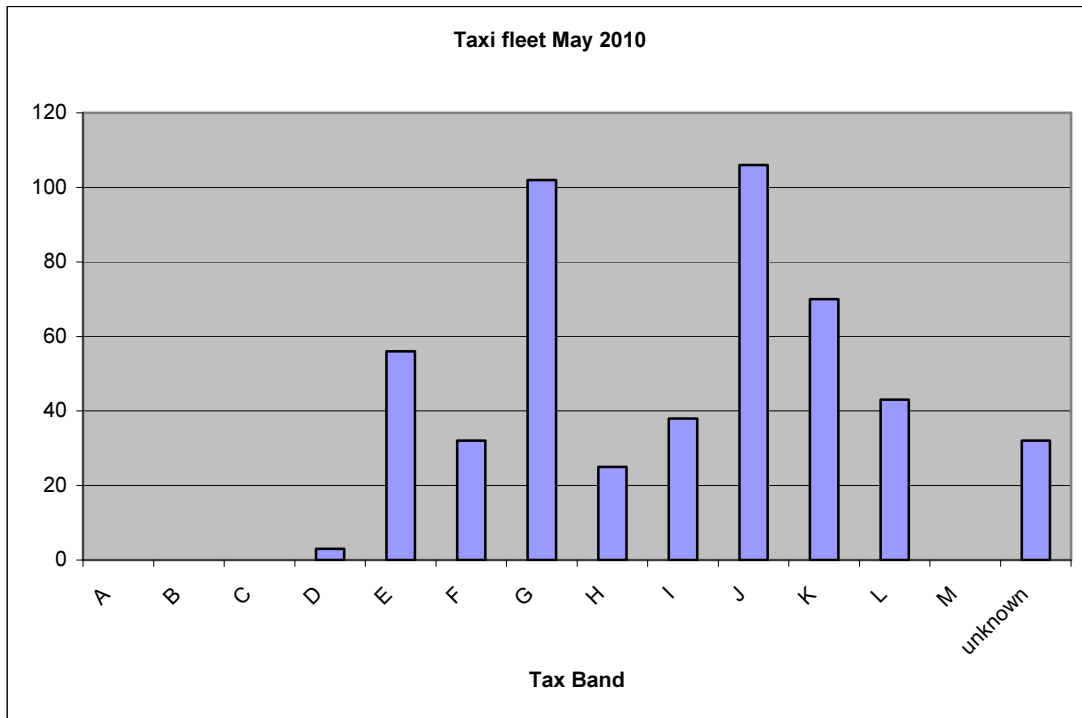
2. Recommendations

- 2.1 The Executive Councillor is recommended to:
 - 2.1.1 agree to the principle of amending the current fee structure by creating a fee banding system based on vehicle carbon dioxide emission levels and to request that following consultation with the taxi trade the October Licensing Committee sets the new Licensing fees. The new fees would then be advertised and implemented by January 2011

- 2.1.2 instruct officers to consult with the 'taxi' trade and the public on the suggested measures
- 2.1.3 recommend to Licensing committee that they consider retaining an upper age limit for licensed vehicles to ensure that emissions of the air pollutants, Nitrogen Dioxide and Particulate Matter are lowered with time

3. Background

- 3.1 Best Practice Guidance from the Department for Transport (Para 32) states that 'Local licensing authorities may wish to note that a review carried out by the National Society for Cleaner Air in 2005 found that taxis were more likely than other vehicles to fail an emissions test. This finding, perhaps suggests that emissions testing should be carried out on ad hoc basis and more frequently than the full vehicle test'.
- 3.2 Para 39 continues 'Local licensing authorities, in discussion with those responsible for environmental health issues, will wish to consider how far their vehicle licensing policies can and should support any local environmental policies that the local authority may have adopted. This will be of particular importance in designated Air Quality Management Areas (AQMAs), Local authorities may, for example, wish to consider setting vehicle emissions standards for taxis and PHVs. However, local authorities would need to carefully and thoroughly assess the impact of introducing such a policy; for example, the effect on the supply of taxis and PHVs in the area would be an important consideration in deciding the standards, if any, to be set. They should also bear in mind the need to ensure that the benefits of any policies outweigh the costs (in whatever form)'.
- 3.3 An AQMA is an area identified by Local Authorities where statutory UK air quality standards are being, or are expected to be breached up to the end of 2005, AQMAs are areas where levels of air pollution are higher than they should be (as defined by central government). Cambridge City declared an AQMA in 2004 because of predicted levels of nitrogen dioxide.
- 3.4 Cambridge City Council's current fleet of licensed vehicles is comprised of 90% diesel vehicles and 10% petrol vehicles. The emission of carbon dioxide is usually lower in diesel vehicles, whereas emission of nitrous oxides and particulate matter are lower in petrol vehicles, more information on Fuel types and emissions can be found in Appendix A.
- 3.5 This report proposes aligning future licence fees on the current road tax banding which is based on the manufacturer's figure for CO₂ emissions as cited on the vehicle registration document (See Appendix B for road tax bandings). The breakdown of the current fleet of hackney carriage and private hire vehicles into road tax bandings is shown below.

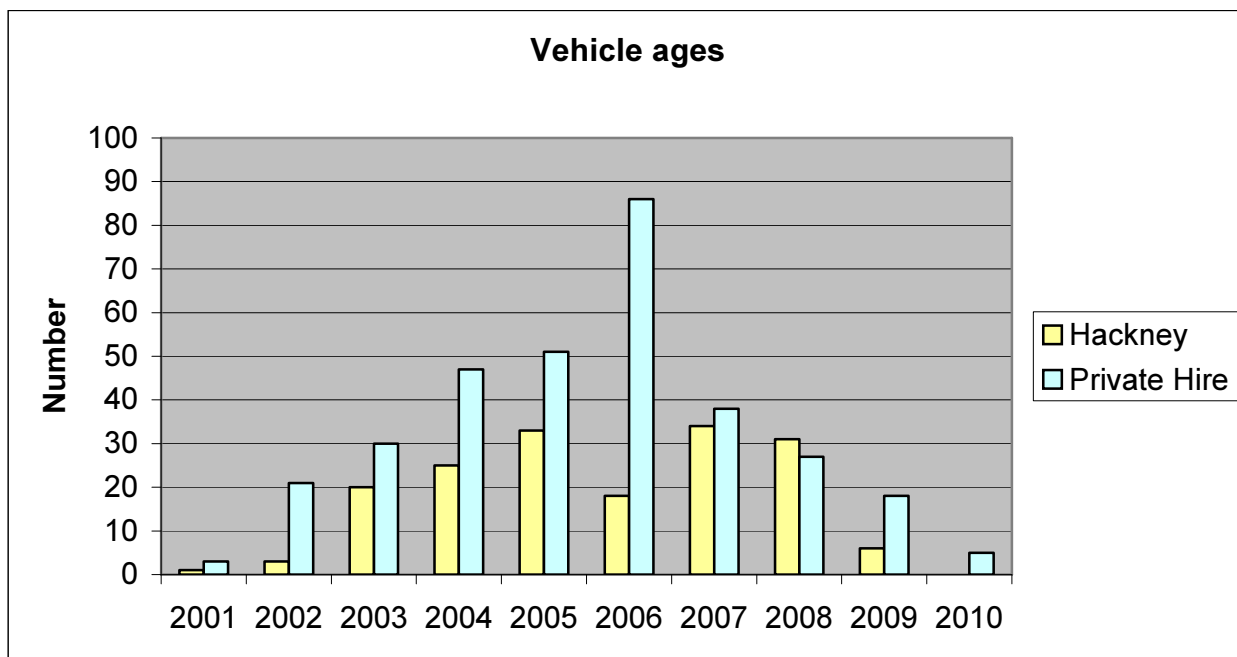


3.6 Cambridge City Council's current policy on Age limits for Hackney Carriage Vehicles and Private Hire Vehicles were agreed by the Environment Committee on 16th March 1998 and 9th November 1999 respectively, and state:

- ALL Hackney Carriage / Private Hire Vehicles MUST BE less than 8 years of age. No vehicle will be re-licensed after its 8th birthday.
- Upon CHANGE OF VEHICLE, the new Hackney Carriage / Private Hire Vehicle MUST BE less than 4 years of age.
- "New" means any vehicle licensed for the first time i.e., complete new licence, or at change of vehicle within current licence term.

Breakdown of current fleet – age of vehicles as at 10th May 2010 = 497

Date of registration	Private Hire	Hackney Carriage
2001	1	3
2002	3	21
2003	20	30
2004	25	47
2005	33	51
2006	18	86
2007	34	38
2008	31	27
2009	6	18
2010	0	5



- 3.7 Licensed vehicles undergo twice yearly Certificate of Compliance tests (MOT equivalent) which include an emissions test on a rolling road.
- 3.8 The MOT emissions testing is for the pollutants CO and HC (Carbon Monoxide and Hydrocarbons) and so does not provide the local authority with information on either Carbon Dioxide emissions or the emissions of the pollutants of concern, Nitrogen Dioxide and Particulate Matter. However, the test has some use in that a vehicle which fails its emission test would have a poorly tuned engine and therefore be emitting higher levels than it should of Carbon Dioxide, Nitrogen Dioxide and Particulate Matter.
- 3.9 The progressive vehicle emission standards (Euro Standards) do result in significantly lower emissions of these pollutants, so that newer vehicles have cleaner engines, as shown by the graph in Appendix C. The current age limits for licensed vehicles means that the whole licensed fleet meets Euro 3 standards or above. The retention of the age limit policy means that in time the licensed fleet will all comply with Euro 4 standards or higher. Appendix D contains an article on trials of an electric Mercedes Vito taxi which was published in 'Taxi Talk' May 2010.
- 3.10 There is no proposal to amend the current testing fees which are set by City Services.
- 3.11 Section 70(1)(c) of the Local Government Miscellaneous Provisions Act 1976 allows the recovery of: 'any reasonable administrative or other costs in connection with the foregoing and with the control and supervision of hackney carriages and private hire vehicles.' The Council's current fee structure includes a £225 annual licence fee for hackney carriage vehicles and £195 for private hire vehicles. The current fee for certificate of compliance tests is £51.
- 3.12 The table in 3.13 illustrates aligning future fees with road tax banding could be applied to the fees for hackney carriage (HCV) and Private Hire (PV) vehicles however the actual fee bandings would be agreed by the Licensing Committee. Due to the need for Taxi Licensing to be self-financing, any proposed changes will not be for profit.

3.13 Illustration of possible proposed fees based on road tax bandings

Government Road Tax Band	CO ₂ Emission Figure (g/km)	Applying discount / surcharge as shown (column to right)		Discount / surcharge	Possible proposed fees	
		HCV	PV		HCV	PV
A	Up to 100	112.50	97.50	-50%	115	100
B	101-110	168.75	146.25	-25%	170	150
C	111-120	180	156	-20%	180	160
D	121-130	202.50	175.50	-10%	205	180
E	131-140	213.75	185.25	-5%	215	185
F	141-150	225	195	0	225	195
G	151-165	281.25	243.75	25%	280	245
H	166-175	292.50	253.50	30%	295	255
I	176-185	315	273	40%	315	275
J	186-200	337.50	292.50	50%	340	295
K – M	201+	360	312	60%	360	315

3.14 Cambridge City car parks currently operate a concession scheme for season ticket holders based on emissions, also using the DVLA road tax banding. The table below gives an indication of how this operates at the Queen Anne car park and further details can be found at: www.cambridge.gov.uk/ccm/content/transport-and-streets/car-parks. The table below does not match the bandings shown above because it does not reflect changes to the road tax banding system.

Vehicle	Carbon dioxide emissions (g/km)	Price
Band A	Up to 100	£160
Bands B-F	101-150	£280
Band G	151-160	£360
Band H	161-170	£420
Band I	171-180	£495
Band J	181-200	£630
Bands K-M	201-255	£725

4. Advantages and Disadvantages of the Scheme

4.1 The advantages of the scheme are listed below:

- One potential benefit could be a reduction in the environmental impact of the Council's current taxi and private hire fleet so that in time the City would have a fleet of modern, clean, fuel efficient taxis which would contribute to cleaner air for Cambridge.
- A policy that introduces a differential fee structure would provide a financial incentive for the take up of low carbon emission vehicles in the taxi fleet and would be in accord with the Council's Medium Term Objectives.
- A reduction in licence fees for cleaner, fuel efficient saloon cars may encourage vehicle owners to replace their vehicle sooner than required by the current age limits.

- Some hackney carriage plate proprietors may take advantage of the reduced fees for private hire saloon type vehicles which could reduce congestion and improve air quality around the City centre taxi ranks.

4.2 The disadvantages of the scheme are listed below:

- Cambridge City Council's policy on wheelchair accessible vehicles state that all new Hackney Carriage Vehicles must be wheelchair accessible. Any new policy will need to be assessed against the Equal Opportunities Impact Assessment (EQIA) for hackney carriage and private hire vehicles which will be produced in the near future.
- The introduction of this policy will not affect emissions from licensed vehicles from South Cambridgeshire District Council (SCDC) and other authorities within the locale that regularly travel through central Cambridge. However we would encourage our colleagues in SCDC to introduce a similar policy and advise on the benefits of the scheme.

4.3 Subject to approval for a policy on cheaper fees for greener vehicles, officers can conduct further research and consult with the 'taxi' trade in order to produce clear guidelines for vehicle proprietors on emissions, age limits and fees. In addition, it may be advantageous for officers to research and produce information for the trade which promotes safe and efficient fuel driving.

5. Implications

5.1 Legal - The Council must consult with the taxi trade and other interested parties on any proposed changes to policy.

Section 70 (3) of the Local Government Miscellaneous Provisions Act 1976 provides that if a District council intends to vary their licence fees they must advertise the proposed fees and take account of any objections received.

5.2 Financial - This report recommends that the fees for licensing vehicles be related to the amount of carbon dioxide emitted with larger vehicles paying a fee which is higher than average.

Best Practice Guidance from the Department for Transport (Para 10) urges local licensing authorities to look carefully at the costs – financial or otherwise – imposed by each of their licensing policies. It is suggested they should ask themselves whether those costs are really commensurate with the benefits a policy is meant to achieve.

Local Authority hackney carriage licensing must be self-financing and so the Council would need to reconcile any surplus generated by the introduction of a new fee structure.

The fee structure for licensed vehicles has no connection with fares charged to the public.

5.3 Equal Opportunities – none.

5.4 Community Safety - Cambridge City Council has a duty to provide a safe and secure taxi service for the public.

- 5.5 Environmental - If proprietors of licensed vehicles support such a scheme then a potential benefit could be a reduction in the environmental impact of the Council's current taxi and private hire fleet so that in time the City would have a fleet of modern, clean, fuel efficient taxis which would contribute to cleaner air for Cambridge.
- 5.6 Staffing – There are no additional staffing implications, however the allocation of staff time to implement the changes will need to occur.

6. Background papers

These background papers were used in the preparation of this report:
Department for Transport Taxi and Private Hire Vehicle Licensing: Best Practice Guidance March 2010
Information provided by Woking District Council on fee banding for licensed vehicles
www.cambridge.gov.uk/ccm/content/transport-and-streets/car-parks
DfT website: Road Vehicle Emission Factors 2009

7. Appendices

Appendix A - Fuel types and emission figures
Appendix B - Road tax bandings
Appendix C - Progressive vehicle emission standards over time
Appendix D - Article from taxi Talk magazine on Electric Mercedes Vito

8. Inspection of papers

To inspect the background papers or if you have a query on the report please contact:

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

March 2010

TAXI AND PRIVATE HIRE VEHICLE LICENSING: BEST PRACTICE GUIDANCE

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INTRODUCTION

1. The Department first issued Best Practice Guidance in October 2006 to assist those local authorities in England and Wales that have responsibility for the regulation of the taxi and private hire vehicle (PHV) trades.
2. It is clear that many licensing authorities considered their licensing policies in the context of the Guidance. That is most encouraging.
3. However, in order to keep our Guidance relevant and up to date, we embarked on a revision. We took account of feedback from the initial version and we consulted stakeholders in producing this revised version.
4. The key premise remains the same - it is for individual licensing authorities to reach their own decisions both on overall policies and on individual licensing matters, in the light of their own views of the relevant considerations. This Guidance is intended to assist licensing authorities but it is only guidance and decisions on any matters remain a matter for the authority concerned.
5. We have not introduced changes simply for the sake of it. Accordingly, the bulk of the Guidance is unchanged. What we have done is focus on issues involving a new policy (for example trailing the introduction of the Safeguarding Vulnerable Groups legislation); or where we consider that the advice could be elaborated (eg enforcement); or where progress has been made since October 2006 (eg the stretched limousine guidance note has now been published).

THE ROLE OF TAXIS AND PHVs

6. Taxis (more formally known as hackney carriages) and PHVs (or minicabs as some of them are known) play an important part in local transport. In 2008, the average person made 11 trips in taxis or private hire vehicles. Taxis and PHVs are used by all social groups; low-income young women (amongst whom car ownership is low) are one of the largest groups of users.
7. Taxis and PHVs are also increasingly used in innovative ways - for example as taxi-buses - to provide innovative local transport services (see paras 92-95)

THE ROLE OF LICENSING: POLICY JUSTIFICATION

8. The aim of local authority licensing of the taxi and PHV trades is to protect the public. Local licensing authorities will also be aware that the public should have reasonable access to taxi and PHV services, because of the part they play in local transport provision. Licensing requirements which are unduly stringent will tend unreasonably to restrict the supply of taxi and PHV services, by putting up the cost of operation or otherwise restricting entry to the trade. Local licensing authorities should recognise that too restrictive an approach can work against the public interest – and can, indeed, have safety implications.

9. For example, it is clearly important that somebody using a taxi or PHV to go home alone late at night should be confident that the driver does not have a criminal record for assault and that the vehicle is safe. But on the other hand, if the supply of taxis or PHVs has been unduly constrained by onerous licensing conditions, then that person's safety might be put at risk by having to wait on late-night streets for a taxi or PHV to arrive; he or she might even be tempted to enter an unlicensed vehicle with an unlicensed driver illegally plying for hire.

10. Local licensing authorities will, therefore, want to be sure that each of their various licensing requirements is in proportion to the risk it aims to address; or, to put it another way, whether the cost of a requirement in terms of its effect on the availability of transport to the public is at least matched by the benefit to the public, for example through increased safety. This is not to propose that a detailed, quantitative, cost-benefit assessment should be made in each case, but it is to urge local licensing authorities to look carefully at the costs – financial or otherwise – imposed by each of their licensing policies. It is suggested they should ask themselves whether those costs are really commensurate with the benefits a policy is meant to achieve.

SCOPE OF THE GUIDANCE

11. This guidance deliberately does not seek to cover the whole range of possible licensing requirements. Instead it seeks to concentrate only on those issues that have caused difficulty in the past or that seem of particular significance. Nor for the most part does the guidance seek to set out the law on taxi and PHV licensing, which for England and Wales contains many complexities. Local licensing authorities will appreciate that it is for them to seek their own legal advice.

CONSULTATION AT THE LOCAL LEVEL

12. It is good practice for local authorities to consult about any significant proposed changes in licensing rules. Such consultation should include not only the taxi and PHV trades but also groups likely to be the trades' customers. Examples are groups representing disabled people, or Chambers of Commerce, organisations with a wider transport interest (eg the Campaign for Better Transport and other transport providers), womens' groups or local traders.

ACCESSIBILITY

13. The Minister of State for Transport has now announced the way forward on accessibility for taxis and PHVs. His statement can be viewed on the Department's web-site at: <http://www.dft.gov.uk/press/speeches/statements/statements/accessstotaxis>. The Department will be taking forward demonstration schemes in three local authority areas to research the needs of people with disabilities in order to produce guidance about the most appropriate provision. In the meantime, the Department recognises that some local licensing authorities will want to make progress on enhancing accessible taxi provision and the guidance outlined below constitutes the Department's advice on how this might be achieved in advance of the comprehensive and dedicated guidance which will arise from the demonstration schemes.

14. Different accessibility considerations apply between taxis and PHVs. Taxis can be hired on the spot, in the street or at a rank, by the customer dealing directly with a driver. PHVs can only be booked through an operator. It is important that a disabled person should be able to hire a taxi on the spot with the minimum delay or inconvenience, and having accessible taxis available helps to make that possible. For PHVs, it may be more appropriate for a local authority to license any type of saloon car, noting that some PHV operators offer accessible vehicles in their fleet. The Department has produced a leaflet on the ergonomic requirements for accessible taxis that is available from: <http://www.dft.gov.uk/transportforyou/access/taxis/pubs/research>

15. The Department is aware that, in some cases, taxi drivers are reluctant to pick up disabled people. This may be because drivers are unsure about how to deal with disabled people, they believe it will take longer for disabled people to get in and out of the taxi and so they may lose other fares, or they are unsure about insurance arrangements if anything goes wrong. It should be remembered that this is no excuse for refusing to pick up disabled people and that the taxi industry has a duty to provide a service to disabled people in the same way as it provides a service to any other passenger. Licensing authorities should do what they can to work with operators, drivers and trade bodies in their area to improve drivers' awareness of the needs of disabled people, encourage them to overcome any reluctance or bad practice, and to improve their abilities and confidence. Local licensing authorities should also encourage their drivers to undertake disability awareness training, perhaps as part of the course mentioned in the training section of this guidance that is available through Go-Skills.

16. In relation to enforcement, licensing authorities will know that section 36 of the Disability Discrimination Act 1995 (DDA) was partially commenced by enactment of the Local Transport Act 2008. The duties contained in this section of the DDA apply only to those vehicles deemed accessible by the local authority being used on "taxibus" services. This applies to both hackney carriages and private hire vehicles.

17. Section 36 imposes certain duties on drivers of "taxibuses" to provide assistance to people in wheelchairs, to carry them in safety and not to charge extra for doing so. Failure to abide by these duties could lead to prosecution through a Magistrates' court and a maximum fine of £1,000.

18. Local authorities can take action against non-taxibus drivers who do not abide by their duties under section 36 of the DDA (see below). This could involve for example using licence conditions to implement training requirements or, ultimately, powers to suspend or revoke licences. Some local authorities use points systems and will take certain enforcement actions should drivers accumulate a certain number of points

19. There are plans to modify section 36 of the DDA. The Local Transport Act 2008 applied the duties to assist disabled passengers to drivers of taxis and PHVs whilst being used to provide local services. The Equality Bill which is currently on its passage through Parliament would extend the duties to drivers of taxis and PHVs whilst operating conventional services using wheelchair accessible vehicles. Licensing authorities will be informed if the change is enacted and Regulations will have to be made to deal with exemptions from the duties for drivers who are unable, on medical grounds to fulfil the duties.

Duties to carry assistance dogs

20. Since 31 March 2001, licensed taxi drivers in England and Wales have been under a duty (under section 37 of the DDA) to carry guide, hearing and other prescribed assistance dogs in their taxis without additional charge. Drivers who have a medical condition that is aggravated by exposure to dogs may apply to their licensing authority for an exemption from the duty on medical grounds. Any other driver who fails to comply with the duty could be prosecuted through a Magistrates' court and is liable to a fine of up to £1,000. Similar duties covering PHV operators and drivers have been in force since 31 March 2004.

21. Enforcement of this duty is the responsibility of local licensing authorities. It is therefore for authorities to decide whether breaches should be pursued through the courts or considered as part of the licensing enforcement regime, having regard to guidance issued by the Department.

<http://www.dft.gov.uk/transportforyou/access/taxis/pubs/taxis/carriageofassistance dogsint ag154?page=2>

Duties under the Part 3 of the DDA

22. The Disability Discrimination Act 2005 amended the DDA 1995 and lifted the exemption in Part 3 of that Act for operators of transport vehicles. Regulations applying Part 3 to vehicles used to provide public transport services, including taxis and PHVs, hire services and breakdown services came into force on 4 December 2006. Taxi drivers now have a duty to ensure disabled people are not discriminated against or treated less favourably. In order to meet these new duties, licensing authorities are required to review any practices, policies and procedures that make it impossible or unreasonably difficult for a disabled person to use their services.

23. The Disability Rights Commission, before it was incorporated into the Equality and Human Rights Commission, produced a Code of Practice to explain the Part 3 duties for the transport industry; this is available at http://www.equalityhumanrights.com/uploaded_files/code_of_practice_provision_and_use_of_transport_vehicles_dda.pdf. There is an expectation that Part 3 duties also now demand new skills and training; this is available through GoSkills, the sector skills council for road passenger transport. Go-Skills has also produced a DVD about assisting disabled passengers. Further details are provided in the training section of this guidance.

24. Local Authorities may wish to consider how to use available courses to reinforce the duties drivers are required to discharge under section 3 of DDA, and also to promote customer service standards for example through GoSkills.

25. In addition recognition has been made of a requirement of basic skills prior to undertaking any formal training. On-line tools are available to assess this requirement prior to undertaking formal training.

VEHICLES

Specification Of Vehicle Types That May Be Licensed

26. The legislation gives local authorities a wide range of discretion over the types of vehicle that they can license as taxis or PHVs. Some authorities specify conditions that in practice can only be met by purpose-built vehicles but the majority license a range of vehicles.
27. Normally, the best practice is for local licensing authorities to adopt the principle of specifying as many different types of vehicle as possible. Indeed, local authorities might usefully set down a range of general criteria, leaving it open to the taxi and PHV trades to put forward vehicles of their own choice which can be shown to meet those criteria. In that way there can be flexibility for new vehicle types to be readily taken into account.
28. It is suggested that local licensing authorities should give very careful consideration to a policy which automatically rules out particular types of vehicle or prescribes only one type or a small number of types of vehicle. For example, the Department believes authorities should be particularly cautious about specifying only purpose-built taxis, with the strict constraint on supply that that implies. But of course the purpose-built vehicles are amongst those which a local authority could be expected to license. Similarly, it may be too restrictive to automatically rule out considering Multi-Purpose Vehicles, or to license them for fewer passengers than their seating capacity (provided of course that the capacity of the vehicle is not more than eight passengers).
29. The owners and drivers of vehicles may want to make appropriate adaptations to their vehicles to help improve the personal security of the drivers. Licensing authorities should look favourably on such adaptations, but, as mentioned in paragraph 35 below, they may wish to ensure that modifications are present when the vehicle is tested and not made after the testing stage.

Tinted windows

30. The minimum light transmission for glass in front of, and to the side of, the driver is 70%. Vehicles may be manufactured with glass that is darker than this fitted to windows rearward of the driver, especially in estate and people carrier style vehicles. When licensing vehicles, authorities should be mindful of this as well as the large costs and inconvenience associated with changing glass that conforms to both Type Approval and Construction and Use Regulations.

Imported vehicles: type approval (see also "stretched limousines", paras 40-44 below)

31. It may be that from time to time a local authority will be asked to license as a taxi or PHV a vehicle that has been imported independently (that is, by somebody other than the manufacturer). Such a vehicle might meet the local authority's criteria for licensing, but the local authority may nonetheless be uncertain about the wider rules for foreign vehicles being used in the UK. Such vehicles will be subject to the 'type approval' rules. For

passenger cars up to 10 years old at the time of first GB registration, this means meeting the technical standards of either:

- a European Whole Vehicle Type approval;
- a British National Type approval; or
- a Individual Vehicle Approval.

Most registration certificates issued since late 1998 should indicate the approval status of the vehicle. The technical standards applied (and the safety and environmental risks covered) under each of the above are proportionate to the number of vehicles entering service. Further information about these requirements and the procedures for licensing and registering imported vehicles can be seen at www.businesslink.gov.uk/vehicleapprovalschemes

Vehicle Testing

32. There is considerable variation between local licensing authorities on vehicle testing, including the related question of age limits. The following can be regarded as best practice:

Frequency Of Tests. The legal requirement is that all taxis should be subject to an MOT test or its equivalent once a year. For PHVs the requirement is for an annual test after the vehicle is three years old. An annual test for licensed vehicles of whatever age (that is, including vehicles that are less than three years old) seems appropriate in most cases, unless local conditions suggest that more frequent tests are necessary. However, more frequent tests may be appropriate for older vehicles (see 'age limits' below). Local licensing authorities may wish to note that a review carried out by the National Society for Cleaner Air in 2005 found that taxis were more likely than other vehicles to fail an emissions test. This finding, perhaps suggests that emissions testing should be carried out on an ad hoc basis and more frequently than the full vehicle test.

Criteria For Tests. Similarly, for mechanical matters it seems appropriate to apply the same criteria as those for the MOT test to taxis and PHVs*. The MOT test on vehicles first used after 31 March 1987 includes checking of all seat belts. However, taxis and PHVs provide a service to the public, so it is also appropriate to set criteria for the internal condition of the vehicle, though these should not be unreasonably onerous.

*A manual outlining the method of testing and reasons for failure of all MOT tested items can be obtained from the Stationary Office see <http://www.tsoshop.co.uk/bookstore.asp?FO=1159966&Action=Book&From=SearchResults&ProductID=0115525726>

Age Limits. It is perfectly possible for an older vehicle to be in good condition. So the setting of an age limit beyond which a local authority will not license vehicles may be arbitrary and inappropriate. But a greater frequency of testing may be appropriate for older vehicles - for example, twice-yearly tests for vehicles more than five years old.

Number Of Testing Stations. There is sometimes criticism that local authorities provide only one testing centre for their area (which may be geographically extensive). So it is good practice for local authorities to consider having more than one testing station. There could be an advantage in contracting out the testing work, and to different garages. In that way the licensing authority can benefit from competition in costs. (The Vehicle Operators and Standards Agency – VOSA – may be able to assist where there are local difficulties in provision of testing stations.)

33. The Technical Officer Group of the Public Authority Transport Network has produced Best Practice Guidance which focuses on national inspection standards for taxis and PHVs. Local licensing authorities might find it helpful to refer to the testing standards set out in this guidance in carrying out their licensing responsibilities. The PATN can be accessed via the Freight Transport Association.

Personal security

34. The personal security of taxi and PHV drivers and staff needs to be considered. The Crime and Disorder Act 1998 requires local authorities and others to consider crime and disorder reduction while exercising all of their duties. Crime and Disorder Reduction Partnerships are also required to invite public transport providers and operators to participate in the partnerships. Research has shown that anti-social behaviour and crime affects taxi and PHV drivers and control centre staff. It is therefore important that the personal security of these people is considered.

35. The owners and drivers of vehicles will often want to install security measures to protect the driver. Local licensing authorities may not want to insist on such measures, on the grounds that they are best left to the judgement of the owners and drivers themselves. But it is good practice for licensing authorities to look sympathetically on - or actively to encourage - their installation. They could include a screen between driver and passengers, or CCTV. Care however should be taken that security measures within the vehicle do not impede a disabled passenger's ability to communicate with the driver. In addition, licensing authorities may wish to ensure that such modifications are present when the vehicle is tested and not made after the testing stage.

36. There is extensive information on the use of CCTV, including as part of measures to reduce crime, on the Home Office website (e.g. <http://scienceandresearch.homeoffice.gov.uk/hosdb/cctv-imagining-technology/CCTV-and-imagining-publications>) and on the Information Commission's Office website (www.ico.gov.uk). CCTV can be both a deterrent to would-be trouble makers and be a source of evidence in the case of disputes between drivers and passengers and other incidents. There is a variety of funding sources being used for the implementation of security measures for example, from community safety partnerships, local authorities and drivers themselves.

37. Other security measures include guidance, talks by the local police and conflict avoidance training. The Department has recently issued guidance for taxi and PHV drivers to help them improve their personal security. These can be accessed on the Department's website at: <http://www.dft.gov.uk/pgr/crime/taxiphv/>.

In order to emphasise the reciprocal aspect of the taxi/PHV service, licensing authorities might consider drawing up signs or notices which set out not only what passengers can expect from drivers, but also what drivers can expect from passengers who use their service. Annex B contains two samples which are included for illustrative purposes but local authorities are encouraged to formulate their own, in the light of local conditions and circumstances. Licensing authorities may want to encourage the taxi and PHV trades to build good links with the local police force, including participation in any Crime and Disorder Reduction Partnerships.

Vehicle Identification

38. Members of the public can often confuse PHVs with taxis, failing to realise that PHVs are not available for immediate hire and that a PHV driver cannot be hailed. So it is important to distinguish between the two types of vehicle. Possible approaches might be:

a licence condition that prohibits PHVs from displaying any identification at all apart from the local authority licence plate or disc. The licence plate is a helpful indicator of licensed status and, as such, it helps identification if licence plates are displayed on the front as well as the rear of vehicles. However, requiring some additional clearer form of identification can be seen as best practice. This is for two reasons: firstly, to ensure a more positive statement that the vehicle cannot be hired immediately through the driver; and secondly because it is quite reasonable, and in the interests of the travelling public, for a PHV operator to be able to state on the vehicle the contact details for hiring;

a licence condition which requires a sign on the vehicle in a specified form. This will often be a sign of a specified size and shape which identifies the operator (with a telephone number for bookings) and the local licensing authority, and which also has some words such as 'pre-booked only'. This approach seems the best practice; it identifies the vehicle as private hire and helps to avoid confusion with a taxi, but also gives useful information to the public wishing to make a booking. It is good practice for vehicle identification for PHVs to include the contact details of the operator.

Another approach, possibly in conjunction with the previous option, is a requirement for a roof-mounted, permanently illuminated sign with words such as 'pre-booked only'. But it can be argued that any roof-mounted sign, however unambiguous its words, is liable to create confusion with a taxi. So roof-mounted signs on PHVs are not seen as best practice.

Environmental Considerations

39. Local licensing authorities, in discussion with those responsible for environmental health issues, will wish to consider how far their vehicle licensing policies can and should support any local environmental policies that the local authority may have adopted. This will be of particular importance in designated Air Quality Management Areas (AQMAs). Local authorities may, for example, wish to consider setting vehicle emissions standards for taxis and PHVs. However, local authorities would need to carefully and thoroughly

assess the impact of introducing such a policy; for example, the effect on the supply of taxis and PHVs in the area would be an important consideration in deciding the standards, if any, to be set. They should also bear in mind the need to ensure that the benefits of any policies outweigh the costs (in whatever form).

Stretched Limousines

40. Local licensing authorities are sometimes asked to license stretched limousines as PHVs. It is suggested that local authorities should approach such requests on the basis that these vehicles – where they have fewer than nine passenger seats - have a legitimate role to play in the private hire trade, meeting a public demand. Indeed, the Department's view is that it is not a legitimate course of action for licensing authorities to adopt policies that exclude limousines as a matter of principle and that any authorities which do adopt such practices are leaving themselves open to legal challenge. A policy of excluding limousines creates an unacceptable risk to the travelling public, as it would inevitably lead to higher levels of unlawful operation. Public safety considerations are best supported by policies that allow respectable, safe operators to obtain licences on the same basis as other private hire vehicle operators. The Department has now issued guidance on the licensing arrangements for stretched limousines. This can be accessed on the Department's web-site at <http://www.dft.gov.uk/pgr/regional/taxis/stretchlimousines.pdf>.

41. The limousine guidance makes it clear that most operations are likely to fall within the PHV licensing category and not into the small bus category. VOSA will be advising limousine owners that if they intend to provide a private hire service then they should go to the local authority for PHV licences. The Department would expect licensing authorities to assess applications on their merits; and, as necessary, to be proactive in ascertaining whether any limousine operators might already be providing an unlicensed service within their district.

42. Imported stretched limousines were historically checked for compliance with regulations under the Single Vehicle Approval (SVA) inspection regime before they were registered. This is now the Individual Vehicle Approval (IVA) scheme. The IVA test verifies that the converted vehicle is built to certain safety and environmental standards. A licensing authority might wish to confirm that an imported vehicle was indeed tested by VOSA for IVA before being registered and licensed (taxed) by DVLA. This can be done either by checking the V5C (Registration Certificate) of the vehicle, which may refer to IVA under the "Special Note" section; or by writing to VOSA, Elipse, Padley Road, Swansea, SA1 8AN, including details of the vehicle's make and model, registration number and VIN number.

43. Stretched limousines which clearly have more than 8 passenger seats should not of course be licensed as PHVs because they are outside the licensing regime for PHVs. However, under some circumstances the SVA regime accepted vehicles with space for more than 8 passengers, particularly where the precise number of passenger seats was hard to determine. In these circumstances, if the vehicle had obtained an SVA certificate, the authority should consider the case on its merits in deciding whether to license the vehicle under the strict condition that the vehicle will not be used to carry more than 8 passengers, bearing in mind that refusal may encourage illegal private hire operation.

44. Many councils are concerned that the size of limousines prevents them being tested in conventional MoT garages. If there is not a suitable MoT testing station in the area then it would be possible to test the vehicle at the local VOSA test stations. The local enforcement office may be able to advise (contact details on <http://www.vosa.gov.uk>).

QUANTITY RESTRICTIONS OF TAXI LICENCES OUTSIDE LONDON

45. The present legal provision on quantity restrictions for taxis outside London is set out in section 16 of the Transport Act 1985. This provides that the grant of a taxi licence may be refused, for the purpose of limiting the number of licensed taxis 'if, but only if, the [local licensing authority] is satisfied that there is no significant demand for the services of hackney carriages (within the area to which the licence would apply) which is unmet'.

46. Local licensing authorities will be aware that, in the event of a challenge to a decision to refuse a licence, the local authority concerned would have to establish that it had, reasonably, been satisfied that there was no significant unmet demand.

47. Most local licensing authorities do not impose quantity restrictions; the Department regards that as best practice. Where restrictions are imposed, the Department would urge that the matter should be regularly reconsidered. The Department further urges that the issue to be addressed first in each reconsideration is whether the restrictions should continue at all. It is suggested that the matter should be approached in terms of the interests of the travelling public - that is to say, the people who use taxi services. What benefits or disadvantages arise for them as a result of the continuation of controls; and what benefits or disadvantages would result for the public if the controls were removed? Is there evidence that removal of the controls would result in a deterioration in the amount or quality of taxi service provision?

48. In most cases where quantity restrictions are imposed, vehicle licence plates command a premium, often of tens of thousands of pounds. This indicates that there are people who want to enter the taxi market and provide a service to the public, but who are being prevented from doing so by the quantity restrictions. This seems very hard to justify.

49. 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.

50. As to the conduct of the survey, the Department's letter of 16 June 2004 set out a range of considerations. But key points are:

the length of time that would-be customers have to wait at ranks. However, this alone is an inadequate indicator of demand; also taken into account should be...

waiting times for street hailings and for telephone bookings. But waiting times at ranks or elsewhere do not in themselves satisfactorily resolve the question of unmet demand. It is also desirable to address...

latent demand, for example people who have responded to long waiting times by not even trying to travel by taxi. This can be assessed by surveys of people who do not use taxis, perhaps using stated preference survey techniques.

peaked demand. It is sometimes argued that delays associated only with peaks in demand (such as morning and evening rush hours, or pub closing times) are not 'significant' for the purpose of the Transport Act 1985. The Department does not share that view. Since the peaks in demand are by definition the most popular times for consumers to use taxis, it can be strongly argued that unmet demand at these times should not be ignored. Local authorities might wish to consider when the peaks occur and who is being disadvantaged through restrictions on provision of taxi services.

consultation. As well as statistical surveys, assessment of quantity restrictions should include consultation with all those concerned, including user groups (which should include groups representing people with disabilities, and people such as students or women), the police, hoteliers, operators of pubs and clubs and visitor attractions, and providers of other transport modes (such as train operators, who want taxis available to take passengers to and from stations);

publication. All the evidence gathered in a survey should be published, together with an explanation of what conclusions have been drawn from it and why. If quantity restrictions are to be continued, their benefits to consumers and the reason for the particular level at which the number is set should be set out.

financing of surveys. It is not good practice for surveys to be paid for by the local taxi trade (except through general revenues from licence fees). To do so can call in question the impartiality and objectivity of the survey process.

51. Quite apart from the requirement of the 1985 Act, the Department's letter of 16 June 2004 asked all local licensing authorities that operate quantity restrictions to review their policy and justify it publicly by 31 March 2005 and at least every three years thereafter. The Department also expects the justification for any policy of quantity restrictions to be included in the Local Transport Plan process. A recommended list of questions for local authorities to address when considering quantity controls was attached to the Department's letter. (The questions are listed in Annex A to this Guidance.)

TAXI FARES

52. Local licensing authorities have the power to set taxi fares for journeys within their area, and most do so. (There is no power to set PHV fares.) Fare scales should be designed with a view to practicality. The Department sees it as good practice to review the fare scales at regular intervals, including any graduation of the fare scale by time of day or day of the week. Authorities may wish to consider adopting a simple formula for

deciding on fare revisions as this will increase understanding and improve the transparency of the process. The Department also suggests that in reviewing fares authorities should pay particular regard to the needs of the travelling public, with reference both to what it is reasonable to expect people to pay but also to the need to give taxi drivers sufficient incentive to provide a service when it is needed. There may well be a case for higher fares at times of higher demand.

53. Taxi fares are a maximum, and in principle are open to downward negotiation between passenger and driver. It is not good practice to encourage such negotiations at ranks, or for on-street hailings; there would be risks of confusion and security problems. But local licensing authorities can usefully make it clear that published fares are a maximum, especially in the context of telephone bookings, where the customer benefits from competition. There is more likely to be a choice of taxi operators for telephone bookings, and there is scope for differentiation of services to the customer's advantage (for example, lower fares off-peak or for pensioners).

54. There is a case for allowing any taxi operators who wish to do so to make it clear – perhaps by advertising on the vehicle – that they charge less than the maximum fare; publicity such as ‘5% below the metered fare’ might be an example.

DRIVERS

Duration Of Licences

55. It is obviously important for safety reasons that drivers should be licensed. But it is not necessarily good practice to require licences to be renewed annually. That can impose an undue burden on drivers and licensing authorities alike. Three years is the legal maximum period and is in general the best approach. One argument against 3-year licences has been that a criminal offence may be committed, and not notified, during the duration of the licence. But this can of course also be the case during the duration of a shorter licence. In relation to this, authorities will wish to note that the Home Office in April 2006 issued revised guidance for police forces on the Notifiable Occupations Scheme. Paragraphs 62-65 below provide further information about this scheme.

56. However, an annual licence may be preferred by some drivers. That may be because they have plans to move to a different job or a different area, or because they cannot easily pay the fee for a three-year licence, if it is larger than the fee for an annual one. So it can be good practice to offer drivers the choice of an annual licence or a three-year licence.

Acceptance of driving licences from other EU member states

57. Sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976 as enacted stated that an applicant for a taxi or private hire vehicle (PHV) driver's licence must have held a full ordinary GB driving licence for at least 12 months in order to be granted a taxi or PHV driver's licence. This requirement has subsequently been amended since the 1976 Act was passed. The Driving Licences (Community Driving Licence) Regulations 1996 (SI 1996 No 1974) amended sections 51 and 59 of the 1976 Act to allow full driving licences issued by EEA states to count towards the qualification

requirements for the grant of taxi and PHV driver's licences. Since that time, a number of central and eastern European states have joined the EU and the EEA and the Department takes the view that drivers from the Accession States are eligible to acquire a taxi or PHV driver's licence under the 1976 Act if they have held an ordinary driving licence for 12 months which was issued by an acceding State (see section 99A(i) of the Road Traffic Act 1988). To complete the picture, the Deregulation (Taxis and Private Hire Vehicles) Order 1998 (SI 1998 No 1946) gave equal recognition to Northern Ireland driving licences for the purposes of taxi and PHV driver licensing under the 1976 Act (see section 109(i) of the Road Traffic Act 1988, as amended).

Criminal Record Checks

58. A criminal record check is an important safety measure particularly for those working closely with children and the vulnerable. Taxi and PHV drivers can be subject to a Standard Disclosure (and for those working in "Regulated Activity" to an Enhanced Disclosure) through the Criminal Records Bureau. Both levels of Disclosure include details of spent and unspent convictions, cautions reprimands and final warnings. An Enhanced Disclosure may also include any other information held in police records that is considered relevant by the police, for example, details of minor offences, non-conviction information on the Police National Computer such as Fixed Penalty Notices and, in some cases, allegations. An Enhanced Disclosure is for those working in Regulated Activity¹ and the Government has produced guidance in relation to this and the new "Vetting and Barring Scheme" which is available at www.isa.gov.org.uk/default.aspx?page=402. [*The Department will issue further advice as the new SVG scheme develops.*]

59. In considering an individual's criminal record, local licensing authorities will want to consider each case on its merits, but they should take a particularly cautious view of any offences involving violence, and especially sexual attack. In order to achieve consistency, and thus avoid the risk of successful legal challenge, local authorities will doubtless want to have a clear policy for the consideration of criminal records, for example the number of years they will require to have elapsed since the commission of particular kinds of offences before they will grant a licence.

60. Local licensing authorities will also want to have a policy on background checks for applicants from elsewhere in the EU and other overseas countries. One approach is to require a certificate of good conduct authenticated by the relevant embassy. The Criminal Records Bureau website (www.crb.gov.uk) gives information about obtaining certificates of good conduct, or similar documents, from a number of countries.

61. It would seem best practice for Criminal Records Bureau disclosures to be sought when a licence is first applied for and then every three years, even if a licence is renewed annually, provided drivers are obliged to report all new convictions and cautions to the licensing authority.

¹ "Regulated Activity" is defined in The Safeguarding Vulnerable Groups Act 2006 (Miscellaneous Provisions) Regulations 2009

Notifiable Occupations Scheme

62. Under this Scheme, when an individual comes to the notice of the police and identifies their occupation as a taxi or PHV driver, the police are requested to notify the appropriate local licensing authority of convictions and any other relevant information that indicates that a person poses a risk to public safety. Most notifications will be made once an individual is convicted however, if there is a sufficient risk, the police will notify the authority immediately.
63. In the absence of a national licensing body for taxi and PHV drivers, notifications are made to the local licensing authority identified on the licence or following interview. However, it is expected that all licensing authorities work together should they ascertain that an individual is operating under a different authority or with a fraudulent licence.
64. The police may occasionally notify licensing authorities of offences committed abroad by an individual however it may not be possible to provide full information.
65. The Notifiable Occupations Scheme is described in Home Office Circular 6/2006 which is available at <http://www.basingstoke.gov.uk/CommitteeDocs/Committees/Licensing/20070710/3%20Vr%20licences-update%20on%20hants%20constab%20procedures%20re%20Home%20office%20circ%206-2006-%20Appendix%202.pdf>. Further information can also be obtained from the Criminal Records Team, Joint Public Protection Information Unit, Fifth Floor, Fry Building, 2 Marsham Street, London SW1P 4DF; e-mail Samuel.Wray@homeoffice.gsi.gov.uk.

Immigration checks

66. The Department considers it appropriate for licensing authorities to check on an applicant's right to work before granting a taxi or PHV driver's licence. It is important to note that a Criminal Records Bureau check is not a Right to Work check and any enquires about the immigration status of an individual should be addressed to the Border and Immigration Agency. Further information can be found at www.bia.homeoffice.gov.uk/employingmigrants. More generally, the Border and Immigration Agency's Employers' Helpline (0845 010 6677) can be used by licensing staff to obtain general guidance on immigration documentation, although this Helpline is not able to advise on individual cases. The authority can obtain case specific immigration status information, including whether a licensing applicant is permitted to work or details of work restrictions, from the Evidence and Enquiry Unit, Floor 12, Lunar House, Wellesley Road, Croydon CR9 2BY. Further details on the procedures involved can be obtained by contacting the Unit (020 8196 3011).

Medical fitness

67. It is clearly good practice for medical checks to be made on each driver before the initial grant of a licence and thereafter for each renewal. There is general recognition that it is appropriate for taxi/PHV drivers to have more stringent medical standards than those applicable to normal car drivers because:

they carry members of the general public who have expectations of a safe journey; they are on the road for longer hours than most car drivers; and they may have to assist disabled passengers and handle luggage.

68. It is common for licensing authorities to apply the "Group 2" medical standards – applied by DVLA to the licensing of lorry and bus drivers – to taxi and PHV drivers. This seems best practice. The Group 2 standards preclude the licensing of drivers with insulin treated diabetes. However, exceptional arrangements do exist for drivers with insulin treated diabetes, who can meet a series of medical criteria, to obtain a licence to drive category C1 vehicles (ie 3500–7500 kgs lorries); the position is summarised at Annex C to the Guidance. It is suggested that the best practice is to apply the C1 standards to taxi and PHV drivers with insulin treated diabetes.

Age Limits

69. It does not seem necessary to set a maximum age limit for drivers provided that regular medical checks are made. Nor do minimum age limits, beyond the statutory periods for holding a full driver licence, seem appropriate. Applicants should be assessed on their merits.

Driving Proficiency

70. Many local authorities rely on the standard car driving licence as evidence of driving proficiency. Others require some further driving test to be taken. Local authorities will want to consider carefully whether this produces benefits which are commensurate with the costs involved for would-be drivers, the costs being in terms of both money and broader obstacles to entry to the trade. However, they will note that the Driving Standards Agency provides a driving assessment specifically designed for taxis.

Language proficiency

71. Authorities may also wish to consider whether an applicant would have any problems in communicating with customers because of language difficulties.

Other training

72. Whilst the Department has no plans to make training courses or qualifications mandatory, there may well be advantage in encouraging drivers to obtain one of the nationally-recognised vocational qualifications for the taxi and PHV trades. These will cover customer care, including how best to meet the needs of people with disabilities. More information about these qualifications can be obtained from GoSkills, the Sector Skills Council for Passenger Transport. GoSkills is working on a project funded by the Department to raise standards in the industry and GoSkills whilst not a direct training provider, can guide and support licensing authorities through its regional network of Regional Managers.

73. Some licensing authorities have already established training initiatives and others are being developed; it is seen as important to do this in consultation with the local taxi and PHV trades. Training can cover customer care, including how best to meet the needs of people with disabilities and other sections of the community, and also topics such as the relevant legislation, road safety, the use of maps and GPS, the handling of emergencies, and how to defuse difficult situations and manage conflict. Training may also be considered for applicants to enable them to reach an appropriate standard of comprehension, literacy and numeracy. Authorities may wish to note that nationally recognised qualifications and training programmes sometimes have advantages over purely local arrangements (for example, in that the qualification will be more widely recognised).

Contact details are:

GoSkills, Concorde House, Trinity Park, Solihull, Birmingham, B37 7UQ.

Tel: 0121-635-5520

Fax: 0121-635-5521

Website: www.goskills.org

e-mail: info@goskills.org

74. It is also relevant to consider driver training in the context of the 2012 Olympic and Paralympic Games which will take place at a number of venues across the country. One of the key aims of the Games is to "change the experience disabled people have when using public transport during the Games and to leave a legacy of more accessible transport". The Games provide a unique opportunity for taxi/PHV drivers to demonstrate their disability awareness training, and to ensure all passengers experience the highest quality of service.

Topographical Knowledge

75. Taxi drivers need a good working knowledge of the area for which they are licensed, because taxis can be hired immediately, directly with the driver, at ranks or on the street. So most licensing authorities require would-be taxi-drivers to pass a test of local topographical knowledge as a pre-requisite to the first grant of a licence (though the stringency of the test should reflect the complexity or otherwise of the local geography, in accordance with the principle of ensuring that barriers to entry are not unnecessarily high).

76. However, PHVs are not legally available for immediate hiring in the same way as taxis. To hire a PHV the would-be passenger has to go through an operator, so the driver will have an opportunity to check the details of a route before starting a journey. So it may be unnecessarily burdensome to require a would-be PHV driver to pass the same 'knowledge' test as a taxi driver, though it may be thought appropriate to test candidates' ability to read a map and their knowledge of key places such as main roads and railway stations. The Department is aware of circumstances where, as a result of the repeal of the PHV contract exemption, some people who drive children on school contracts are being deterred from continuing to do so on account of overly burdensome topographical

tests. Local authorities should bear this in mind when assessing applicants' suitability for PHV licences.

PHV OPERATORS

77. The objective in licensing PHV operators is, again, the safety of the public, who will be using operators' premises and vehicles and drivers arranged through them.

Criminal Record Checks

78. PHV operators (as opposed to PHV drivers) are not exceptions to the Rehabilitation of Offenders Act 1974, so Standard or Enhanced disclosures cannot be required as a condition of grant of an operator's licence. But a Basic Disclosure, which will provide details of unspent convictions only, could be seen as appropriate, after such a system has been introduced by the Criminal Records Bureau. No firm date for introduction has yet been set; however, a feasibility study has been completed; the Criminal Records Bureau is undertaking further work in this regard. Overseas applicants may be required to provide a certificate of good conduct from the relevant embassy if they have not been long in this country. Local licensing authorities may want to require a reference, covering for example the applicant's financial record, as well as the checks outlined above.

Record Keeping

79. It is good practice to require operators to keep records of each booking, including the name of the passenger, the destination, the name of the driver, the number of the vehicle and any fare quoted at the time of booking. This information will enable the passenger to be traced if this becomes necessary and should improve driver security and facilitate enforcement. It is suggested that 6 months is generally appropriate as the length of time that records should be kept.

Insurance

80. It is appropriate for a licensing authority to check that appropriate public liability insurance has been taken out for premises that are open to the public.

Licence Duration

81. A requirement for annual licence renewal does not seem necessary or appropriate for PHV operators, whose involvement with the public is less direct than a driver (who will be alone with passengers). Indeed, a licence period of five years may well be appropriate in the average case. Although the authority may wish to offer operators the option of a licence for a shorter period if requested.

Repeal of the PHV contract exemption

82. Section 53 of the Road Safety Act 2006 repealed the exemption from PHV licensing for vehicles which were used on contracts lasting not less than seven days. The change came into effect in January 2008. A similar change was introduced in respect of London in March 2008. As a result of this change, local licensing authorities are considering a range of vehicles and services in the context of PHV licensing which they had not previously licensed because of the contract exemption.

83. The Department produced a guidance note in November 2007 to assist local licensing authorities, and other stakeholders, in deciding which vehicles should be licensed in the PHV regime and which vehicles fell outside the PHV definition. The note stressed that it was a matter for local licensing authorities to make decisions in the first instance and that, ultimately, the courts were responsible for interpreting the law. However, the guidance was published as a way of assisting people who needed to consider these issues. A copy of the guidance note can be found on the Department's web-site at: <http://www.dft.gov.uk/pgr/regional/taxis/rsa06privatehirevehicles> As a result of a recent report on the impact of the repeal of the PHV contract exemption, the Department will be revising its guidance note to offer a more definite view about which vehicles should be licensed as PHVs. The report is also on the Department's web-site at: <http://www.dft.gov.uk/pgr/regional/taxis/phvcontractexemption/>.

ENFORCEMENT

84. Well-directed enforcement activity by the local licensing authority benefits not only the public but also the responsible people in the taxi and PHV trades. Indeed, it could be argued that the safety of the public depends upon licensing authorities having an effective enforcement mechanism in place. This includes actively seeking out those operators who are evading the licensing system, not just licensing those who come forward seeking the appropriate licences. The resources devoted by licensing authorities to enforcement will vary according to local circumstances, including for example any difficulties with touting by unlicensed drivers and vehicles (a problem in some urban areas). Local authorities will also wish to liaise closely with the police. Multi-agency enforcement exercises (involving, for example, the Benefits Agency) have proved beneficial in some areas.

85. Local licensing authorities often use enforcement staff to check a range of licensed activities (such as market traders) as well as the taxi and PHV trades, to make the best use of staff time. But it is desirable to ensure that taxi and PHV enforcement effort is at least partly directed to the late-night period, when problems such as touting tend most often to arise. In formulating policies to deal with taxi touts, local licensing authorities might wish to be aware that the Sentencing Guidelines Council have, for the first time, included guidance about taxi touting in their latest Guidelines for Magistrates. The Guidelines, which came into effect in August 2008, can be accessed through the SGC's web-site - www.sentencing-guidelines.gov.uk.

86. Some local licensing authorities employ taxi marshals in busy city centres where there are lots of hirings, again perhaps late at night, to help taxi drivers picking up, and would-be passengers queuing for taxis.

87. As part of enforcement, local licensing authorities will often make spot checks, which can lead to their suspending or revoking licences. They will wish to consider carefully which power should best be used for this purpose. They will note, among other things, that section 60 of the Local Government (Miscellaneous Provisions) Act 1976 provides a right of appeal for the licence-holder, whereas section 68, which is also sometimes used, does not; this can complicate any challenge by the licence-holder.

88. Section 52 of the Road Safety Act 2006 amended the Local Government (Miscellaneous Provisions) Act 1976 such that local authorities can now suspend or revoke a taxi or PHV driver's licence with immediate effect on safety grounds. It should be stressed that this power can only be used where safety is the principal reason for suspending or revoking and where the risk justifies such an approach. It is expected that in the majority of cases drivers will continue to work pending appeal and that this power will be used in one-off cases. But the key point is that the law says that the power must be used in cases which can be justified in terms of safety. The Department is not proposing to issue any specific guidance on this issue, preferring to leave it to the discretion of licensing authorities as to when the power should be used.

TAXI ZONES

89. The areas of some local licensing authorities are divided into two or more zones for taxi licensing purposes. Drivers may be licensed to ply for hire in one zone only. Zones may exist for historical reasons, perhaps because of local authority boundary changes.

90. The Department recommends the abolition of zones. That is chiefly for the benefit of the travelling public. Zoning tends to diminish the supply of taxis and the scope for customer choice - for example, if fifty taxis were licensed overall by a local authority, but with only twenty five of them entitled to ply for hire in each of two zones. It can be confusing and frustrating for people wishing to hire a taxi to find that a vehicle licensed by the relevant local authority is nonetheless unable to pick them up (unless pre-booked) because they are in the wrong part of the local authority area. Abolition of zones can also reduce costs for the local authority, for example through simpler administration and enforcement. It can also promote fuel efficiency, because taxis can pick up a passenger anywhere in the local authority area, rather than having to return empty to their licensed zone after dropping a passenger in another zone.

91. It should be noted that the Government has now made a Legislative Reform Order which removed the need for the Secretary of State to approve amalgamation resolutions made by local licensing authorities. The Legislative Reform (Local Authority Consent Requirements)(England and Wales) Order 2008 came into force in October 2008. Although these resolutions no longer require the approval of the Secretary of State, the statutory procedure for making them – in paragraph 25 of schedule 14 to the Local Government Act 1972- remains the same.

FLEXIBLE TRANSPORT SERVICES

92. It is possible for taxis and PHVs to provide flexible transport services in a number of different ways. Such services can play a valuable role in meeting a range of transport

needs, especially in rural areas – though potentially in many other places as well. In recent years there has been a significant increase in the provision of flexible services, due partly to the availability of Rural Bus Subsidy Grant and Rural Bus Challenge Support from the Department.

93. The Department encourages local licensing authorities, as a matter of best practice, to play their part in promoting flexible services, so as to increase the availability of transport to the travelling public. This can be done partly by drawing the possibilities to the attention of taxi and PHV trade. It also should be borne in mind that vehicles with a higher seating capacity than the vehicles typically licensed as taxis (for example those with 6, 7 or 8 passenger seats) may be used for flexible services and should be considered for licensing in this context.

94. The main legal provisions under which flexible services can be operated are:

Shared taxis and PHVs – advance bookings (section 11, Transport Act 1985): licensed taxis and PHVs can provide a service at separate fares for up to eight passengers sharing the vehicle. The operator takes the initiative to match up passengers who book in advance and agree to share the vehicle at separate fares (lower than for a single hiring). An example could be passengers being picked up at home to go to a shopping centre, or returning from the shops to their homes. The operator benefits through increased passenger loadings and total revenues.

Shared taxis – immediate hirings (section 10, Transport Act 1985): such a scheme is at the initiative of the local licensing authority, which can set up schemes whereby licensed taxis (not PHVs) can be hired at separate fares by up to eight people from ranks or other places that have been designated by the authority. (The authority is required to set up such a scheme if holders of 10% or more of the taxi licences in the area ask for one.) The passengers pay only part of the metered fare, for example in going home after a trip to the local town, and without pre-booking, but the driver receives more than the metered fare.

Taxibuses (section 12, Transport Act 1985): owners of licensed taxis can apply to the Traffic Commissioner for a 'restricted public service vehicle (PSV) operator licence'. The taxi owner can then use the vehicle to run a bus service for up to eight passengers. The route must be registered with the Traffic Commissioner and must have at least one stopping place in the area of the local authority that licensed the taxi, though it can go beyond it. The bus service will be eligible for Bus Service Operators Grant (subject to certain conditions) and taxibuses can be used for local authority subsidised bus services. The travelling public have another transport opportunity opened for them, and taxi owners have another business opportunity. The Local Transport Act 2008 contains a provision which allows the owners of PHVs to acquire a special PSV operator licence and register a route with the traffic commissioner. A dedicated leaflet has been sent to licensing authorities to distribute to PHV owners in their area alerting them to this new provision.

95. The Department is very keen to encourage the use of these types of services. More details can be found in the Department's publication 'Flexible Transport Services' which can be accessed at:

<http://www.dft.gov.uk/pgr/regional/buses/boi/flexibletransportservices>

LOCAL TRANSPORT PLANS

96. The Transport Act 2000 as amended by the Transport Act 2008, requires local transport authorities in England outside London to produce and maintain a Local Transport Plan (LTP), having regard to any guidance issued by the Secretary of State. The latest guidance published in July 2009 will cover the next round of LTPs from 2011. LTPs set out the authority's local transport strategies and policies for transport in their area, and an implementation programme. 82 LTPs covering all of England outside London have been produced and cover the period up to 2011. From 2011 local authorities will have greater freedom to prepare their LTPs to align with wider local objectives.

97. All modes of transport including taxi and PHV services have a valuable part to play in overall transport provision, and so local licensing authorities have an input to delivering the LTPs. The key policy themes for such services could be availability and accessibility. LTPs can cover:

- quantity controls, if any, and plans for their review;
- licensing conditions, with a view to safety but also to good supply of taxi and PHV services;
- fares;
- on-street availability, especially through provision of taxi ranks;
- vehicle accessibility for people with disabilities;
- encouragement of flexible services.

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)?

TAXI AND PRIVATE HIRE VEHICLE LICENSING: BEST PRACTICE GUIDANCE

Notice for taxi passengers - what you can expect from the taxi trade and what the taxi trade can expect from you

The driver will:

Drive with due care and courtesy towards the passenger and other road users.

Use the meter within the licensed area, unless the passenger has agreed to hire by time.

If using the meter, not start the meter until the passenger is seated in the vehicle.

If travelling outside the licensed area, agree the fare in advance. If no fare has been negotiated in advance for a journey going beyond the licensing area then the driver must adhere to the meter.

Take the most time-efficient route, bearing in mind likely traffic problems and known diversions, and explain any diversion from the most direct route.

The passenger will:

Treat the vehicle and driver with respect and obey any notices (e.g. in relation to eating in the vehicle).

Ensure they have enough money to pay the fare before travelling. If wishing to pay by credit card or to stop on route to use a cash machine, check with the driver before setting off.

Be aware of the fare on the meter and make the driver aware if it is approaching the limit of their financial resources.

Be aware that the driver is likely to be restricted by traffic regulations in relation to where s/he can stop the vehicle.

Notice for PHV passengers - what you can expect from the PHV trade and what the PHV trade can expect from you

The driver will:

Ensure that the passenger has pre-booked and agrees the fare before setting off.

Drive with due care and courtesy towards the passenger and other road users.

Take the most time-efficient route, bearing in mind likely traffic problems and known diversions, and explain any diversion from the most direct route.

The passenger will:

Treat the vehicle and driver with respect and obey any notices (eg. in relation to eating in the vehicle).

Ensure they have enough money to pay the fare before travelling. If wishing to pay by credit card or to stop on route to use a cash machine, check with the driver before setting off.

Be aware that the driver is likely to be restricted by traffic regulations in relation to where s/he can stop the vehicle.

TAXI AND PRIVATE HIRE VEHICLE LICENSING: BEST PRACTICE GUIDANCE

Assessing applicants for a taxi or PHV driver licence in accordance with C1 standard

Exceptional circumstances under which DVLA will consider granting licences for vehicles over 3.5 tonnes or with more than 8 passenger seats.

Insulin treated diabetes is a legal bar to driving these vehicles. The exceptional arrangements that were introduced in September 1998 were only in respect of drivers who were employed to drive small lorries between 3.5 tonnes and 7.5 tonnes (category C1). The arrangements mean that those with good diabetic control and who have no significant complications can be treated as "exceptional cases" and may have their application for a licence for category C1 considered. The criteria are

To have been taking insulin for at least 4 weeks;

Not to have suffered an episode of hypoglycaemia requiring the assistance of another person whilst driving in the last 12 months;

To attend an examination by a hospital consultant specialising in the treatment of diabetes at intervals of not more than 12 months and to provide a report from such a consultant in support of the application which confirms a history of responsible diabetic control with a minimal risk of incapacity due to hypoglycaemia;

To provide evidence of at least twice daily blood glucose monitoring at times when C1 vehicles are being driven (those that have not held C1 entitlement in the preceding 12 months may provide evidence of blood glucose monitoring while driving other vehicles);

To have no other condition which would render the driver a danger when driving C1 vehicles; and

To sign an undertaking to comply with the directions of the doctor(s) treating the diabetes and to report immediately to DVLA any significant change in condition.

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CAMBRIDGE CITY COUNCIL

REPORT OF: Head of Refuse & Environment (HRE)
Head of Legal Services

TO:	Licensing Committee	6 th June 2011
	Full council	21 st July 2011
WARDS:	All	

**LICENSING ACT 2003 – STATEMENT OF LICENSING POLICY.
RESULTS OF PUBLIC CONSULTATION ON CONSIDERATION OF THE
INCLUSION OF HILLS ROAD AS A FOURTH AREA OF THE CITY AND
AN EXTENSION TO THE CAMBRIDGE LEISURE PARK AREA WITHIN
THE CUMULATIVE IMPACT POLICY**

1 INTRODUCTION

- 1.1 The Licensing Act 2003 “The Act” requires that, for each three year period, the Council must determine its policy to exercise its licensing functions and publish a statement of that policy. The Statement of Licensing Policy must be kept under review and approved by Full Council. Our current policy came into effect on 7th January 2011, following public consultation and approval by full council on 21st October 2010. Within the statement of licensing policy, the council currently has a special policy on cumulative impact covering three areas, one within the city centre, an area at the Cambridge Leisure Park and Mill Road.
- 1.2 Whilst undergoing public consultation on the above, the police presented new information providing evidence that Hills Road was also suffering a high level of alcohol related offences and anti-social behaviour, even though it has a lower proportionate density of licensed premises. The police therefore requested that the section of Hills Road running from the city to Purbeck Road be considered as a fourth cumulative impact area. The police evidence also recommended that the Cambridge Leisure Park cumulative impact area be extended to include the section of Cherry Hinton Road opposite the leisure park running from Hills Road to Clifton Road, due to its close proximity to the Leisure Park and Hills Road.

1.3 Members of the Licensing Committee approved the commencement of public consultation on the proposed amendments in October 2010 and twelve weeks public consultation was undertaken between 7th January – 31st March 2011.

1.4 The following documents are attached:

- Appendix A - the current statement of licensing policy, which includes, at Appendix 3 the police request and supporting additional evidence regarding Hills Road and the leisure park. This document can be accessed on the following link: http://www.cambridge.gov.uk/public/docs/Statement_of_Licensing_Policy_Jan_2011.pdf
- Appendix B - a summary of the written responses received, together with consideration of their content.
- Appendix C – amended wording to the statement of licensing policy.

1.5 The purpose of this report is:

- To advise members of the results of the public consultation exercise.
- To note the additional information provided by the police in their consultation response and the comments contained in the covering letter.
- For members to consider the evidence base provided by the police and the results of the consultation relating to the area requested.
- Having looked at the evidence base and results of the consultation for the two proposals and taking into account all comments made, to recommend the adoption and inclusion of the proposals.

1.6 Members need to be aware of the need to ensure that the Policy complies with the Licensing Act and Statutory Guidance. Appendix B indicates the consideration given to each comment received and provides reasons for the decision taken, if appropriate.

1.7 If, having given consideration to all the comments received, it is considered that the policy should include Hills Road and/or the extension to the leisure park, then the Statement of Licensing Policy should be amended at paragraph 5.8, as attached at Appendix C.

2. **RECOMMENDATIONS**

- 2.1 Taking into account the matters set out in Section 1 of the report, the licensing committee is recommended to consider a revision of the special policy on Cumulative Impact contained within the Statement of Licensing Policy and decide whether:
- 2.1.1 on the evidence provided, they consider it is appropriate and necessary to adopt the section of Hills Road running from the city to Purbeck Road (both sides of the road) as a fourth area.
 - 2.2.2. on the evidence provided, they consider it is appropriate and necessary to 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).
 - 2.2.3 to approve the insertion of the appropriate wording as set out in Appendix C of the report.
- 2.2 To recommend adoption by full Council, within the Statement of Licensing Policy, the amendments stated in paragraphs 2.1.1. and 2.2.1. above and to revise paragraph 5.8 of the Statement of Licensing Policy as set out in Appendix C.

3. **BACKGROUND**

- 3.1 **Licensing Policy.** Under The Licensing Act 2003, each Council is required to produce, adopt and publish a Statement of Licensing Policy stating how it will administer its duties under the Act. The statement must be kept under review and remains in existence for up to three years. The current policy came into effect on 7th January 2011, for a period of up to three years, in line with all local authorities, although it can be subject to review and further consultation before its expiry in January 2014.
- 3.2 **Hills Road.** As a part of the consultation, the licensing authority has received a number of comments regarding Hills Road. In response to local concerns, the new information provided by the police data as shown in Appendix 3 of the current policy has enabled the Police to provide evidence that Hills Road also suffers a high level of alcohol related offences and anti-social behaviour, even though it has a lower proportionate density of licensed premises. Based upon this evidence, Chief Superintendent Needle has requested that the Licensing Authority consult upon consideration of Hills Road from the city (the junction of Regent Street) to Purbeck Road as a further area for inclusion within a Cumulative Impact Policy.

- 3.3 **Leisure Park.** Due to the close proximity to the leisure park and Hills Road the police also request in Appendix 3 that the section of Cherry Hinton Road, opposite the leisure park running from Hills Road to Clifton road be included in the existing Cambridge Park Cumulative impact area.
- 3.4 The Licensing Committee agreed to the commencement of consultation on 11th October 2011. The matter is now returned to Committee for their consideration upon completion of the consultation period.
- 3.5 The issues raised in individual responses to the consultation are summarised in Appendix B. All have been considered and addressed.
- 3.6 **Cumulative impact** The Council currently has a Cumulative Impact Policy within the Statement of Licensing Policy, to cover three specific areas of the city. Cumulative impact is not mentioned in the Act or Regulations but paragraph 3.13 of the Government Guidance defines it as 'the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area'. The cumulative impact of licensed premises on the promotion of the licensing objectives is therefore a proper matter for the licensing authority to consider in developing its licensing policy statement.
- 3.7 Government Guidance states that where, after considering the available evidence and consulting prescribed individuals, the licensing authority is satisfied that it is appropriate and necessary to include an approach to cumulative impact within the licensing policy statement, it can indicate that it will be adopting a special cumulative impact policy for a designated area. The effect of adopting a special policy of this kind is to create a rebuttable presumption that applications for new premises licences or club premises certificates or variations that are likely to add to the existing cumulative impact will normally be refused, following relevant representation, unless the applicant can demonstrate in their operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives.
- 3.8 In considering whether to adopt a special policy, the authority needs to take the following steps:
- Identification of concern about crime and disorder or public nuisance

- Consideration of whether it can be demonstrated that crime and disorder and nuisance are arising and are caused by the customers of licensed premises and if so identifying the area from which problems are arising and the boundaries of that area; or that the risk factors are such that the area is reaching a point when cumulative impact is imminent;
- Consultation with those specified in the legislation as a part of the general consultation required in respect of the whole statement of licensing policy;
- Subject to consultation; inclusion of a special policy about future premises licence or club premises certificate applications from that area;
- Publication of a special policy as part of the statement of licensing policy

4 PUBLIC CONSULTATION

- 4.1 In accordance with the Government Code of Practice, public consultation took place over a 12-week period between 7th January and 31st March 2011. Legislation requires that we undertake consultation with bodies prescribed in the Act.
- 4.2 Consultation was undertaken as widely as possible, with over 100 letters being sent out, including the Chief Officer of Police and all other parties as required by legislation, i.e. persons/bodies representing personal licences, premises licences and club premises certificates, businesses and residents associations. The consultation exercise was advertised on our website throughout the 12 week period, together with the police letter, supporting evidence and existing policy. Officers attended the relevant area committees.
- 4.3 We received 27 responses to the consultation within the prescribed consultation period, all in support of the proposed amendments. 19 responses relate to Hills Road and 8 supports both Hills Road and the Leisure Park. The comments received are summarised in Appendix 2. The schedule shows the nature of the comment, the evaluation of the comment and the action taken.
- 4.4 The revision to the Statement of Licensing Policy will need to be formally adopted by the Council on 21st July 2011.

5. ISSUES AND OPTIONS

- 5.1 To consider the comments received. To recommend adoption of the additional areas and the insertion of the appropriate wording into

paragraph 5.8 of the Statement of Licensing Policy to Full Council on 21st July 2011.

- 5.2 Members are reminded that they approved the existing Statement of Licensing Policy in October 2010 and were consulted as a part of the consultation exercise, having the opportunity to comment at that time. Any further amendments to the policy at this stage could impact on its legality.
- 5.3 Should Committee decline to recommend the adoption of the proposals, then the existing Statement of Licensing Policy will continue in its present form until its existing expiry date of 6th January 2014, unless further reviewed in the interim period. We must keep the policy under review and have the ability to further review it before this date should a need arise.

6. CONCLUSIONS

- 6.1 We are committed to providing a policy showing how the Council will administer its functions under the Act. The policy should meet the needs of all parties; yet have regard to Government Guidance. This report shows how we have provided the opportunity for the public to be involved in the process of revising our policy in response to local requirements and input towards the decision on the proposals to amend the areas within the cumulative impact policy.

7. IMPLICATIONS

- (a) Financial Implications
Provision is made in the Council's budget to review the statement of licensing policy and the Council meets the cost of consultation.
- (b) Staffing Implications
There are no additional staffing implications. Budget provision is made for the review of the policy.
- (c) Equal Opportunities Implications
We have undertaken wide consultation in an endeavour to reach all affected parties. We have undertaken a Stage 1 Equalities Impact Assessment on the Statement of Licensing Policy, last reviewed in August 2009.
- (d) Environmental Implications
The Act requires the licensing authority to carry out its functions with a view to promoting the four licensing objectives, one of which is the

prevention of public nuisance, to protect the local environment and community.

(e) Community Safety

If satisfied that the number and density of licensed premises are undermining the licensing objectives, a cumulative impact policy should provide a more robust framework for the refusal of new or major variations of premises licenses, if representation is received.

BACKGROUND PAPERS: The following are the background papers that were used in the preparation of this report:

Statement of Licensing Policy

Responses to consultation

Guidance issued under Section 182 of the Licensing Act 2003

To inspect these documents contact Christine Allison on extension 7899. The author and contact officer for queries on the report is Christine Allison, extension 7899.

Report file: M:\EVERYONE\Lic Committee Mtgs 2003 sub/L11-0606 Hills Rd CI

Date originated: 13th May 2011

Date of last revision: 13th May 2011

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Draft amendment to paragraph 5.8 of Cambridge City Council Statement of Licensing Policy.

Special Policy on Cumulative Effect

- 5.8 The Licensing Authority is adopting a special policy relating to cumulative impact in relation to the areas of the City:
- Within the city centre marked on the map at Appendix 1
 - At the Cambridge Leisure Park marked on the map at Appendix 2. With effect from 21st July 2011 this area includes the section of Cherry Hinton Road opposite the leisure park running from Hills Road to Clifton Road (both sides of the road).
 - The entire length of Mill Road Cambridge (excluding Brookfields)
 - With effect from 21st July 2011 the section of Hills Road running from the city to Purbeck Road (both sides of the road).

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Schedule of Responses to Licensing Policy

Appendix B

Proposals:

- 1. The addition of a fourth cumulative impact area being the section of Hills Road running from the city to Purbeck Road (both sides of road)**
- 2. Extension to Leisure Park area to include the section of Cherry Hinton Road opposite the leisure park running from Hills Road to Clifton Road (both sides of road)**

Response to consultation 7 January – 31 March 2011:

27 responses received, all in support.

19 in support of Hills Road.

8 in support of Hills Road and the extension to the Leisure Park

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Proposal	Reference	Respondent	Summary of Comments	Consideration/ appraisal	Response
1 2	1	Chair, Rustat Road Residents Assn	We lobbied for this. Makes good sense. Evidential basis provided by police makes a convincing case	Comments considered including support for both proposals.	Report recommends adoption.
1	2	Secretary, Highsett House Residents Assoc	Residents have suffered considerably in the past from vandalism and nuisance and had to resort to add electronic locking gates. Since then fewer incidents are suffered, but residents would have preferred not to feel it so necessary to resort to their own measure of defences. That they did so gives a measure of the problem. The proposal is supported.	Comments considered including support for Hills Road as a new cumulative impact area.	Report recommends adoption.
1 2	3	Principal, Hills Road Sixth	Supports the police request. The inclusion of the areas can only	Comments considered including support for both	Report recommends adoption.

		Form (also for Hills Rd Sports & Tennis Centre)	strengthen the possibility of positive outcomes in the future and benefit the community.	proposals.	
1	4	Resident, Cambridge Place	Supports the police request. The granting of this request will ensure, over this highly populated and busy area that the L/A's duty will be supported, upheld and re-enforced, in achieving the licensing objectives.	Comments considered including support for Hills Road as a new cumulative impact area.	Report recommends adoption.
1 2	5	Resident, Highsett	Supports the police request. The city centre section of Hills Rd/Regent St is horrendous at night with loud and drunken youths and we must protect our residential areas from this kind of blight. Please include these areas.	Comments considered including support for both proposals.	Report recommends adoption.
1	6	Resident, Mawson Road	I fully support the recommendation. The effects in Mill Road are apparent and should also be implemented in Hills Rd to support this residential area.	Comments considered including support for Hills Road as a new cumulative impact area.	Report recommends adoption.
1	7	Resident, Lyndewode Rd	Supports request. Road suffers from ASB, vandalism and damage by persons returning from town late at night. There should be an acceptance that each licence will make things worse and should not be granted unless some public benefit can be established and in most cases, such a benefit would be difficult to argue.	Comments considered including support for Hills Road as a new cumulative impact area.	Report recommends adoption.
1 2	8	Resident,	Supports requests. We do not need	Comments considered	Report recommends

		Highsett	any more licensed premises and alcohol related offences in our area.	including support for both proposals.	adoption.
1 2	9	Residents, Highsett	We experience loud disturbance at night and litter and behaviour that is a nuisance and anti-social. We are concerned about the police's findings on Hills Rd and fully support the police request for Hills Rd.	Comments considered including support for both proposals.	Report recommends adoption.
1	10	Resident, Perowne St	Please make Hills Rd a CIZ and preserve some tranquillity in our residential streets	Comments considered including support for Hills Road as a new cumulative impact area.	Report recommends adoption.
1	11	Resident, Glisson Road	Already too much begging, drunkenness and bad behaviour. I support any measures to stop any more alcohol outlets from opening.	Comments considered including support for Hills Road as a new cumulative impact area.	Report recommends adoption.
1	12	Resident, Lyndewode Rd	Supports proposal. Area suffers noise and vandalism, much linked to excessive alcohol and fast food providers. Sine Hills Rd has a higher % of alcohol related offences than Mill Rd, the case for making Hills Rd a CIZ seems difficult to refute.	Comments considered including support for Hills Road as a new cumulative impact area.	Report recommends adoption.
1 2	13	Resident, Glisson Rd	Expresses support. Already a lot of noise and disturbance and litter with evidence of binge drinking. Vital to impose CIZ to protect one of the city's best residential areas. Please impose asap.	Comments considered including support for both proposals.	Report recommends adoption.
1	14	Resident, Glisson Rd	Wholly supports extension to help maintain residential area and make it more pleasant for visitors. Less	Comments considered including support for Hills Road as a new cumulative	Report recommends adoption.

			premises may benefit health and reduce crime.	impact area.	
1	15	Resident, Lyndewode Rd	Supports police recommendation based on % of ASB and alcohol related offences.	Comments considered including support for Hills Road as a new cumulative impact area.	Report recommends adoption.
1	16	Residents, Lyndewode Rd	Supports request to declare Hills Rd a CIZ and restrict the granting of further licences for the sale of alcohol.	Comments considered including support for Hills Road as a new cumulative impact area.	Report recommends adoption.
1	17	Resident, Covent Garden	Supports the Glisson and Tenison Rd Resident Assoc in their seeking a CIZ for Hills Rd. I have been subjected twice to criminal damage to our cars overnight. A CIZ is vital to protect the residents of an already easy area to purchase alcohol	Comments considered including support for Hills Road as a new cumulative impact area.	Report recommends adoption.
1	18	Resident, Glisson Rd	Supports police recommendation based on data indicating the reality of the situation rather than subjective views. Activity causes nuisance and disturbances and other disruptive behaviour e.g. litter and increased traffic.	Comments considered including support for Hills Road as a new cumulative impact area.	Report recommends adoption.
1	19	Resident, Tenison Rd	Supports proposal on basis of % of alcohol-related offences.	Comments considered including support for Hills Road as a new cumulative impact area.	Report recommends adoption.
1	20	Resident, Saxon Street	Supports CI area having witnessed alcohol fuelled ASB on the main drag into town from the railway station. The area must be enforced by the	Comments considered including support for Hills Road as a new cumulative impact area.	Report recommends adoption.

			police, or it will be like the 20mph zone which is a good idea, but not enforced.		
1 2	21	Chair, Glisson Rd & Tenison Rd Area Residents Assoc	<p>We approached the police suggesting and they have given their support to our request for a new CIZ for Hills Rd which they have extended to Purbeck Rd and the junction area. The GTARA strongly support that as do other residents associations in the area. The crime statistics show Hills Rd as a prime area, only second to city centre incidence. Acknowledged, but not listed is the high level of damage to cars and property on the home going routes in Petersfield with massive cost to residents of repairs and loss of peace and security. Many incidents are not reported. Police intervention is limited due to shortage of officers and the ability to cope with widespread demands on them, so are additional to published crime figures. Policing at night had been and is likely to continue to be inadequate. Taxpaying residents suffering damage and destruction to cars and property and loss of peace are entitled to ask for measures to increase protection. Ideally CI conditions should be applied universally and are asking now for it</p>	Comments considered including support for both proposals.	Report recommends adoption.

			to be applied to Hills Rd to curb nuisance, protect residents and relieve some pressure on the police.		
1	22	Residents, Lyndwode Rd	Support proposal that Hills Road be designated a CIZ.	Comments considered including support for Hills Road as a new cumulative impact area.	Report recommends adoption.
1	23	Resident, Cambridge Place	Supports the police request for Hills Rd to become a 4 th CIZ. The already prolific number of sales outlets able to sell alcohol, especially late into the evenings has turned Hills Rd into a conduit for late night revellers leaving the centre of town, seeking more alcohol. The results in persistent public disturbance and public nuisance interferes with residential amenity and public safety. A modicum of control and restriction can be expected from the granting of a CIZ for the area.	Comments considered including support for Hills Road as a new cumulative impact area.	Report recommends adoption.
1 2 Mill Road and policy in general	24	Resident, Mawson Rd	Resident resubmitted previous e-mail correspondence relating to his consultation response to the full SOLP consultation undertaken and addressed in 2010. It included the following: The inclusion of Mill Road, as a Cumulative Impact Zone was a necessary, if belated, addition to the original areas and should be retained; the three designated areas should	Comments regarding the e-mail dated 21.7.10 were considered in the drawing up of the policy which took effect in January 2011.	Report recommends adoption.

			<p>now be expanded to recognise the movement of a migratory consuming public between the City Centre and the Leisure Centre, via Mill Road and the residential areas of Petersfield, Romsey and Coleridge: a single area bounded by Newmarket Road, the Ring Road, Cherry Hinton Road and Hills Road. While not directly linked to the Licensing Statement, since alcohol/substance abuse is subject to Section 30, this and Cumulative Impact should be uniformly applied across this area, to counter problems introduced by 'dispersal'. Grounds identified.</p> <p>E-mail in response to this consultation: Given the problems associated with Street Drinking and the Binge Drinking of the Night Time Economy which is fostered by the City Council as a economic driver and part of the Growth Equation, the odd attempts at 'making the establishments' (which are licensed) pay' for increased levels of 'policing' anti-social behaviour', a more strategic look at how control might be introduced is needed. The Constabulary is trying to reduce its universal responsibility through</p>	<p>Comments considered. Support for CIZ including Cherry Hinton Road and Hills Road as stated in previous e-mail are noted.</p>	
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			<p>'zoning', dispersal beyond applied control, is a feature of the limitations associated with Section 30 of the ASB Act 2003. All these issues have been apparent since the Police (without pre-advising the public) withdrew Section 30 in Petersfield. The supply side of Alcohol expands and will continue to do so while Need is ignored as a commercial decision. There is a failure to recognise human alcoholic reaction is <i>delayed</i> and may have an impact in areas around any location, in terms of nuisance. A presumption licences will not be issued is not a certainty other outlets will not add to overall problem; it is not unlikely the expansion of trade immediately outside defined zones is a direct consequence, much like the upsurge of incidents in the Burleigh Street Area, with Section 30 dispersal (confiscation and scattering drinkers) from Petersfield and, specifically, Mill Road.</p> <p>The problems are interrelated and should be addressed in the context of how overall control is achieved.</p>	<p>Government guidance (13.23) states that need concerns the commercial demand for another pub, restaurant or hotel. This is not a matter for a licensing authority in discharging its functions. Need is a matter for planning committees and for the market.</p> <p>We continue to work in partnership with other agencies.</p>	
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1	25	Residents, Devonshire Rd.	Heartily endorse proposal. The growing amount of drunken disorder and late night noise reduces the quality of life for residents and makes the city an undesirable place to live. Ideally 11pm closings should be reinstated and the number of licensed premises, especially take-aways, reduced by upwards of one third. The public authorities need to seize control of this situation before Cambridge deteriorates further.	Comments considered including support for Hills Road as a new cumulative impact area.	Report recommends adoption.
1	26	Resident, Lyndewode Rd	Adds support to the proposal. The problems of alcohol-related ASB are evident to any passer-by, particularly at weekends. Neighbours are frequently disturbed by verbal abuse, noise and vandalism.	Comments considered including support for Hills Road as a new cumulative impact area.	Report recommends adoption.
1	27	Resident, Cambridge Place	Fully support the initiative. There is already overprovision in the area through licensed premises with long opening hours. Overindulgence fuels ASB in the area e.g. damage to property, rowdy behaviour, fouling pavements and urination in public. Necessary as part of Hills Rd is the route to the station from evening entertainment spots and opportunities to tank up on the way to and from the city and leisure park should be minimal. In these stringent times, we should be doing all we can to reduce	Comments considered including support for Hills Road as a new cumulative impact area.	Report recommends adoption.

			calls on the police and NHS services as a result of irresponsible behaviour, so that the law abiding may receive from the police and NHS the attention they have contributed to when they need it. I hope the CIZ is voted in.		
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M/licence/LA2003/Drafts & finals of SOLP/ Hills Rd CI Jan 2011/schedule of responses

CAMBRIDGE CITY COUNCIL

REPORT OF: Head of Refuse and Environment (HRE)
Head of Legal Services

TO: Licensing Committee

6 June 2011

WARDS: All

LICENSING OF SEX ESTABLISHMENTS - THE APPROVAL OF A SEX ESTABLISHMENT LICENSING POLICY FOLLOWING PUBLIC CONSULTATION

1 INTRODUCTION

- 1.1 Section 27 of the Policing and Crime Act 2009 introduced a new category of sex establishment called 'sexual entertainment venues' (SEVs) and gives local authorities the power to regulate and licence lap dancing clubs and similar venues under Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982.
- 1.2 The new powers enable these types of establishment to be licensed in the same way as sex shops, rather than as pubs and clubs and give councils greater scope and discretion as to how those venues are controlled within their areas. The new measures came into effect on 6th April 2010.
- 1.3 On 21st October 2010 full council resolved that Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982, as amended by Section 27 of the Policing and Crime Act 2009, shall apply to the Cambridge City Council area with effect from 1st December 2010, with delegation of the regulatory functions and responsibilities to the Licensing Committee.
- 1.4 Government guidance recommends as good practice for Licensing Authorities to have a Statement of Licensing Policy for Sex Establishments. On 24th January 2011 Licensing Committee approved a draft Sex Establishment Licensing Policy for public consultation. Twelve weeks consultation took place between 31st January 2011 and 26th April 2011.

- 1.5 The purpose of this report is to inform committee of the responses received as a result of the consultation exercise, thereby enabling them to consider those responses in the drawing up of a final policy.

2. **RECOMMENDATIONS**

- 2.1 That the Licensing Committee:

- 2.1.1 consider the results of the public consultation exercise as summarised as Appendix 1 of this report.

- 2.1.2 approve the wording of the final Sex Establishment Licensing Policy attached as Appendix 2 to this report, having taken into consideration the comments contained in paragraphs 3.5 – 3.13 of this report and Appendix 1.

- 2.1.3 resolve that the policy shall have immediate effect and shall be reviewed at least every five years.

3. **BACKGROUND**

- 3.1 **History.** Sex shops and sex cinemas are classified as sex establishments, licensed under the Local Government (Miscellaneous Provisions) Act 1982. The regime gives the council wide discretion in determining whether to grant or refuse licences, a power to set a limit on the number of premises that may be suitable in a particular locality, greater flexibility on applying licence conditions and the ability to accept representations from a wider scope of the community. Sex shop licences are only valid for up to one year, also giving greater scope for review.

- 3.2 Following concerns surrounding the operation of lap-dancing / similar venues and recognition that the Licensing Act 2003 did not give sufficient powers of control, section 27 of the Policing and Crime Act 2009 created a new class of licensed sex establishment, a 'sexual entertainment venue'. By treating these premises in the same way as sex shops, the new provisions give local authorities more powers to control where and how many SEVs open and operate in their areas.

- 3.3 Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, relating to sex shops was adopted by full council on 19th October 1989 and the adoption was advertised in the Cambridge Evening News on 27th October 1989. On 21st October 2010 the full council resolved to adopt amended provisions introduced by section 27 of the 2009 Act as it relates to the new category of SEVs with

effect from 1st December 2010. The amended provisions were advertised in the Cambridge Evening News on 27th October and 3rd November 2010. Full council also delegated the licensing and regulatory functions to the Licensing Committee. The adoption of the new powers started a 12-month transitional process for the one existing lap-dancing club in Cambridge City and will provide a framework for any future applications of this nature.

- 3.4 **Licensing policy.** Although local authorities are not required to produce a statement of licensing policy relating to sex establishments, they may do so if they wish, so long as it does not prevent any individual application from being considered on its own merits at the time the application is made. Policies can contain matters such as conditions, appropriate locations, limits on numbers etc. The current practice for the existing two licensed sex shops within Cambridge city has been to follow a standard operating procedure document, which sets out matters including the application and consultation process to be followed. Both current sex shop licences have the same standard conditions attached. Any changes to conditions are determined by the licensing committee.
- 3.5 **Guidance** The Government has produced Guidance for local authorities, which are encouraged to have regard to the guidance when exercising their functions (although there is no statutory requirement to do so), in order to promote best practice and consistency across local authorities in England and Wales. Government Guidance recommends that it would be good practice for Licensing Authorities to have a statement of licensing policy for Sex Establishments. Guidance suggests that each local authority should judge each case on its individual merits.
- 3.6 **Terms, conditions and restrictions** can be imposed on a licence. The Provision of Services Regulations 2009 require any conditions to be necessary, non-discriminatory and proportionate. In practical terms this means that conditions must demonstrably be directed at attaining one of the public interest objectives of the Regulations (public policy, public security, public health, or the protection of the environment) and must go no further than is necessary to achieve such objectives. The draft policy was formulated using the model standard conditions applied to the two current sex establishment licences as Appendix A and the council's existing model conditions for exotic dancing as proposed for SEVs as Appendix B. The documents have been now been amended using track changes following consultation responses.

- 3.7 Numbers and relevant locality** Schedule 3 of the 1982 Act allows the council to refuse applications on grounds related to the assessment of the “relevant locality”. It can also make an assessment as to the ‘character’ of the relevant locality and how many, if any, sex establishments or sex establishments of a particular kind, it considers are appropriate for that relevant locality. We currently have no limits on numbers for Sex Establishments, with all applications being considered on their individual merits.
- 3.8** Seven of the consultation responses received request that the Council imposes a numerical control on the number of sex establishments in Cambridge and decides that nil is the appropriate number.
- 3.9** There are currently two sex shops in the City, licensed by the Council under the provisions of the Local Government (Miscellaneous Provisions) Act 1982 and one lap-dancing club, which is currently licensed under the provisions of the Licensing Act 2003.
- 3.10** The Court of Appeal has decided that the question of what is the “relevant locality” within the meaning of the Local Government (Miscellaneous Provisions) Act is a question of fact, but cannot mean a whole town or the whole of an authority’s administrative area. The Council cannot therefore designate the whole of Cambridge as the “relevant locality” and decide that there should be no sex establishments in the whole of the City.
- 3.11** Under the Policy as currently drafted the Licensing Sub-Committee can decide what is the relevant locality on the facts of an individual application. The Sub-Committee can look at the premises for which the licence is being sought and then decide the appropriate number of sex establishments in respect of the relevant locality or whether the character of the area is such that it is inappropriate to grant a licence at all. At the hearing, the Sub-Committee can hear submissions as to the locality. The Sub-Committee will also consider paragraphs 9.1 and 9.2 of the Policy in deciding whether to grant a licence.
- 3.12** Although it would be possible to pre-determine “relevant localities” in the Policy and decide the appropriate number of sex establishments or type of sex establishment for each locality, this can cause problems, for example in respect of premises that are on the edge of a locality, the Sub-Committee would have to either ignore the adjoining locality or have regard to the character of more than one locality. If relevant localities and numerical limits were specified within

the Policy it would not be open to the Council to refuse to consider an application as, however strict a policy, an Authority must still decide whether the facts of a particular case warrant an exception.

3.13 It is recommended that predetermined localities are not set and that each application is considered on its own merits. This will enable the Sub-Committee, when hearing an application, to determine the “relevant locality” in respect of that application, having considered any relevant representations, and to consider the characteristics of that locality.

3.14 Policy review It is considered good practice to review the policy. It is recommended that it be reviewed every five years, in line with the Police Reform and Social Responsibility Bill proposed amendment for Licensing Act 2003 policies.

4. CONSULTATIONS

4.1 Public consultation was undertaken in accordance Government’s Code of Practice for 12 weeks between the 31st January 2011 and 26th April 2011. We consulted widely with the public, statutory authorities, including the police, businesses likely to be affected and existing and potential premises licence holders. The document was available to view on our website and officers attended area committees during the consultation period.

4.2 Fifteen responses have been received in total, one prior to the response period, 13 during the response period and one on the day following the consultation period. All comments received have been summarised in Appendix A for consideration by committee and the draft policy amended as appropriate.

5. ISSUES AND OPTIONS

5.1 Having adopted the amendment introduced by section 27 of the 2009 Act, the Council now has the power to regulate sex entertainment venues as sex establishments under Schedule 3 to the 1982 Act. Committee. The consultation draft of the Policy was approved by Licensing Committee on 24th January 2011 and has been the subject of consultation. The options are: (a) to adopt the Policy as set out in Appendix 2; (b) to adopt the Policy as amended; (c) not to adopt the Policy. If members decide that “relevant locations” should be specified within the Policy, further work will be needed to consider and recommend appropriate locations and numerical limits.

6. CONCLUSIONS

- 6.1 Government Guidance recommends the formulation of a Statement of Licensing Policy for Sex Establishments as a good practice and the establishment of such a policy will give greater scope and discretion to the Council in the way these premises are controlled within the area.

7. IMPLICATIONS

(a) Financial Implications

(i) Schedule 3 to the 1982 Act states that the applicant for grant, renewal, variation or transfer of a sex establishment licence shall pay a reasonable fee, but gives discretion to the council. The Provision of Services Regulations 2009 require that any fees charged must be reasonable and proportionate to the costs incurred and must not exceed those costs (excluding enforcement).

(ii) There has been a cost to the Council in undertaking public consultation.

(b) Staffing Implications

The new procedures will be processed as an additional workload, but within existing staff resources. The additional workload arising from the consultation process has been absorbed within existing staff resources.

(c) Equal Opportunities Implications

Section 149 of the Equality Act 2010 obliges public authorities in the exercise of their functions to have due regard to the need to eliminate discrimination, harassment and victimisation, to advance equality of opportunity between the sexes and to foster good relations between the sexes. The Council will be able to attach conditions to licences as appropriate, for example to protect performers from harassment and any threat to their dignity and to address any suggestion that women may be less welcome in premises than men. The fears of women and vulnerable persons using the vicinity of the premises can be addressed in decisions as to the locations of such facilities and by conditions. An Equalities Impact Assessment (EqIA) has been compiled addressing perceived equality issues and this will be further reviewed following consideration of the consultation responses and taking into account the content of the final policy statement.

(d) Environmental Implications

The environmental implications for the relevant locality are one of the matters that the Committee should consider in determining each request.

(e) **Community Safety**

The Government's intention is to give local people a greater say over the number and location of sexual entertainment venues within their area and its introduction followed consultation with local authorities which highlighted concerns that the existing legislation did not give communities sufficient powers to control where lap-dancing clubs were established. The adoption of the amendment and associated procedures provide checks and balances to ensure greater community involvement. Cambridgeshire Constabulary and various community bodies were included in the consultation process for the statement of licensing policy.

(f) **Human Rights**

The following human rights are potentially engaged:

Article 10 – the right to freedom of expression, Article 1 of the First Protocol – the right to the peaceful enjoyment of possessions;

Section 19 of the Human Rights Act 1998 requires a Minister of the Crown in charge of a Bill to make a written statement of compatibility with the rights conferred by the European Convention on Human Rights. While the Local Government (Miscellaneous Provisions) Act preceded the Human Rights Act, the provisions of the Policing and Crime Act 2009 post-dated it. In considering the application of the provisions relating to sexual entertainment venues the Council can be assured that the wide powers they have been given to control SEV's have themselves been validated in human rights terms.

BACKGROUND PAPERS: The following are the background papers that were used in the preparation of this report:

Local Government (Miscellaneous Provisions) Act 1982

Sex Licensing by Philip Kolvin QC

To inspect these documents contact Christine Allison on extension 7899

The author and contact officer for queries on the report is Christine Allison on extension 7899

Report file: M/Everyone/Licence/Sex shop lic/committee reports/L11-0606.doc

Date originated: 19 May 2011

Date of last revision: 19 May 2011

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Appendix A

Cambridge City Council reserves the power to alter, modify or dispense with these conditions as it sees fit at any time.

CAMBRIDGE CITY COUNCIL

SEX ESTABLISHMENT LICENCE CONDITIONS

Sex Shops and Sex Cinemas



These conditions may be applied to the licensed sex establishment at (the licensed premises) as granted under the 3rd Schedule of the Local Government (Miscellaneous Provisions) Act 1982 as amended.

1. Hours of Opening

- 1.1 The licensed premises shall not be open to the public before 9.30 am and shall not be kept open after 6.00 pm from Monday through to Saturday (inclusive) except that the premises may open to the public until 8pm on Fridays.
- 1.2 The licensed premises shall not be open to the public on Sundays, Christmas Day or Good Friday.

2. Management and Staffing of the Licensed Premises

- 2.1 Where the Licensee is a body corporate or an unincorporated body any change of director, company secretary or other person responsible for ~~in~~ the management of the body is to be notified in writing to the Licensing Authority within fourteen days of such change and such written details as the Licensing Authority may require in respect of any new director secretary or manager are to be furnished within fourteen days of a request in writing from the Licensing Authority.
- 2.2 The name of the person responsible for the management of the licensed premises, whether the Licensee or a manager approved by the Licensing Authority shall be prominently displayed within the licensed premises throughout the period during which that person is responsible for its conduct.
- 2.3 The Licensee shall notify the Licensing Authority and the Police of the name and address, and date of birth of any manager or employee involved at the premises within 7 days of them commencing employment. In the case of existing staff at the time the Sex

Establishment licence comes into operation for the first time, this information shall be supplied to the Licensing Authority within 14 days of the licence coming into operation. The Licensing Authority ~~can~~ shall reserve the right to object to persons being involved with the premises where the Authority considers that they are unsuitable by reason of having been convicted of an offence or for any other reason e.g. by way of previous relevant criminal convictions. Where the Licensing Authority has objected in writing to any person(s) they shall not be involved or employed at the premises

- 2.4 At all times during which the premises are open to the public, one or more approved persons shall be present on the premises and shall be responsible for the management of the premises. their management. An approved person for the purposes of this condition shall be a person approved in writing in advance by the licensing authority following the submission of details and a satisfactory photograph by the Licensee. A person shall only be approved for the purposes of this condition if the licensing authority considers him or her to be a suitable person to have control of the premises.
- 2.5 No person under the age of 18 shall be admitted to the licensed premises or employed by the licensee to work at the licensed premises.
- 2.6 The Licensee shall ensure that no part of the licensed premises shall be used by prostitutes (male or female) for soliciting or for any immoral purposes.
- 2.7 Neither the Licensee nor any employee or other person shall seek to obtain custom for the licensed premises by means of personal solicitation, by means of flyers, handouts posters or similar any like thing, outside or in the vicinity of the licensed premises.
- 2.8 The copy of the licence and these conditions shall be displayed in accordance with paragraph 14(1) of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 in a conspicuous position at the premises for the customers to see.
- 2.9 No amusement or gaming machines of any kind, whether for prizes or other wise, shall be kept or used upon the licensed premises at any time.

3 External Appearance

- 3.1 Windows and openings to the licensed premises other than entrances shall not be obscured otherwise than with the consent of the Licensing Authority but shall have suspended immediately behind them, plain light coloured screens or blinds of a type and design approved by the Licensing Authority. No advertisements or other notices or items shall

be displayed so as to be visible from the exterior of the premises, subject to conditions 3.2 and 3.3.

- 3.2 The Licensing Authority shall approve the design of the front elevation of the shop which shall include reference to the name of the shop, its postal address, opening hours, website address and any security grilles/shutters.

(As a general rule the name of the premises shall be of an uncontentious nature and light colours used throughout to the Licensing Authority's approval)

- 3.3 The exterior and entrance to the licensed premises shall be suitably screened so as to prevent any part of the interior being visible from outside the licensed premises shop. There shall be a solid outer and inner door fitted with automatic closures with such devices being maintained in good working order. On the external facing of the inner door, there shall be displayed a notice in accordance with the requirements of the Indecent Displays (Control) Act 1981 namely:

WARNING

“Persons passing beyond this notice will find material on display which they may consider indecent. No admittance to persons under 18 years of age”

4 Maintenance and Repair

- 4.1 The Licensee shall maintain the licensed premises in good order, repair and state of cleanliness at all times. This will include the need to maintain the front and rear of the premises in a clean and tidy condition, and to take appropriate measures to keep secure from public access (including unauthorised access) refuse and discarded sex articles/waste stock emanating from the premises pending prompt removal from site.
- 4.2 The licensee shall comply with any fire prevention and safety measures that may be required by the Fire Authority.

5 General

- 5.1 The licence shall be revocable in the event of the Licensing Authority being reasonably satisfied that a breach of any of the foregoing conditions has occurred and the licence holder may be liable to prosecution.
- 5.2 IN ADDITION TO THE ABOVE CONDITIONS, IT IS THE DUTY OF

THE LICENCE HOLDER TO COMPLY WITH ALL THE REQUIREMENTS OF SCHEDULE 3 TO THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982.

Cambridge City Council reserves the power to alter, modify or dispense with these conditions as it sees fit at any time.



CAMBRIDGE CITY COUNCIL SEXUAL ENTERTAINMENT VENUE LICENCE CONDITIONS

These conditions may be applied to the licensed sexual entertainment venues as granted under the 3rd Schedule of the Local Government (Miscellaneous Provisions) Act 1982 as amended.

The Licensee 1. Management and Staffing of the Licensed Premises

1.1

The Licensee shall at all times conduct the premises in a decent, sober and orderly manner. In particular the Licensee shall take whatever steps are necessary to ensure that none of the following takes place:

- (a) Indecent behaviour including sexual intercourse;
- (b) The offer of any sexual or other indecent service for reward;
- (c) Unlawful possession and/or supply of drugs controlled by the Misuse of Drugs Act 1971;
- (d) Any acts of violence against persons or property and/or the attempt or threat of such act likely to cause a breach of the peace.

1.2 Where the Licensee is a body corporate or an unincorporated body any change of director, company secretary or other person responsible for the management of the body is to be notified in writing to the Licensing Authority within fourteen days of such change and such written details as the Licensing Authority may require in respect of any new director secretary or manager are to be furnished within fourteen days of a request in writing from the Licensing Authority.

1.3 The name of the person responsible for the management of the licensed premises, whether the Licensee or a manager approved by the Licensing Authority shall be prominently displayed within the licensed premises throughout the period during which that person is responsible for its conduct.

1.4 The Licensee shall notify the Licensing Authority and the Police of the name and address, and date of birth of any manager or employee involved at the premises within 7 days of them commencing employment. In the case of existing staff at the time the Sex Establishment licence comes into operation for the first time, this information shall be supplied to the Licensing Authority within 14 days of the licence

coming into operation. The Licensing Authority can object to persons being involved with the premises where the Authority considers that they are unsuitable by reason of having been convicted of an offence or for any other reason. Where the Licensing Authority has objected in writing to any person(s) they shall not be involved or employed at the premises

- 1.5 At all times during which the premises are open to the public, one or more approved persons shall be present on the premises and shall be responsible for the management of the premises. . An approved person for the purposes of this condition shall be a person approved in writing in advance by the licensing authority following the submission of details and a satisfactory photograph by the Licensee. A person shall only be approved for the purposes of this condition if the licensing authority considers him or her to be a suitable person to have control of the premises.
- 1.6 No person under the age of 18 shall be admitted to the licensed premises or employed by the licensee to work at the licensed premises.
- 1.7 The Licensee shall ensure that no part of the licensed premises shall be used by prostitutes (male or female) for soliciting or for any immoral purposes.
- 1.8 Neither the Licensee nor any employee or other person shall seek to obtain custom for the licensed premises by means of personal solicitation, by means of flyers, handouts posters or similar.
- 1.9 The copy of the licence and these conditions shall be displayed in accordance with paragraph 14(1) of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 in a conspicuous position at the premises for the customers to see.

2. The Premises

- 2.1 Windows and openings to the licensed premises other than entrances shall not be obscured otherwise than with the consent of the Licensing Authority but shall have suspended immediately behind them, plain light coloured screens or blinds of a type and design approved by the Licensing Authority. No advertisements or other notices or items shall be displayed so as to be visible from the exterior of the premises, subject to condition 3.2.
- 2.2 The exterior and entrance to the licensed premises shall be suitably screened so as to prevent any part of the interior being visible from outside the licensed premises. There shall be a solid outer and inner door fitted with automatic closures with such devices being maintained in good working order. On the external facing of the inner door, there shall be displayed a notice in accordance with the requirements of the Indecent Displays (Control) Act 1981 namely:

WARNING

“Persons passing beyond this notice will find material on display which they may consider indecent. No admittance to persons under 18 years of age”

2.3 The Licensee shall maintain the licensed premises in good order, repair and state of cleanliness at all times. This will include the need to maintain the front and rear of the premises in a clean and tidy condition, and to take appropriate measures to keep secure from public access (including unauthorised access) refuse and discarded sex articles/waste stock emanating from the premises pending prompt removal from site.

2.4 The licensee shall comply with any fire prevention and safety measures that may be required by the Fire Authority.

2.5 CCTV shall be installed, maintained and operated to the satisfaction of the Council, to cover all areas where dancing takes place. All cameras shall continually record whilst the premises are open to the public and the video recordings shall be kept available for a minimum of ~~3128~~ days with time and date stamping.

2.6 Tape recordings shall be kept secure and shall be made available to an Authorised Officer of the Council or a Police Officer, on request.

2.7 No person shall take any video recordings or photographs of the authorised entertainment. Notices to this effect shall be clearly displayed within the venue.

2.8 There must be no display outside the premises of photographs or other images, which indicate that entertainment involving nudity or sexual performances takes place on the premises.

2.9 There shall be no private booths

2.10 Entertainment, including dancing, which involves nudity or sexual performances of any kind, must not be visible from outside the premises.

2.11 Performers shall be provided with separate dressing/changing rooms, which shall be located so as to be separate and apart from the public facilities.

2.12 No person other than performers and authorised staff shall be permitted in the dressing/changing rooms.

2.13 Safe and controlled access to the dressing rooms for performers must be maintained at all times. A nominated person should monitor and supervise the performers' dressing/changing rooms.

~~40.2.14~~ Dressing/changing rooms are to include make-up lighting, mirrors and seating.

~~44.2.15~~ A curtain or similar such screen shall be provided so as to maintain privacy at all times when the dressing/changing room door is opened.

~~42.2.16~~ There shall be adequate licensed door supervisors in attendance on the premises when such entertainment is taking place. Of these door supervisors, at least one shall be female. Door supervisors shall be positioned at all entrances to the premises throughout the performance and shall be present in the room in which the performance takes place.

~~13.2.17~~ All persons working as door supervisors must be approved and licensed by the Security Industry Authority (SIA). The Council will not normally consider the Licensee or the designated Premises Supervisor to be a door supervisor.

3. Performers

~~3.1~~ A register is to be kept of all staff working each day/evening.

~~44.3.2~~ Performers shall be aged not less than 18 years. Valid proof to be held on the premises of the age of each of the performers

~~15.3.3~~ No performer shall be allowed to work if, in the judgement of the Management, they appear to be intoxicated, or under the influence of illegal substances.

~~16.3.4~~ No performance shall involve the use of sex articles (as defined in the Local Government (Miscellaneous Provisions) Act 1982).

~~17.3.5~~ Performers shall not use any props or clothing in the Act, which portrays them as a minor.

~~18.3.6~~ When making their way from the dressing/changing room to the dance area each performer will be robed. They will also be accompanied into the dance area by a licensed door supervisor. On the journey from the dance area to the dressing/changing room they will be robed and accompanied by a licensed door supervisor.

~~19.3.7~~ There shall be no physical contact between customers and the dancers except for the placing of gratuities into the hands or garter of the dancer at the beginning or conclusion of a performance. Whilst the dancers are performing there shall be a minimum distance of ~~80cm~~ 1 metre between the dancer and the seated customers.

~~20.3.8~~ Garters worn for the collection of gratuities shall be situated no higher than mid thigh.

~~21.3.9~~ Performers providing either table or lap dancing performances are to remain standing throughout the performance of the dance.

~~22.3.10~~ There shall be no table or lap dance performances given to customers seated or standing at a bar.

~~23.3.11~~ Dancers shall re-dress at the conclusion of the performance and are to remain **fully** clothed (~~minimum bikini top and bottom~~) at all times except when giving a performance.

~~24.3.12~~ The Licensee, Designated Premises Supervisor or a licensed door supervisor will immediately deal with any report of contact, misconduct or provocation by a customer or a dancer.

4. General

~~25.4.1~~ Whilst the agreed activities are taking place, no person under the age of 18 shall be allowed onto that part of the premises. Customers who appear to be under the age of 25

must be asked to provide photographic proof of their age. The licensee must provide and display clear notices to this effect at each entrance to the premises and in a prominent position so that it can be easily read by persons entering the premises.

~~26.4.2~~ No customer shall be admitted to the premises or allowed to remain in the dance area if, in the judgement of the management, they appear to be intoxicated or under the influence of illegal substances.

~~27.4.3~~ Customers shall remain seated at all times whilst in the dance area, other than when they arrive, depart, visit the toilet or go to the bar.

~~28.4.4~~ Dance entertainment shall be given only by performers/entertainers who are engaged exclusively for that purpose and have been provided with a copy of the Performance Code of Conduct by the Licensee. Audience participation shall not be permitted.

~~29.4.5~~ No persons other than dancers shall be in the dance area in a state of undress.

~~30.4.6~~ Dance entertainment shall only be performed in the area of the club as marked on the plans deposited with the Licensing Authority.

~~31.4.7~~ Customers shall not proposition performers or behave in a disorderly manner. Offenders must be removed from the premises. Appropriate notices stating these 'house rules' shall be displayed in prominent positions throughout the premises.

~~32.4.8~~ No telephone number, address or information leading to any further meeting may be passed from customer to performer or vice versa.

~~33.4.9~~ If performers are invited to have a drink with a customer the performer shall remain fully clothed during this period. Performers shall not be paid commission on the sale of beverages.

~~34.4.10~~ On leaving the premises performers shall be escorted to their transport by a registered door supervisor.

~~35.4.11~~ A clear copy of these conditions shall be exhibited at all times in or near the performers' dressing/changing rooms. These conditions shall be protected against theft, vandalism or defacement.

~~36.4.12~~ The Licensee is to ensure that prior to engagement, all performers provide documents proving that they are over 18 years of age and documents proving that they are legally entitled to work in the UK. Such documents are to be copied and retained on the performer's file.

~~37.4.13~~ All performer files are to be retained for a period of six months after engagement, and made available to the statutory authorities upon request if required for investigative purposes.

~~38.4.14~~ Where the Licensee employs performers from an agency, the performers must still provide the relevant documentation as required in the condition above. Details of

agencies providing performers are to be made available to the statutory authorities upon request.

4.15 The licence shall be revocable in the event of the Licensing Authority being reasonably satisfied that a breach of any of the foregoing conditions has occurred and the licence holder may be liable to prosecution.

4.16 IN ADDITION TO THE ABOVE CONDITIONS, IT IS THE DUTY OF THE LICENCE HOLDER TO COMPLY WITH ALL THE REQUIREMENTS OF SCHEDULE 3 TO THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982.

Schedule of Responses to Licensing Policy

Appendix 1

Area of Policy	Ref	Respondent	Summary of comments	Consideration/ appraisal	Response
Appendix B, number 25.	1. 21.1.11	Cllr Saunders	Appendix B 25 refers to 'under the age of 25'. Would this be challenge 25?	Challenge 25 is an initiative which relates to the sale of alcohol, under the Licensing Act 2003.	Similar principles to the 'Challenge 25' initiative are being implemented here for entertainment constituting sexual entertainment.
General	2. 7.2.11	Individual respondent, address not stated	<p>I fail to see how a club has anything to do with 'sex' as such and therefore needs to be under the same laws as a sex shop.</p> <p>Does the Cambridge Corn Exchange come under a sex establishment licence for holding events such as the vagina monologues (which has sexual content)</p>	<p>Section 27 of the Policing and Crime Act 2009 introduced a new category of sex establishment called 'sexual entertainment venues' (SEV's) and gives local authorities in England and Wales the power to regulate lap dancing clubs and similar venues under Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982.</p> <p>Comment considered. It will be a matter for the Corn Exchange to decide in the future whether it wishes to stage events which require a sex establishment licence and if so, make the appropriate application.</p>	The council will licence SEVs in accordance with the legislation and any guidance issued by the government
General	3. 23.2.11	Individual respondent, address not stated.	The draft policy document misses the mark. The Council does not want to make moral judgments and seem also to suggest that to become a properly cosmopolitan city, Cambridge must shed some of its inhibitions. If we have the Grand Arcade for the compulsive shopper, then we must have sex clubs too. Well, perhaps you should think again. There is, after all, a good deal of evidence to suggest that pole/lap-dancing venues do not always pay their performers terribly well, and that there may sometimes be a degree of exploitation involved. And never mind the well-rehearsed arguments about whether or not such establishments 'empower' women, whatever that means, or the questionable evidence that they enable a small number of young female students to pay their way through university. I'm a fifty-seven year-old male who could not by any stretch of the imagination be described as a feminist,	<p>Comments considered.</p> <p>The amendment brought about by the Policing And Crime Act 2009 is specifically designed to provide more stringent conditions and give greater powers of control to the Council. This will apply to both existing and new premises.</p>	We will be undertaking our functions in accordance with the new legislation.

Nil sex establishments			<p>but I would still argue that lap-dancing clubs degrade both the women who perform in them and the men who visit them. Controversially, Cambridge already has one lap-dancing club, the Talk of the Town off Napier Street, and my unfortunate acupuncturist has to practice immediately above it. I have no idea if this venture has proved commercially successful, but the other traders I visit in Cobble's Yard would clearly much rather it wasn't there. As, to be perfectly honest, would I. The legislation enabling the establishment of such venues was always far too lax.</p> <p>Unless I'm mistaken, the recent application to launch some sort of burlesque emporium (or should that be purgatorium?) in the former bingo hall on Hobson Street was rejected, apparently for 'operational' reasons, by which I presume is meant the potential policing problems such an establishment would have posed in the city centre. A good thing too, in my view. This part of Cambridge is already effectively a no-go area for anyone who wants to enjoy a good, old-fashioned night out without fear of encountering alcohol-induced unpleasantness of one sort or another. And situating such a venue elsewhere, away from the city centre, would no doubt bring with it a different set of problems.</p> <p>Whatever sexually oriented entertainments people wish to enjoy in the privacy of their own homes is, of course, entirely their own business, and no one else's. (And prostitution? Let's not even go there, although legalised brothels might perhaps be a start in preventing the abuse of sex workers.)</p> <p>But does Cambridge really need more lap-dancing clubs or, heaven help us, a dedicated burlesque venue? I would submit that it does not. Just because these establishments are legal doesn't mean they have to be allowed.</p> <p>The city council really should take a more robust position here, preferably one which states, quite clearly, that this city is better off without such venues. They do, after all, set a certain tone, and I'm not at all sure it's one that Cambridge should set, or indeed needs to.</p>	<p>An application for The Greene Room in Hobson Street was refused after a hearing of the licensing sub-committee on 17th Jan 2011. The decision has been appealed and will be heard by Magistrates' in November 2011. This application was made under the Licensing Act 2003, not as a sex establishment.</p> <p>Comment considered.</p> <p>Adoption of the legislation enables the council to regulate premises of this nature.</p> <p>Comment considered.</p>	<p>A Licensing Act 2003 matter.</p> <p>Addressed in committee report. See also Section 9 of the policy.</p>
Nil sex establishments	4. 6.3.11	Individual respondent and Cambridge resident	<p>Objects to the presence of any sex establishments within Cambridge city. Women are subjected to more offensive language and approaches in the area of these establishments. Women employed in them are demeaned and objectified.</p>	<p>Comments considered. The Council has considered setting a maximum number of establishments, which could have been Nil.</p>	<p>Addressed in committee report. See also Section 9 of the policy.</p>

			Parliament may have made them legal, but I hope the LibDem led council will have the moral probity to refuse them licences, otherwise this will be a matter to remember at the next local elections.		
Nil sex establishments	5. 9.3.11	Individual respondent and Cambridge resident	Objects to the presence of any sex establishments within Cambridge city. Women are subjected to more offensive language and approaches in the area of these establishments. Women employed in them are demeaned and objectified. Parliament may have made them legal, but hopes the LibDem led council will have the moral probity to refuse them licences, otherwise this will be a matter to remember at the next local elections.	Comments considered.	Addressed in committee report. See also Section 9 of the policy.
Nil sex establishments	6. 21.3.11	Individual respondent. Address not stated.	Urges in the strongest possible terms to reconsider licensing further sex encounter establishments in the city of Cambridge. Strip clubs dehumanise women and as a result cause violence against them. Rates of sexual assault rise in areas where strip clubs are located. I see no reason for this kind of misogyny to be perpetuated in one of the most enlightened areas of the country. I am extremely disappointed that the council is even considering these proposals. As a Cambridge student and a woman I recognise that, with rising tuition fees, future female students in the city may be pressured into working in these establishments, and this should be avoided at all costs in the interests of gender equality. Why should women be forced by our economic climate into objectifying themselves and selling their bodies? Licensing strip clubs is profoundly damaging to our society and I and like minded members of this university will do our utmost to prevent this damage.	Comments considered.	Addressed in committee report. See also Section 9 of the policy.
Appendix B additional conditions	7. 15.3.11	Dr Teela Sanders, Reader in Sociology, University of Leeds.	Attention brought to a current research project into the lap dancing industry in the UK, funded by the Economic and Social Research Council, and conducted by myself as Principal Investigator and Dr Kate Hardy as research officer at the University of Leeds. Central aims of the project are to investigate the experiences of dancers and their working conditions. More about the aims, scope and methodology of the project can be found at: http://www.sociology.leeds.ac.uk/research/projects/regulatory-dance.php The project is in the final phases having surveyed 197 dancers and conducted 70 interviews, with the final report	Comments and research considered.	

			<p>available over the summer. We would like the committee to consider the preliminary findings report which was released in August 2010 and is attached as Appendix1.1.</p> <p>Specifically we would like to make proposals for inclusion in Appendix B in order to consider the welfare of dancers further, and also to stipulate conditions which help to prevent financial exploitation.</p> <ul style="list-style-type: none"> - Availability of better information about status of self-employment, including tax, insurance and legal standing. - Offer a receipt for fines and fees and ensuring the fines policy is adequately displayed. - Offer a receipt for dances where commission is taken - Monthly meetings between management and staff to discuss rules, changes, and to get dancers' input. - Encourage or even provide Insurance for the women. - Provide an induction pack for dancers for when they first start and also permanently display this in the changing rooms with the key policies and information regarding safety available to dancers at all times. 	<p>Noted.</p> <p>Conditions reviewed.</p> <p>Whilst the Council accepts that these show good practice, they are matters between the performers and employers and would be difficult for the local authority to enforce.</p>	
9.2	8. 3.4.11	Individual respondent, concerned parent and resident of Cambridge	<p>I would suggest that in addition to the groups of people listed you would want to protect from this type of establishment you would want to include the group 'vulnerable adults'</p>	Comment considered.	Amended to include vulnerable persons.
4.3 Relevant entertainment	9. 16.4.11	Individual respondent and resident of Cambridge	<p>The 'relevant entertainment' included in clause 4.3 is not an exhaustive list. It is also important to specifically include Burlesque or Modern Burlesque in this list as relevant entertainment.</p> <p>Burlesque was originally a form of political cabaret or variety performance, including live song and dance, stand-up comedy and some nudity. Modern burlesque is devoid of any political or cabaret elements and is now primarily a strip show- often elaborated into peep shows with 'vintage' or 'bondage' themes- performed solely for financial gain and sexual entertainment.</p> <p>Because Cambridge is a cultural centre with an affluent, well-educated population and a large number of students, lap-dancing clubs are likely to theme their proposed clubs as a</p>	<p>Comment considered.</p> <p>The understanding of the exact nature of the descriptions cited may vary and are to be treated as indicative only. Para 4.3 states that ultimately decisions as to whether entertainment is 'relevant entertainment' will depend on the content of the entertainment and not the name it is given.</p>	Each case will be considered individually.

<p>Section 9</p>			<p>'Burlesque House' etc to seem more upmarket and disassociate themselves from the reputations of clubs like Spearmint Rhino. This gives them the opportunity to avoid their responsibilities as a sexual entertainment venue to their staff and to the public, or to attempt to avoid a sexual entertainment licence altogether, by claiming that their performances are art or avant-garde theatre.</p> <p>Of relevance, it was reported in the Cambridge Evening News recently that the Junction's Burlesque club night ad poster had to be removed from the Morley Memorial Primary School railings and an apology issued by the Junction after complaints by parents that it was an inappropriate place for it to be displayed. From a combination of the picture and the Burlesque theme, the club was understood to be providing a strip show or at least some form of nudity as sexual entertainment. Burlesque show is a euphemism for strip show, and this is how it is commonly understood.</p> <p>Burlesque style venues should be included in the category of sexual entertainment, even if some cabaret element is present [for example in the branding of the venue or in the actual performances] since the focus and primary function of burlesque is now sexual entertainment. We should automatically consider that burlesque clubs be in the same category as lap dancing clubs, and then decide on an individual basis whether there is a significant enough degree of artistic/theatrical material for sexual entertainment not to be the primary purpose of the venue.</p> <p>Please consider including in Section 9: The Location of Licensed Premises [listing the unacceptable nearby locations for sexual entertainment establishments]:</p> <ul style="list-style-type: none"> i. <i>Sixth form colleges</i>- of which Cambridge has many. They qualify by being places of education used mainly by people aged 16-18, who are still legally children. Obviously a large proportion of students are young women, and they are used as community centres where children's clubs and community activities are run. ii. <i>Non-religious community centres</i> and communally 	<p>Comment considered. Section 9.1.2 and 9.1.3 specifically refer to areas where there may be children under 16 years of age. A sixth-form college will comprise mainly 16-18 year olds.</p> <p>Comment considered. Each</p>	
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<p>Section 10</p>			<p>used buildings or sites like W.I Halls because they are used mainly by women, children and the elderly and because secular sites should receive the same protected status as sites exclusively for religious communities.</p> <p>It is the responsibility of the City Council to fully inform the public about proposed Lapdancing/Strip clubs and about their right to object to the granting of a licence, and not to rely upon the public to seek out this information. I do not think this is being done effectively, and would recommend you add a clause to Section 10: Commenting on Licence Applications:</p> <ul style="list-style-type: none"> i. The Council is required to notify those who live and work in the immediate vicinity of the proposed venue of forthcoming applications via letter-drops, posters, community newspapers etc which clearly state the nature of the venue, the 28 day time limit within which objections can be made, and how objections can be made i.e. on the council website, by phone etc. 	<p>application is considered on its merits and consideration will be taken as to an area is appropriate, for example areas that attract a high percentage of female, elderly or young users. (Covered in 9.1 & 9.2)</p> <p>Under the LG(MP)Act 1982, it is the applicants responsibility to inform the public by means of publishing a notice in the local newspaper within the area, not later than 7 days after the date of the application and in addition by displaying a notice at the premises for 21 days in a place where it can be conveniently read by the public.</p>	<p>A register will be available to view on our website.</p>
<p>Section 13</p>			<p>Unless these points are already covered by other sections of the policy, consider including in Section 13: Grounds for Refusal of a licence-Automatic refusal of a licence to any body corporate that holds or held a licence for a sexual entertainment venue where prostitution was found to have taken place.</p> <ul style="list-style-type: none"> i. Automatic refusal of a licence to any body corporate that holds or held a licence for a brothel abroad in countries where prostitution is legalised. 	<p>The policy states at the start of Section 13 that the grounds for refusal are set out in the LG(MP)Act 1982.</p>	
<p>Appendix B</p>			<p>Appendix B: Model Conditions for Sexual Entertainment Venues is very thorough, but I suggest you use in the Performers section [14-24], the example of Havering Borough of London Best Practice Policy 2005 which specifies 'no performer shall perform with or towards any other performer, and shall make no physical contact with another performer' in order that performers not be required or pressured by the venue or by patrons to perform live sexual acts for money.</p>	<p>Conditions reviewed. A condition regarding physical contact is included.</p>	

			<p>Recommends insertion of a clause in Appendix B which holds the licensees responsible for reducing harassing or threatening behaviour of their patrons towards women on the street during and after licensing hours, in connection with their duty to ensure the quiet and orderly dispersal of their patrons from the premises after closing time. For example by requiring door and security staff to monitor/patrol the surrounding street area at closing to assess potential problems, and by requiring that the outside area of the venue be well lit at all times.</p> <p>Also, that you require the establishment to receive and appropriately respond to complaints from the general public against the venue or the behaviour of its patrons, for example by maintaining an anonymous complaints section on the venue's website.</p> <p>I strongly support placing an upper limit on the number of sexual entertainment venues in Cambridge City as a whole, and also that the licensing policy specifically states that these venues [if more than one is allowed] must not be located in close proximity to each other.</p> <p>There is a causal link between the opening of sexual entertainment venues like lapdancing and pole dancing clubs in any given area and an increase in sex crime and sexual harassment. Research undertaken by The Lilith Project in 2003 in Camden found that 'in the years following the opening of a lap dance club in Tottenham Court Road, reports of female rape increased by 50% and reports of sexual assaults against women increased by 50%' [Eden, 2007]. On a grander scale 'the numbers of reported rapes around lapdance clubs is three times the national average [Eden 2003]'. </p> <p>The more sexual entertainment venues the licensing policy allows, the more the safety and rights of women and girls are threatened in a material way- 'wherever lapdance and strip clubs appear, women's quality of life deteriorates as a result, with increased reports of rape [Eden 2003] and increased fear of travelling as a result [TfL 2004]'. The harm is also psychological since 'venues offering adult entertainment involving nudity tend to increase <i>perceptions of crime and</i></p>	<p>Comment considered. A condition is included regarding door supervisors. The councils powers are limited as to the treatment of patrons once they have left the premises</p> <p>Comment considered. This could be considered to be good practice by the licence holder but is not a considered to be a condition that the council could enforce.</p> <p>Comment considered.</p> <p>Comment considered.</p> <p>Comment considered.</p>	<p>Addressed in committee report. See also Section 9 of the policy.</p>
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			<p><i>potential risk... seriously restricting the rights of women in the area to move about freely and in safety.</i> [Eden, 2007].</p> <p>The night time economy is for everyone to enjoy. Allowing any number of sexual entertainment venues to exist in Cambridge is effectively prioritising men's entertainment over women's right to safety in the city, and contradicting your own ethics as set out in the licensing agreement to 'protect the rights and health and safety of the general public... and vulnerable groups' with specific reference to The Equality Act 2010 and The Human Rights Act 1998.</p> <p>When a group of clubs are allowed to exist close together they will create a crime blackspot where women and girls are constantly vulnerable. The effect will be to give Cambridge a mini red-light district, not just in the appearance of the area and the crime statistics but because sexual entertainment venues 'act as a gateway for the introduction of the sex industry into the area' and 'anti-trafficking and prostitution organisations highlighted as early as 2003 that lapdancing clubs are used by traffickers to 'hide' women trafficked into prostitution' [Eden, 2007]. Close competition will force venues to provide increasingly explicit shows and become more exploitative of performers in order to maintain profits.</p> <p>Cambridge City council does not have the right to allow <i>any</i> number of sexual entertainment venues to exist for profit, when the resources available to deal with the result of this- an increase in gender based violence and exploitation- are so abominably poor. Cambridge RapeCrisis Centre is not a centre but a phone line open once a week from 7:30-9:30pm. Due to massive stress put on the centre by large numbers of callers, a caller is entitled to a maximum of twenty calls lasting up to thirty minutes. Though they are trained rape councillors who provide a vital support, the centre staff are unpaid. At the current rate it would take two weeks to receive calls from all eight victims of the sexual assailant whose e-fit is currently being circulated in Cambridgeshire papers and on fliers all over the city.</p> <p>Due to its status as a charity it is massively under funded- 'at</p>	<p>Comment considered.</p> <p>Comments considered. The legislation enables the council to regulate such premises.</p>	<p>See section 9</p>
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			<p>Cambridge RapeCrisis we often struggle to obtain sufficient funds to cover the costs of running the helpline'.</p> <p>It receives little support from either local or national government, who evidently do not consider Rapecrisis Centres an important public service comparable to, say, doctor's surgeries or police stations.</p> <p>Cambridge's rape conviction rate is a shameful 3.1%- less than half the national average [7%] less than half that of our close neighbours Bedfordshire [6.7%] Hertfordshire [6.5%] and less than one third the rate of Norfolk [9.6%].</p> <p>Although the Department for Media, Culture and Sport makes it clear in the four licensing objectives of the Licensing Act 2003 that it is not a valid argument to object to sexual entertainment venues purely on the basis of women's human rights, you must consider whether the sexual objectification of women is a desirable form of commerce for Cambridge's night time economy. If you agree that its is not, I urge you to impose the strictest possible conditions on the granting of licences that are available to you under current legislation until such time as the legislation can be changed.</p>		
General	10. 18.4.11	Two joint respondents and Cambridge residents.	<p>We welcome the fact that in October 2010 the council adopted the new powers that enable SEVs to be licensed in the same way as sex shops rather than as other licensed premises such as pubs or clubs.</p> <p>We have read the draft licensing policy and have the following comments: We recommend that the council should introduce a 'nil' policy for Sexual Entertainment Venues (SEVs), as permitted under Schedule 3 of the Local Government (Miscellaneous Provisions) Act (LGMPA)1982 and amended by Section 27 of the Policing and Crime Act (PCA) 2009 preferably for the whole city, but failing that for Market Ward which already experiences more disturbance and crime due to antisocial behaviour than any other ward.</p> <p>2. We are aware that some lap dancing club operators have</p>	<p>Comment considered.</p> <p>Comment considered.</p> <p>Comment considered.</p>	<p>Addressed in committee report. See also Section 9 of the policy.</p>

			<p>threatened to appeal against the rejection of a Sexual Entertainment Venue (SEV) licence on the grounds that it violates their human rights under the Human Rights Act 1998 and that the two rights they threaten to invoke are the right to freedom of expression and the protection of property.</p> <p>3. However, we believe that it is extremely unlikely that such an appeal would be successful considering that it is within the law for councils to set nil policies. Furthermore, the two rights specified above are qualified, they are not absolute. Philip Kolvin QC, Chairman of the Institute of Licensing, states : "Where a rational decision has been taken by the licensing authority in accordance with the principle of the statute, it is most unlikely that the decision will be held to have been a disproportionate interference with human rights." (Kolvin, P. (2010) Sex Licensing, The Institute of Licensing, p.60)</p> <p>4. Indeed, before the Policing and Crime Bill became law – enabling local authorities to licence lap dancing clubs as Sexual Entertainment Venues under the LGMPA - the Minister in charge of the Bill made a written statement that the new law, including the provision to set nil policies, was compatible with the Human Rights Act 1998. Thus the power of local authorities to set a nil policy for Sexual Entertainment Venue licenses has been validated in human rights terms.</p> <p>5. Our reasons for pressing for the introduction a nil policy are outlined below and we ask the council to take into account of them in developing its policy concerning the number and location of SEVs.</p> <p>6. We strongly recommend that the council should explicitly include 'the promotion of gender equality' as a specific objective for Sex Establishment licensing in the licensing policy. The Gender Equality Duty 2007 legally requires local authorities to promote equality between women and men in all that they do. The Gender Equality Duty is particularly relevant in relation to the licensing of sex establishments because of the gendered nature of sex establishments like lap dancing clubs, and because of the negative impact that lap dancing clubs have on efforts to promote equality between women and men. The negative implications of lap dancing clubs on women are outlined below:</p>	<p>Comment considered.</p> <p>Comment considered.</p> <p>Comment considered.</p> <p>Comment considered. The council will have due regard to the public sector equality duty which came into effect on 5th April 2011</p>	<p>Addressed in committee report. See also Section 9 of the policy.</p> <p>Addressed in committee report. See also Section 9 of the policy.</p> <p>Addressed in committee report. See also Section 9 of the policy.</p> <p>See paragraph 2.10 which addresses equality issues.</p>
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			<p>(a) SEVs normalise the sexual objectification of women in contradiction to efforts to promote equality between women and men.</p> <p>(b) SEVs are a part of the sex industry and as such are linked with wider systems of prostitution.</p> <p>(c) SEVs increase demand for nearby prostitution services. This places them on a continuum of commercial sexual activity, irrespective of whether this occurs within the club itself.</p> <p>(d) SEVs lead to increased levels of sexual harassment for women in the vicinity. The UK Royal Institute of Town Planning has further drawn attention to concerns regarding the impact of lap dancing clubs on women in the local areas: 'Evidence shows that in certain locations, lap dancing and exotic dancing clubs make women feel threatened or uncomfortable' (Royal Town Planning Institute (2007), Gender and Spatial Planning, Good Practice Note 7, 10 December 2007)</p> <p>7. We therefore call on the council to adopt a nil policy in relation to SEVs throughout the city and failing that in Market Ward for the reasons given above. However, if the council chooses not to adopt a nil policy and SEV licences are to be granted and/or renewed, we note that the council has drawn up a list of conditions that "... may be applied to the licensed entertainment venues ...". We recommend that the word 'may' be replaced by the word 'will'. We support this list of conditions (Appendix B of the council's consultation) but have the following comments.</p> <p>Philip Kolvin QC has produced a set of suggested conditions for application to SEV licenses. (Kolvin, P. (2010) Sex Licensing, The Institute of Licensing, p.74) We would like to draw particular attention to the importance of adding the following conditions:</p> <p>Conditions 14-24. Performers should be confined to stage area</p> <p>Condition 19. No contact between performers and audience and a minimum of 1 meter separation between performers and audience. The council's conditions state 80 cm.</p> <p>General conditions. Zero tolerance policy on customers who</p>	<p>The council has considered these conditions in drawing up its policy. Conditions reviewed.</p> <p>The policy contains a condition that performers shall only be in the area marked on the plan. Amended</p>	
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			<p>break rules of conduct. Contravention warrants a lifetime ban from the premises</p> <p>Premises. Prohibition of private booths.</p> <p>General conditions. Prohibition of advertising in public spaces, including on billboards, telephone booth boards, and leafleting.</p> <p>8. Additional recommendations A register to be kept of all staff working each night and valid proof to be held on the premises of the age of each of the performers</p> <p>No fee to be charged by any club to a performer for working in the club</p> <p>Police to be kept informed of any assaults that take place on staff, whether or not the victim wishes to press charges</p> <p>The prohibition of ' smoking areas' at the front of clubs to minimise the potential for harassment of women living, working and passing through the area. All smoking areas must be in private areas away from public spaces.</p> <p>9. We further request that the council monitor the impact of the 'frequency exemption' which was included within the SEV licensing regime.</p> <p>10. This exemption means that establishments hosting lap dancing less than 12 times in a year do not require an SEV licence or even a temporary event notice. We are extremely concerned about this exemption because the council will have no powers to prevent these performances from occurring or place any conditions or controls on them. Yet venues hosting lap dancing less than once a month are less likely to have facilities and procedures in place to protect the safety of performers – such as a separate changing room, CCTV and security. The safety of the performers is thus put at risk by this exemption.</p> <p>We therefore ask the council to monitor performances that are staged under the frequency exemption and to convey your experiences of this back to the Government. This is crucial because the power to amend or repeal the frequency exemption was included in the Policing and Crime Act 2009 in recognition of the fact that the frequency exemption could</p>	<p>Amended</p> <p>Amended</p> <p>Comment considered, however it is difficult to see how this can be monitored if the Council is not required to be informed of such events.</p>	
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			prove problematic for local authorities.		
Request for nil policy	11. 19.4.11	Object campaigns manager	<p>OBJECT strongly recommends introducing a ‘nil’ policy for Sexual Entertainment Venues, as permitted under Schedule 3 of the Local Government (Miscellaneous Provisions) Act (LGMPA)1982 and amended by Section 27 of the Policing and Crime Act (PCA) 2009.</p> <p>The introduction of a nil policy on the granting of SEV licenses is perfectly permissible under the LGMPA (1982), as amended by the PCA (2009). Indeed, the statute specifically contemplates this option. As Philip Kolvin QC, chair of the Institute of Licensing states:</p> <p><i>“...the provision gives the authority a high degree of control, even amounting to an embargo, on sex licences or particular types of sex establishment, within particular localities. The width of the discretion is consolidated by the absence of any appeal against a refusal on this ground.</i></p> <p>The introduction of a nil policy has been adopted by councils across the UK including North Tyneside which intends to refuse licenses to eight currently operating lap dancing clubs, the City of London, and the London Borough of Haringey (to name but a few):</p> <p>In Haringey, Councillor Nilgun Canver states:</p> <p><i>“This new legislation allows us to stop lap dancing and pole dancing clubs from setting up in sensitive areas where they will cause concern. We consider this would apply to every ward and want this to be central to our policy. We are asking for comments from residents, to see if they support this stance.”</i></p> <p>OBJECT is aware that some lap dancing club operators have threatened to appeal against the rejection of a Sexual Entertainment Venue (SEV) licence on the grounds that it violates their human rights under the Human Rights Act 1998 and that the two rights they threaten to invoke are the <i>right to freedom of expression</i> and the <i>protection of property</i>.</p> <p>However, it is extremely unlikely that such an appeal would be successful considering that it is within the law for councils to set nil policies.</p> <p>Furthermore, the two rights specified above are qualified, they are not absolute. Philip Kolvin QC, Chairman of the Institute of Licensing, states:</p> <p><i>“Where a rational decision has been taken by the licensing authority in accordance with the principle of the statute, it is most unlikely that the decision will be held to have been a disproportionate interference with human rights.”</i></p> <p>Indeed, before the Policing and Crime Bill became law –</p>	Comments considered.	Addressed in committee report. See also Section 9 of the policy.

<p>Gender Equality</p>		<p>enabling local authorities to licence lap dancing clubs as Sexual Entertainment Venues under the LGMPA - the Minister of the Crown in charge of the Bill made a written statement that the new law, including the provision to set nil policies, was compatible with the Human Rights Act 1998.</p> <p>Thus the power of local authorities to set a nil policy for Sexual Entertainment Venue licenses has been validated in human rights terms.</p> <p>The reasons for introducing a nil policy are outlined below as factors the Council should take into account in developing policy concerning the number and location of SEVs.</p> <p><u>GENDER EQUALITY</u> OBJECT strongly recommends that you explicitly include ‘the promotion of gender equality’ as a specific objective for Sex Establishment licensing in your licensing policy.</p> <p>The Gender Equality Duty 2007 legally requires local authorities to promote equality between women and men in all that they do. The Gender Equality Duty is particularly relevant in relation to the licensing of sex establishments because of the gendered nature of sex establishments like lap dancing clubs, and because of the negative impact that lap dancing clubs have on efforts to promote equality between women and men. The negative implications of lap dancing clubs on women are outlined below:</p> <p>Lap dancing clubs normalise the sexual objectification of women in contradiction to efforts to promote equality between women and men.</p> <p>The links between objectification, discrimination and violence against women are recognised at the international level by the legally binding United Nations Convention to Eliminate Discrimination Against Women (CEDAW), which has repeatedly called on states – including the British Government - to take action against the objectification of women. Similarly the UK-based End Violence Against Women coalition has called on the UK Government to tackle the sexualisation of women and girls because it provides a ‘conducive context’ for violence against women.</p> <p>Lap dancing clubs promote ‘sex-object’ culture – the mainstreaming of the sex and porn industries.</p> <p>The growth of lap dancing clubs has fed into what OBJECT terms ‘sex-object’ culture – the mainstreaming of the sex and porn industries and the ever increasing sexual objectification of women and girls. With lax licensing laws leading to the number</p>	<p>Comments considered. The council will have due regard to the public sector equality duty which came into force on 5th April 2011.</p>	<p>See paragraph 2.10 which addresses equality issues.</p>
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		<p>of lap dancing clubs doubling over the last five years, and a PR makeover branding lap dancing as glamorous and 'harmless fun', we have found ourselves in a situation in which major retailers sell pole dancing kits along with pink frilly garters and paper money in their 'toys and games section, and leisure centres offer pole dancing lessons to girls as young as twelve. This has led to 25% of teenage girls seeing being a lap dancer as their <i>ideal</i> profession.</p> <p>Lap dancing clubs are a part of the sex industry and as such are linked with wider systems of prostitution</p> <p>Research shows that the structural conditions of lap dancing clubs, where women compete with one another for private dances, lead to some dancers offering sexual services to survive financially, a climate in which, according to an ex-lap dancer: 'No touching, not exposing your genitals, not allowing men to touch you is the exception rather than the rule' Even if a club enforces a no touching rule and there is no sexual contact between dancer and customer, research further shows that strip clubs increase demand for nearby prostitution services. This places lap dancing on a continuum of commercial sexual activity, irrespective of whether this sexual exchange occurs within the club itself.</p> <p>Lap dancing clubs have a negative impact on women's safety in the local vicinity</p> <p>Research undertaken in the London Borough of Camden found a fifty percent increase in sexual assaults in the borough after the rapid expansion of lap dancing clubs. Personal testimony from women who have written to OBJECT reinforces the idea of a link between the proliferation of lap dancing clubs and increased levels of sexual harassment for women in the vicinity:</p> <p>'On separate occasions, I have had men say to me "How much for a dance love? I'll give you £20 to get yours out," they seem to always think that because they can pay to degrade and abuse women inside the club that I am no different'</p> <p>The UK Royal Institute of Town Planning has further drawn attention to concerns regarding the impact of lap dancing clubs on women in the local areas: 'Evidence shows that in certain locations, lap dancing and exotic dancing clubs make women feel threatened or uncomfortable'.</p> <p>Lap dancing clubs have a negative impact on women's safety in wider society</p>		
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<p>Conditions</p>		<p>Lap dancing clubs normalise the representation of women as being always sexually available and this is worrying in light of widespread public opinion that women are in some way responsible for sexual assaults perpetrated against them. The links between the expansion of lap dancing clubs and an increase in the levels of sexual violence have been raised by organisations who work with victims and perpetrators of gender-based violence. For example, as Chair of Rape Crisis Nicole Westmarland reported that lap dancing clubs <i>'both support and are a consequence of sexual violence in society'</i>. This view is reiterated by the Director of the White Ribbon Campaign, an organisation which works with men to end violence against women: <i>'Any expansion of lap dancing clubs feeds an increase in the lack of respect for women'</i>. Furthermore, in response to research it commissioned into the impact of lap dancing clubs on the city, Glasgow City Council stated: <i>"Images of women and 'entertainment' which demean and degrade women portraying them as sexual objects plays a part in normalising sexual violence and contributes to male abuse of women being acceptable, tolerated, condoned and excused. Such entertainment runs counter to explicit commitments by a range of private, public and voluntary agencies to promoting womens equality."</i></p> <p>OBJECT calls on the council to adopt a nil policy in relation to SEVs for the reasons given above. However, if you do not adopt a nil policy and SEVs are to be granted and/or renewed, OBJECT strongly recommends that a comprehensive set of standard conditions are applied to such licenses in order to help protect women in this community.</p> <p>Philip Kolvin QC, Chairman of the Institute of Licensing, has produced a set of suggested conditions for application to SEV licenses. OBJECT would like to draw particular attention to the importance of introducing the following conditions:</p> <ol style="list-style-type: none"> 1. No contact between performers and audience and a minimum of 1 meter separation between performers and audience 2. Performers confined to stage area 3. Prevention of fining performers 4. Zero tolerance policy on customers who break rules of conduct. Contravention warrants a lifetime ban from the premises 5. Prohibition of private booths 	<p>Comments considered. Conditions reviewed</p> <p>1. Amended 2. The policy contains a condition that performers shall only be in the area marked on the plan.</p> <p>5.Amended</p>	
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<p>Exemption</p>			<ol style="list-style-type: none"> 6. CCTV coverage of all public areas 7. Controls on exterior advertising and signage 8. Prohibition of advertising in public spaces, including on billboards, telephone booth boards, and leafleting 9. Sex establishments are not to be functionally visible to passers-by on retail thoroughfares or pedestrian routes. Premises should be at basement level or with a main entrance away from such routes. 10. A register to be kept of all staff working each night and valid proof to be held on the premises of the age of each of the performers 11. No fee to be charged by any club to a performer for working in the club 12. Police to be kept informed of any assaults that take place on staff, whether or not the victim wishes to press charges 13. 'No smoking areas' to be allowed at the front of clubs to minimise the potential for harassment of women living, working and passing through the area. All smoking areas must be in private areas away from public spaces 14. No advertising allowed in media that is not exclusively aimed at adults – this would exclude local family newspapers for example. <p>These vital conditions would go some way to protecting women working in lap dancing clubs and women in the wider community.</p> <p>OBJECT further requests that you monitor the impact of the 'frequency exemption' which was included within the SEV licensing regime.</p> <p>As you will be aware, this exemption means that establishments hosting lap dancing less than 12 times in a year do not require an SEV licence or even a temporary event notice. We are extremely concerned about this exemption because you will have no powers to prevent these performances from occurring or place any conditions or controls on them. Yet venues hosting lap dancing less than once a month are less likely to have facilities and procedures in place to protect the safety of performers – such as a separate changing room, CCTV and security. The safety of the performers is thus put at risk by this exemption.</p> <p>OBJECT therefore asks you to attempt to monitor</p>	<p>6. CCTV is included in our conditions</p> <p>10. amended</p> <p>Comment considered, however it is difficult to see how this can be monitored if the Council is not required to be informed of such events.</p>	
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<p>General</p>			<p>performances that are staged under the frequency exemption and to convey your experiences of this back to the Government. This is crucial because the power to amend or repeal the frequency exemption was included in the Policing and Crime Act 2009 in recognition of the fact that the frequency exemption could prove problematic for local authorities.</p> <p>OBJECT recommends that the policy requires members of licensing subcommittees who wish to sit in hearings of relevance to gender (i.e. SEVs; sex establishments and so on) to have completed up to date basic training in gender equality and equality legislation.</p> <p>OBJECT recommends that, in the absence of legal direction to the contrary, the Licensing Committee maintain a register of interested parties in reference to SEVs, sex establishments and so on, who will be informed by the Licensing Committee when applications are received of potential relevance for gender equality. This will ensure that the Council will be seen to fulfil its obligations to operate in a transparent and accountable manner. (This will not be an onerous obligation as relevant applications are estimated to be up to three or four a year, currently).</p> <p>While it is true that both men and women have been active in making representations about the negative impact on society of SEVs, it is also true that the majority of those who reflect and take action on the harm of SEVs are women. This could be because the lived experience of sexual objectification, sexual discrimination, sexual harassment and sexual violence in many women's lives plays a part in the extent to which these issues are given serious consideration and weighed against other interests or values in the context of SEV licensing. Therefore OBJECT requests and recommends that:</p> <ul style="list-style-type: none"> • The working party of officers and councillors is at least equally gender balanced • The policy should make reference to good practice in SEV applications being heard by sub-committees that are at least equally gender balanced. <p>OBJECT would also like to point out the cross party support for tackling the growth of lap dancing clubs.</p>	<p>All councillors receive basic training in equality matters.</p> <p>Comments noted. The methods of advertising applications are set out in the legislation and do not provide for a register of interested parties. However we will inform the public of all applications by means of publishing a register on the business and licensing section of the council's website.</p> <p>Comments considered. Neither legislation nor guidance require gender balanced sub-committees</p> <p>Comments considered.</p>	
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			<p>Home Secretary, Theresa May at the Women’s Aid Conference 2010: <i>“It is only when businesses appreciate their responsibility to end the sexualisation of women that some people will stop treating women like objects. And its only when our communities stand up and say violence against women is unacceptable – that attitudes will really begin to change”.</i> The Conservative Violence Against Women and Girls Strategy for London (2010 – 2013): <i>“The proliferation of lap dancing clubs and brothels may further legitimise violence against women and undermine efforts to prevent it... We will ensure that the safety issues presented by lap dancing clubs come under local authority and police scrutiny through JEM. The Mayor will work with local authorities to review the implementation of the new licensing regime under the Policing and Crime Act 2009 to ensure that London leads the way in regulating lap dancing clubs as sexual entertainment venues and giving local people the power to object to lap dancing clubs in their area. We will support boroughs in ensuring that the proliferation of lap dancing clubs is controlled. We will also champion any police operations that target lap dancing clubs to investigate any misconduct or criminal activity.”</i> And the Leader of the opposition, Ed Miliband: <i>“We need to think about how our culture treats women more generally. The vital work of organisations such as OBJECT has exposed the ease with which lap dancing clubs have sprung up. In government we took some steps to enforce stricter controls on these establishments, but we were too slow to recognise this problem and act on it. I have already pledged that I want local people to have more power to challenge the licences of these establishments.”</i></p> <p>OBJECT would very much appreciate receiving written reports of any decisions taken pertaining to the recommendations that we have set out in this document.</p>	<p>Comments considered.</p> <p>Comment considered. Reports are made available to the public.</p>	
2.3	12. 21.04.11	Chairman, Brooklands Avenue Area Residents Association.	<p>2.3 The draft says that the Council will decide each application on its individual merits, which is fine, but also states in 1.4 that there should be consistent and transparent decision making. Perhaps section 2.3 or 2.4 can be slightly re-written to make it clear that, unless there are EXCEPTIONAL circumstances, there will be no departure from the policy conditions. Perhaps section 2.4 could begin “We may in exceptional circumstances depart ...” (Compare the wording of</p>	<p>Comment considered. 2.2 and 2.3 relate to general policy which needs to be generally applied as we have to consider each application. 7.3 is specifically for waivers</p>	

4.4			<p>section 7.3)</p> <p>4.4 We think that “occasional use” is defined too generously, and that if establishments are to avoid the need for licensing as “sexual entertainment venues” (as distinct from sex shops and sex cinemas), the threshold should be set at a lower figure than 11 within twelve months. An establishment putting on a monthly performance except in August, say, should not be allowed to escape the need for licensing. “Not more than five occasions within twelve months” would seem more appropriate. We also feel that “no such occasion has lasted longer than 24 hours” is far too generous. A limit of no more than six hours, and preferably no more than four, would be preferable – after all, these exceptional occasions should basically amount to a single show before a single audience, and not what might be called a continuous performance.</p>	<p>The wording in the policy is taken from Paragraph 2A(3) of Schedule 3 and paragraph 2.11 of the Home Office Guidance for SEVs which sets out definition of an ‘infrequent basis’ and premises that are not SEVs.</p>	
4.6			<p>4.6 Unless there are legal reasons for not doing so, we think that in the last line but one, “an organiser may be considered”, should be replaced by “an organiser will be considered”, thereby shifting the onus of control more firmly onto the organiser, where it belongs.</p>	<p>The wording is taken from the Home Office Government Guidance, paragraph 2.10.</p>	
10.4			<p>10.4 In view of the expected low usage of these procedures we do not think it appropriate for officers to grant NEW licences under delegated powers – these should be dealt with by elected Councillors through the Licensing Committee. It might be appropriate to empower officers to renew existing licences in the absence of objections, provided that there have been no incidents of crime or disorder associated with the premises, or their immediate vicinity, during the previous period. Officers may be allowed to grant authority for MINOR changes of an administrative nature – see section 19.2.</p>	<p>Comment considered. Delegation of powers is a matter for the licensing committee to determine. In all cases where objections are received the matters will be dealt with by elected Councillors at a hearing. Paragraph 10.4 only gives delegated powers to officers where no objections have been received.</p>	
Section 11			<p>11.3 This section should also apply to renewals, as do sections 11.1 and 11.2. In particular, the second bullet point should be considered in respect of renewals, even if the particular venue concerned has not presented any problems.</p>	<p>Comment considered.</p>	<p>Amended.</p>
13.4			<p>13.4 We think that early consideration should be given to setting overall maximum figures for Cambridge as a whole. Consideration should also be given to setting lower limits in individual areas, whether the areas of the four Area Committees, wards or otherwise (see also section 9.1).</p>	<p>Comment considered.</p>	<p>Addressed in committee report. See also Section 9 of the policy.</p>

14.3			14.3 "5 days" is a bit too short as a notice period. "5 working days" would be preferable. Please bear in mind that bank holiday periods, especially at Christmas and New Year, are times when Council offices are closed and members of the public may be away from home.	Comment considered.	Amended to five working days
17.3			17.3 A minor point of punctuation: the comma in the last sentence should be removed. With the comma it suggests that "We will not normally attach conditions to a sex establishment licence". The policy implies that at least some standard conditions will always apply to sex establishment licences, and the Licensing Committee should always be free to attach additional conditions having relevance to the individual merits of each application (see section 2.3 and the model conditions).	Comment considered.	Amended.
Conditions			Comments on draft Sex Establishment model licence conditions		
1.1			1.1 We suggest that "before 9.30 am" should be replaced by "before 12 noon" for establishments other than sex shops. Bearing in mind the nature of performances as described in section 4.3 we see no justification for allowing them to take place before lunchtime. If sex shops are permitted to open at 9.30, we also see no justification for extending Friday opening hours to 8 pm, and indeed a closing time earlier than 6 pm for sex shops should be considered.	Comments noted.	
2.9			2.9 It should also not be permissible to have any form of cash dispenser (bank or otherwise) on the premises.	Comment noted.	
3.3			3.3 Unless the point is already covered in the Indecent Displays (Control) Act 1981, we think that a minimum size, both for the notice itself and the lettering of the text, should be stipulated. Comments on draft Sexual Entertainment Venue model licence conditions	3 (5) (d) states the notice must be so situated that no one could reasonably gain access ... without being aware of the notice and it must be easily legible by any person gaining such access	
2			2 We think that CCTV footage should be available for longer than 28 days – 90 days would be preferable, bearing in mind that police or regulatory enquiries may take some time to complete, and the tapes may be needed in subsequent legal proceedings. It may be that the police are satisfied that their powers to seize such tapes and retain them are sufficient with a 28-day limit, but other regulatory bodies may not have similar	31 days is a usual requirement for the police under Licensing Act 2003 premises licence conditions.	Amended to 31 days

			powers.		
General	13. 25.4.11	Councillor and Cambridge resident	<p>1) In general, language which assumes or implies that the policy (in general) is covering services in which the consumers are heterosexual men and the workers are women would, in my view, be best avoided. While this scenario would be expected to constitute the bulk of services covered by this policy, it does not completely cover all potential scenarios (e.g. services provided by men for men, or where women are consumers), and the policy should be written in such a way that it can adapt to other scenarios, or avoid creating nonsense situations when they do arise. In particular, I feel we need to consider situations where the Council could fall foul of equality legislation, or where someone so-minded could use such legislation to place the Council in an odd legal position.</p> <p>For example, Appendix B, condition 23 states: <i>Dancers shall re-dress at the conclusion of the performance and are to remain fully clothed (minimum bikini top and bottom) at all times except when giving a performance.</i></p> <p>Clearly this, if interpreted literally (which someone bringing a hypothetical court case, or at least wishing to present a legal nuisance), can result in an absurd situation if the dancer in question is male.</p> <p>2) Location of Licensed Premises - I feel that the statement that "we will not normally licence premises that are in close proximity to ... a church or other place of religious worship" is problematic and consideration should be given to whether this should be removed. I believe this provision can be interpreted as providing a veto on licensing of a legal activity to religious groups on the basis of an (assumed) sense of prudishness, or potentially elevating one subjective view of morality over another. This is illiberal, potentially places large areas of the city off-limits, and appears to give special consideration to the sensibilities of certain groups over others on the basis of religion, which I regard as inappropriate.</p>	<p>Comments considered.</p> <p>The Equality Duty does not required public bodies to make services homogeneous or to try to remove or ignore differences between people. See the Government Equalities office publication Equality Act 2010: Public Sector Equality Duty. What do I need to know? A quick start guide for public sector organisations</p>	<p>Condition amended.</p>
Condition 23					
9.1.4					

Section 9	14. 26.4.11	Secretary, Park Street Residents Association	<p>We were asked as a residents committee to comment on the City Council draft sex establishment licensing policy. As individuals we have mixed feelings which we felt should be more appropriately expressed as individual responses. As a Residents Committee we felt we should respond only in so far as the policy might affect our particular locality.</p> <p>We note (§9) that licenses would not NORMALLY be granted to premises in close proximity to:</p> <ul style="list-style-type: none"> a residential area a school, nursery or any other premises substantially used by or for children under 16 years of age; a park or other recreational areas used by or for children under 16 years of age; a church or other place of religious worship; <p>This surely covers the whole of the Park Street Residents area (and in fact most of Market Ward). We would like confirmation of this and we would also like the policy to be worded more strongly, by removing the word normally. We also ask that the area described as being in "close proximity" should be defined. Our reasons for this are that Market Ward already experiences more disturbance and crime due to antisocial behaviour than any other ward in Cambridge and SEVs are likely to add to this and in addition to lead to increased levels of sexual harassment for women in the vicinity.</p>	<p>Comments noted.</p> <p>Normally allows for each case to be considered on its individual merits rather than being absolute.</p> <p>If an application for a Sex Establishment is made and objections are made, the application will be considered at a hearing of the licensing sub committee and all representations considered. See Section 10.</p>	
Request for nil policy	15. received on 27.4.11, one day after close of consultation	Cambridge Rape Crisis Centre	<p>We strongly recommend that Cambridge City Council introduce a 'nil' policy for Sexual Entertainment Venues, as permitted under Schedule 3 of the Local Government (Miscellaneous Provisions) Act (LGMPA)1982 and amended by Section 27 of the Policing and Crime Act (PCA) 2009.</p> <p>The introduction of a nil policy on the granting of SEV licenses is perfectly permissible under the LGMPA (1982), as amended by the PCA (2009). Indeed, the statute specifically contemplates this option. As Philip Kolvin QC, chair of the Institute of Licensing states: "...the provision gives the authority a high degree of control, even amounting to an embargo, on sex licences or particular types of sex establishment, within particular localities. The width of the</p>	Comments considered.	Addressed in committee report. See also Section 9 of the policy.

		<p><i>discretion is consolidated by the absence of any appeal against a refusal on this ground."</i></p> <p>The introduction of a nil policy is currently being proposed by the London Boroughs of Hackney and Haringey. In the view of Hackney council SEVs:</p> <p><i>"...contradict and undermine its stated aims and exacerbate the challenges it faces in bring about positive, genuinely sustainable characterful and thriving neighbourhoods which support the need and principle of upskilling its population and closing the education gap across its communities.</i></p> <p>In Haringey, Councillor Nilgun Canver states:<i>"This new legislation allows us to stop lap dancing and pole dancing clubs from setting up in sensitive areas where they will cause concern. We consider this would apply to every ward and want this to be central to our policy. We are asking for comments from residents, to see if they support this stance."</i></p> <p>We are aware that some lap dancing club operators have threatened to appeal against the rejection of a Sexual Entertainment Venue (SEV) licence on the grounds that it violates their human rights under the Human Rights Act 1998 and that the two rights they threaten to invoke are the <i>right to freedom of expression</i> and the <i>protection of property</i>. However, it is extremely unlikely that such an appeal would be successful considering that it is within the law for councils to set nil policies.</p> <p>Furthermore, the two rights specified above are qualified, they are not absolute. Philip Kolvin QC, Chairman of the Institute of Licensing, states:</p> <p><i>"Where a rational decision has been taken by the licensing authority in accordance with the principle of the statute, it is most unlikely that the decision will be held to have been a disproportionate interference with human rights."</i></p> <p>Indeed, before the Policing and Crime Bill became law – enabling local authorities to licence lap dancing clubs as Sexual Entertainment Venues under the LGMPA - the Minister of the Crown in charge of the Bill made a written statement that the new law, including the provision to set nil policies, was compatible with the Human Rights Act 1998.</p> <p>Thus the power of local authorities to set a nil policy for Sexual Entertainment Venue licenses has been validated in human rights terms.</p> <p>The reasons for introducing a nil policy are outlined below as factors the City Council should take into account in developing policy concerning the number and location of SEVs.</p>		
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<p>Gender Equality</p>			<p>GENDER EQUALITY We strongly recommend that you explicitly include ‘the promotion of gender equality’ as a specific objective for Sex Establishment licensing in your licensing policy. The Gender Equality Duty 2007 legally requires local authorities to promote equality between women and men in all that they do. The Gender Equality Duty is particularly relevant in relation to the licensing of sex establishments because of the gendered nature of sex establishments like lap dancing clubs, and because of the negative impact that lap dancing clubs have on efforts to promote equality between women and men. The negative implications of lap dancing clubs on women are outlined below: Lap dancing clubs normalise the sexual objectification of women in contradiction to efforts to promote equality between women and men. The links between objectification, discrimination and violence against women are recognised at the international level by the legally binding United Nations Convention to Eliminate Discrimination Against Women (CEDAW), which has repeatedly called on states – including the British Government - to take action against the objectification of women. Similarly the UK-based End Violence Against Women coalition has called on the UK Government to tackle the sexualisation of women and girls because it provides a ‘conducive context’ for violence against women. Lap dancing clubs are a part of the sex industry and as such are linked with wider systems of prostitution Research shows that the structural conditions of lap dancing clubs, where women compete with one another for private dances, lead to some dancers offering sexual services to survive financially, a climate in which, according to an ex-lap dancer: ‘No touching, not exposing your genitals, not allowing men to touch you is the exception rather than the rule.’ Even if a club enforces a no touching rule and there is no sexual contact between dancer and customer, research further shows that strip clubs increase demand for nearby prostitution services. This places lap dancing on a continuum of commercial sexual activity, irrespective of whether this sexual exchange occurs within the club itself. Lap dancing clubs have a negative impact on women’s safety in the local vicinity Research undertaken in the London Borough of Camden found a fifty percent increase in sexual assaults in the borough</p>	<p>Comments considered. The council will have due regard to the public sector equality duty which came into force on 5th April 2011</p>	<p>See paragraph 2.10 which addresses equality issues.</p>
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			<p>after the rapid expansion of lap dancing clubs. Personal testimony from women collected by human rights organisation OBJECT reinforces the idea of a link between the proliferation of lap dancing clubs and increased levels of sexual harassment for women in the vicinity:</p> <p>‘On separate occasions, I have had men say to me “How much for a dance love? I’ll give you £20 to get yours out,” they seem to always think that because they can pay to degrade and abuse women inside the club that I am no different’</p> <p>The UK Royal Institute of Town Planning has further drawn attention to concerns regarding the impact of lap dancing clubs on women in the local areas: ‘Evidence shows that in certain locations, lap dancing and exotic dancing clubs make women feel threatened or uncomfortable’.</p> <p>Lap dancing clubs have a negative impact on women’s safety in wider society</p> <p>Lap dancing clubs normalise the representation of women as being always sexually available and this is worrying in light of widespread public opinion that women are in some way responsible for sexual assaults perpetrated against them. The links between the expansion of lap dancing clubs and an increase in the levels of sexual violence have been raised by organisations who work with victims and perpetrators of gender-based violence. For example, as Chair of Rape Crisis England and Wales Nicole Westmarland reported that lap dancing clubs <i>‘both support and are a consequence of sexual violence in society’</i>. This view is reiterated by the Director of the White Ribbon Campaign, an organisation which works with men to end violence against women: <i>‘Any expansion of lap dancing clubs feeds an increase in the lack of respect for women’</i>.</p> <p>Furthermore, in response to research it commissioned into the impact of lap dancing clubs on the city, Glasgow City Council stated:</p> <p><i>“Images of women and entertainment which demean and degrade women portraying them as sexual objects plays a part in normalising sexual violence and contributes to male abuse of women being acceptable, tolerated, condoned and excused. Such entertainment runs counter to explicit commitments by a range of private, public and voluntary agencies to promoting womens equality.”</i></p>		
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<p>Conditions</p>			<p>We call on Cambridge City Council to adopt a nil policy in relation to SEVs for the reasons given above. However, if you do not adopt a nil policy and SEVs are to be granted and/or renewed, we strongly recommend that a comprehensive set of standard conditions are applied to such licenses in order to help protect women in this community.</p> <p>Philip Kolvin QC, Chairman of the Institute of Licensing, has produced a set of suggested conditions for application to SEV licenses. We would like to draw particular attention to the importance of introducing the following conditions:</p> <ol style="list-style-type: none"> 15. No contact between performers and audience and a minimum of 1 metre separation between performers and audience 16. Performers confined to stage area 17. Prevention of fining performers 18. Zero tolerance policy on customers who break rules of conduct. Contravention warrants a lifetime ban from the premises 19. Prohibition of private booths 20. CCTV coverage of all public areas 21. Controls on exterior advertising and signage 22. Prohibition of advertising in public spaces, including on billboards, telephone booth boards, and leafleting <p><i>We also recommend you include the conditions outlined by the Bristol Fawcett Society:</i></p> <ul style="list-style-type: none"> • A register to be kept of all staff working each night and valid proof to be held on the premises of the age of each of the performers • No fee to be charged by any club to a performer for working in the club • Police to be kept informed of any assaults that take place on staff, whether or not the victim wishes to press charges • No 'smoking areas' to be allowed at the front of clubs to minimise the potential for harrassment of women living, working and passing through the area. All smoking areas must be in private areas away from public spaces. • No advertising allowed in media that is not exclusively aimed at adults – this would exclude local family newspapers for example. <p>These vital conditions would go some way to protecting women working in lap dancing clubs and women in the wider community.</p>	<p>Comments considered. Conditions reviewed.</p> <p>Amended</p> <p>The policy contains a condition that performers shall only be in the area marked on the plan.</p> <p>Amended CCTV is included in our conditions</p> <p>Amended</p>	
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			<p>in many womens lives plays a part in the extent to which these issues are given serious consideration and weighed against other interests or values in the context of SEV licensing. Therefore we request and recommend that:</p> <ul style="list-style-type: none"> • The working party of officers and councillors is at least equally gender balanced • The policy should make reference to good practice in SEV applications being heard by sub-committees that are at least equally gender balanced. <p>We would very much appreciate receiving written reports of any decisions taken pertaining to the recommendations that we have set out in this document.</p>	<p>Comments considered. Neither legislation nor guidance require gender balanced sub-committees</p> <p>Comment considered. Reports are being made available to the public on the Council's website.</p>	
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M/licence/ sex establishments/schedule of responses to licensing policy

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CAMBRIDGE CITY COUNCIL

~~CONSULTATION DRAFT~~

SEX ESTABLISHMENT LICENSING POLICY

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1. The City of Cambridge

- 1.1 Cambridge is a unique blend of market town, sub-regional centre, national and international tourist attraction and centre of excellence for education and research. It is a city of great beauty and is renowned for the qualities of its streets, spaces and buildings.
- 1.2 Cambridge City Council, in association with local partnerships wants Cambridge to be vibrant, socially mixed, safe, convenient and enjoyable, where all residents feel integrated into the life of the City and a part of its success.
- 1.3 Cambridge City Council has a clear vision for the future of the City, a vision shared with Cambridge citizens and partner organisations. Our vision includes:
 - A city that is diverse and tolerant, values activities which bring people together and where everyone feels they have a stake in the community
 - A city where people behave with consideration for others and where harm and nuisance are confronted wherever possible without constraining the lives of all
- 1.4 The overarching objectives of Cambridge City Council in licensing Sex Establishments are to:
 - Promote the Authority's visions and values
 - Protect the rights and health and safety of the general public, workers, residents, businesses, minority and vulnerable groups and
 - Ensure the principles of consistency, transparency, accountability and the promotion of good standards in licensing
 - Demonstrate compliance with statutory responsibilities in relation to procedures and enforcement
 - Ensure consistent and transparent decision making

2. Introduction

- 2.1 The Local Government (Miscellaneous Provisions) Act 1982 (the 1982 Act) does not require the publication of a sex establishment licensing policy, however we recognise the benefits of having such a policy. A sex establishment licensing policy can play a pivotal role in the achievement of the pattern, number and standards of sex establishments within the City.
- 2.2 This document sets out the policy which will guide the Licensing Authority when considering applications and will generally be applied when making decisions on applications.
- 2.3 We will determine each application on its individual merits and this policy should not be regarded or interpreted as an indication that any requirement of the relevant law may be overridden.
- 2.4 We may depart from this policy if, in the interests of the promotion of the objectives, the individual circumstances of any case merit such a decision. We will give full reasons for departing from the policy.

- 2.5 The 1982 Act introduced a licensing regime to control Sex Establishments. On 19th October 1989, Cambridge City Council resolved to bring into force from 27th November 1989 Schedule 3 of the Act, which provided for the control of sex establishments (i.e. sex shops and sex cinemas).
- 2.6 Section 27 of the Policing and Crime Act 2009 (the 2009 Act), which came into force on 6th April 2010, amends Schedule 3 to the 1982 Act, providing for the control of a new category of sex establishment called a Sexual Entertainment Venue. The amendment allows councils to regulate lap dancing clubs and similar venues as sex establishments. On 21st October 2010, Cambridge City Council resolved that Schedule 3 to the 1982 Act as amended by section 27 of the 2009 Act should apply to the Cambridge City Council area commencing from 1st December 2010.
- 2.7 In carrying out our licensing functions, we will have regard to the following:
- 2.7.1 The Local Government (Miscellaneous Provisions) Act 1982
 - 2.7.2 Any supporting regulations
 - 2.7.3 Guidance issued by Central Government
 - 2.7.4 This statement of licensing policy

We must also fulfil our obligations under s17 of the Crime and Disorder Act 1998, to do all that we reasonably can to prevent crime and disorder in Cambridge.

- 2.8 The Policy should be read in conjunction with, and without prejudice to, other existing national and European Union legislation, including the Human Rights Act 1998, the Equality Act 2010, the Disability Discrimination Act 1995, the Provision of Services Regulations and the Regulators' Compliance Code (as set out under the Regulatory Reform Act 2006).
- 2.9 The Race Relations Act 1976 as amended by the Race Relations (Amendment) Act 2000, places a legal obligation on public authorities to have due regard to the need to eliminate unlawful discrimination and victimisation; and to promote equality of opportunity and good relations between persons of different racial groups.
- 2.10 In carrying out our licensing functions we will have due regard to equality. We ~~and~~ will expect an applicant to meet their statutory obligations in this area and not unlawfully discriminate against anyone on the grounds of age, gender, race, sexual orientation, disability, gender reassignment, religion or belief.
- 2.11 We do not take a moral stand in adopting this policy. We recognise that Parliament has made it lawful to operate a sex establishment and that such businesses are a legitimate part of the retail and leisure industries. It is our role as the licensing authority to administer the licensing regime in accordance with the law.
- 2.12 The 1982 Act and the 2009 Act can be viewed at www.opsi.gov.uk

3. Consultation

- 3.1 In preparing this policy statement we have consulted with the following:

- the Chief Officer of Police for Cambridgeshire
 - the Chief Officer of the Cambridgeshire Fire and Rescue Service
 - persons/bodies representative of local holders of premises licences
 - persons/bodies representative of local holders of club premises certificates
 - persons/bodies representative of businesses and residents in the City of Cambridge
 - the child protection agency
 - other organisations as appear to the Licensing Authority to be affected, including councillors, local community, cultural, educational and entertainment organisations.
- 3.2 We consulted on this policy between 31st January 2011 and 26th April 2011 and was (*will be considered*) approved by Licensing Committee on (6th June 2011 - *to be confirmed*)
- 3.3 We have considered the views of all those consulted prior to determining this policy.

4. Sexual Entertainment Venues

Sex establishment licences are required for

- 4.1 *'any premises at which relevant entertainment is provided before a live audience for the financial gain of the organiser or the entertainer.'*
- 4.2 'Relevant entertainment' is *"any live performance or live display of nudity which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of an audience (whether by verbal or other means)".* An audience can consist of just one person (e.g. where the entertainment takes place in private booths).
- 4.3 In deciding whether entertainment is "relevant entertainment" We will judge each case on its' individual merits, however we would expect that the following forms of entertainment as they are commonly understood will be "relevant entertainment":
- Lap dancing
 - Pole dancing
 - Table dancing
 - Strip shows
 - Peep shows
 - Live sex shows
 - Topless Bars
 - Premises where private entertainment booths are present

This list is not exhaustive and as the understanding of the exact nature of these descriptions may vary, should be treated as indicative only. Ultimately, decisions as to whether entertainment is "relevant entertainment" will depend on the content of the entertainment and not the name it is given.

- 4.4 The following premises are not sexual entertainment venues:
- Sex shops and sex cinemas

- Premises which provide relevant entertainment on an infrequent basis. These are premises where-
 - a) relevant entertainment has been provided on no more than 11 occasions within a 12 month period;
 - b) no such occasion has begun within a period of one month beginning with the end of the previous occasions; and
 - c) no such occasion has lasted longer than 24 hours.
 - other premises or types of performances or displays exempted by an order of the Secretary of State.
- 4.5 Premises providing relevant entertainment on an infrequent basis will continue to be regulated under the Licensing Act 2003 (the Licensing Act).
- 4.6 Where activities that would otherwise be considered to involve the provision of relevant entertainment take place, but are not provided for the financial gain of the organiser or entertainer, such as spontaneous display of nudity or a lap dance by a customer or guest, the premises will not be considered a sexual entertainment venue by virtue of those circumstances alone. This is because the relevant entertainment must be provided for the financial gain of the organiser or entertainer. However, it should be noted that an organiser may be considered to have provided the entertainment where he has permitted the activity to take place, whether express or implied.

5. Sex shops and sex cinemas

- 5.1 Sex Establishment Licences are required for “sex cinemas” and “sex shops”. “Sex shop” means any premises, vehicle, vessel or stall that is used for a business which consists to a “significant degree” of selling, hiring, exchanging, lending, displaying or demonstrating with “sex articles”.
- 5.2 The phrase “sex articles” is defined in the 1982 Act, but the phrase “a significant degree” is not. When considering whether or not a business is selling a significant degree of sex articles and needs a licence, we will consider:
- the ratio of sex articles to other aspects of the business
 - the absolute quantity of sales
 - the character of the remainder of the business
 - the nature of the displays in the business
 - turnover
 - other factors which appear to be materially relevant

6. Requirement for a Licence

- 6.1. Any person wishing to operate a sex establishment as defined by Schedule 3 to the 1982 Act requires a sex establishment licence, unless we have waived the requirement for a licence.
- 6.2 We will normally grant a licence for a period of one year, but we may exercise our discretion to issue a licence for a shorter period if we consider this to be appropriate.

7. Waiver

- 7.1 We may, upon application, waive the requirement for a licence in any case where we consider that to require a licence would be unreasonable or inappropriate.
- 7.2 Waivers may be granted to;
- Book shops, including shops where sale of DVD's and CD's are present
 - Sexual Health Clinics
 - Cases where we consider that the requirement for a licence is borderline, where events are minor or temporary, or where clarity or regularisation is required.
 - Educational Establishments as part of a recognised educational curriculum
- 7.3 We will consider each application for a waiver on its individual merits, however, any establishment that would normally require a licence under the provisions of the 1982 Act is unlikely to be granted a waiver other than in exceptional circumstances.
- 7.4 In order for a waiver to be considered, an applicant must provide the basic information included in the application form, and any other information that we may reasonably require in order to make our decision.
- 7.5 A waiver may be for such period as the Licensing Authority thinks fit. Where we grant an application for a waiver, we will give notice to the applicant stating the application has been granted. We may at any time give a person who would require a licence but for a waiver, notice that the waiver is to terminate, on a date not less than 28 days from the date on which we give the notice, or as may be specified in the notice.

8. The Licensing Act 2003

- 8.1 Premises holding a sexual entertainment venue licence will not require a premises licence under the Licensing Act 2003 unless the premises is carrying on other licensable activities e.g. the sale of alcohol or the provision of regulated entertainment that is not relevant entertainment.
- 8.2 Live music or the playing of recorded music which is integral to the provision of relevant entertainment, such as lap dancing, for which a sexual entertainment licence is required, is specifically excluded from the definition of regulated entertainment in the Licensing Act.
- 8.3 Premises which fall under the exemption created for infrequent entertainment do not require a sexual entertainment licence, but will instead need an appropriate authorisation under the Licensing Act, for example to cover the performance of dance. An exemption for live music or the playing of recorded music, which is integral to the entertainment, does not apply to such venues.

9. Location of Licensed Premises

- 9.1 We have not imposed a limit on the number of 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~~ ~~9.1.4~~ a church or other place of religious worship;
- ~~9.1.5~~ a community centre

- 9.2 In addition, we will consider public safety issues when determining whether an area is appropriate; for example, areas that attract a high percentage of female, elderly or young users or vulnerable persons may be considered to be inappropriate. Where we receive an application, which we consider to be within close proximity to those areas or premises identified in paragraph 9.1, the application will not be automatically refused. Applications presenting genuinely exceptional circumstances may be granted.
- 9.3 Applications in respect of premises must state the full address of the premises. Applications in respect of a vehicle, vessel or stall must state where it is to be used as a sex establishment.
- 9.4 We would normally expect that applications for licences for permanent commercial premises should be from businesses with planning consent for the property concerned.

10. Commenting on licence applications

- 10.1 A wide range of people can raise objections about sex establishment licences. The Police are a statutory consultee for all applications.
- 10.2 We can only consider objections that are relevant to the statutory grounds for refusal set out in the 1982 Act and are received within the 28-day period for making objections.
- 10.3 We will notify applicants of any observations made by the Chief Officer of Police and provide details in general terms of objections that we have received within the 28-day period. We will not without the consent of the person making the objection reveal his/her name or address to the applicant.
- 10.4 Where no relevant objections are made, or objections are withdrawn, officers will grant the licence under the scheme of delegated powers.
- 10.5 Licensing Sub-Committee will consider all applications where there are relevant objections. We will give both applicants and objectors an equal opportunity to state their case in accordance with our hearings procedure.
- 10.6 We will not consider objections that are frivolous or vexatious, or which relate to moral grounds (as these are outside the scope of the 1982 Act). Our officers will make decisions on whether objections are frivolous or vexatious. Where objections are rejected the objector will be given a written reason.

11. Determining Applications

- 11.1 In considering any application for the grant, renewal or transfer of a licence we will have regard to any observations submitted by the Chief Officer of Police and any relevant objections that we have received within the 28-day period.
- 11.2 Where we refuse to grant, renew or transfer a licence, we will send notice of the reasons for our decision to the applicant within seven days.
- 11.3 An applicant must be a suitable person to hold a licence. In determining suitability for a new licence, or **renewal or** transfer of an existing one, we will consider all relevant information including the following:
- Previous relevant knowledge and experience of the applicant;
 - The operation of any existing or previous licence(s) held by the applicant, including any licence held in any other area.
 - Any report about the applicant and management of the premises received from statutory objectors.

12. Terms, conditions and restrictions

- 12.1 We may impose terms, conditions and restrictions on the grant of a licence. Where imposed, these will be necessary, non-discriminatory and proportionate.
- 12.2 We have model conditions relating to sex establishments and sexual entertainment venues. The conditions which may be attached to a licence are set out in Appendices A and B to this policy.
- 12.3 We will consider all applications on an individual basis and may impose additional or alternative conditions tailored to individual premises.

13. Grounds for refusal

The 1982 Act sets out mandatory and discretionary grounds for refusal of a licence.

- 13.1 We will not grant a licence;
- a) to a person under the age of 18; or
 - b) to a person who is for the time being disqualified under paragraph 17 (3) of Schedule 3 to the 1982 Act; or
 - c) to a person, other than a body corporate, who is not resident in an EEA state or was not so resident throughout the period of six months immediately preceding the date when the application was made; or
 - d) to a body corporate which is not incorporated in an EEA state; or
 - e) to a person who has, within a period of 12 months immediately preceding the date when the application was made, been refused the grant or renewal of a licence for the premises, vehicle, vessel or stall in respect of which the application is made, unless the refusal has been reversed on appeal.
- 13.2 We may refuse:

- i) an application for the grant or renewal of a licence on one or more of the grounds listed in a) – d) below:
- ii) an application for the transfer of a licence on either or both of the grounds specified in paragraphs a) and b) below:

The grounds are:

- a) that the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason;
- b) that if the licence were to be granted, renewed or transferred the business to which it relates would be managed by or carried on the benefit of a person, other than the applicant, who would be refused the grant, renewal or transfer of such a licence if he made the application himself;
- c) that the number of sex establishments, or of sex establishments of a particular kind, in the relevant locality at the time the application determined is equal to or exceeds the number which the Licensing Authority consider is appropriate for that locality. Nil may be the appropriate number.
- d) that the grant or renewal of a licence would be inappropriate having regard to the character of the relevant locality, or to the use to which any premises in the vicinity are put, or to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.

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.

13.4 We have not made a decision to determine the number of sex establishment premises appropriate for the City of Cambridge however this may be subject to review.

13.5 We may refuse applications for a sex establishment licence where we are not satisfied that the application has been advertised in accordance with the requirements of the 1982 Act.

13.6 We may refuse to accept an application where we consider that relevant information has been omitted or an application is incomplete.

14. Hearing

14.1 Where relevant objections have been made we will give applicants the opportunity of appearing before the Licensing Sub-Committee.

14.2 We will advise the applicant and objectors of the date, time and venue of the hearing.

14.3 A copy of the committee report will be published on our website at least 5 working days prior to the hearing. The report will contain a summary of the application, objections and any other relevant information.

14.4 The hearing will be conducted in accordance with our hearings procedure.

14.5 The Licensing Sub-Committee will communicate their decision at the end of the hearing and all parties will receive written confirmation of the decision within seven days.

14.6 Whilst the Act does not stipulate a timescale for hearing applications, where objections have been submitted and accepted, we aim to determine an application within 20 working days from the close of the 28-day period for receiving objections.

14.7 Applicants have a right of appeal to a Magistrates Court.

15. Enforcement

15.1 We will establish protocols with the police and any other relevant enforcement body on enforcement issues. These protocols will target agreed problems and high-risk premises, which require greater attention, while providing a lighter touch approach in respect of low risk premises that are well run.

15.2 In general, action will only be undertaken in accordance with the Council's enforcement policy, as adopted at the time, which reflects the Council's obligations relating to enforcement and is consistent with the Regulators Compliance Code. To this end, the key principles of consistency, openness, proportionality, clear standards and practices, courtesy and helpfulness and training will be maintained.

15.3 Cambridge City Council's enforcement policy is available on our website: <http://www.cambridge.gov.uk/ccm/content/council-and-democracy/how-the-council-works/council-policies-and-plans/enforcement-policy.en>

16. Amendments to Policy

16.1 Any significant future amendment to this policy will only be implemented after further consultation.

For the purpose of this section, any significant amendment is defined as one that:

(a) is likely to have a significant financial effect on the licence holders, or

(b) is likely to have a significant procedural effect on the licence holders, or

(c) is likely to have a significant effect on the community.

16.2 Any minor amendments to this Policy may be authorised by the Licensing Committee.

16.3 We retain the right to review the policy as deemed necessary, or as required due to legislative changes and Government guidance.

17. Integration with Council Strategies and the avoidance of duplication

17.1 By consultation and liaison, we will secure the proper integration of this policy with local crime prevention, planning, transport, tourism, race equality and equal opportunity schemes, cultural strategies and any other plans introduced for the management of the City and the night-time economy.

17.2 So far as is possible, the policy is not intended to duplicate existing legislation and regulatory regimes that already place obligations on employers and operators.

17.3 It is likely that certain aspects of the activities of a sex establishment will be licensed under the Licensing Act 2003 e.g. a bar in a lap-dancing club. We will not normally attach conditions to a sex establishment licence, which can just as well be attached to a premises licence under the 2003 Act.

18. Exchange of information

18.1 We may from time to time exercise our powers under section 115 of the Crime & Disorder Act 1998 to exchange data and information with the police and other partners to fulfil our statutory objective of reducing crime in the area.

18.2 Details of applications and objections which are referred to a Licensing Committee for determination will be published in reports that are made publicly available in accordance with the Local Government Act 1972 and the Freedom of Information Act 2000.

19. Administration, exercise and delegation of functions

19.1 The functions of the Licensing Authority under the 1982 Act may be carried out by the Licensing Committee, by a Sub-Committee or by one or more officers acting under delegated authority.

19.2 Many of the decisions and functions will be largely administrative in nature. In the interests of speed, efficiency and cost-effectiveness these will, for the most part, be delegated to officers.

20. Fees

20.1 Fees are set each year. Details are available from the licensing team and on our website <http://www.cambridge.gov.uk/ccm/content/ehws/licensing/fees.en> We charge a separate fee for applying/ varying/ transferring a licence and renewing a licence.

21. Effective Date and Review

21.1 This policy statement will take effect on xxxxx 2011.

21.2 The policy statement will be kept under review and will be subject to further review and consultation before xxxxx 2016.

22. Contact details, advice and guidance

22.1 Applicants can obtain further details about sex establishment licensing application processes, including application forms and fees from:

website: www.cambridge.gov.uk

e-mail: licensing@cambridge.gov.uk

telephone: 01223 457879

fax: 01223 457909

post: Licensing, Refuse and Environment Service,
Cambridge City Council, PO Box 700,
Cambridge, CB1 0JH

in person: Customer Service Centre, Mandela House, 4, Regent
Street, Cambridge, CB2 1BY (Monday to Friday 08:00-
18:00)

Electronic applications can also be made on line via the government's
businesslink website www.businesslink.gov

- 22.2 This policy can be made available in large print on request and similarly
translations can be made available in a variety of languages. Please contact
us for further help or assistance.
- 22.3 Informal discussion is encouraged prior to the application process in order to
resolve any potential problems and avoid unnecessary hearings and appeals.

Dr Teela Sanders and Kate Hardy
University of Leeds
ESRC (RES-000-22-3163): The Regulatory Dance
Preliminary Report
August 2010

Introduction

This report draws on quantitative data of 107 questionnaire surveys and qualitative observations undertaken in clubs in London, Leeds and Harrogate, as well as through an on-line survey. At the time of writing 86 paper questionnaires have been collected, as well as an additional 21 completed online surveys.

Dancer Demographics

Age

The majority of dancers (68.8%) are aged between 22 and 29. Interestingly, despite an emphasis on youth within the industry, only 10% were younger than this and 21.3% of dancers were older than 29. The age range between dancers spanned from 19 to 39.

Table 1: Age of dancers

Age band	Percentage
18-21	10.0
22-25	35.0
26-29	33.8
30-33	10.0
34-37	8.8
38-41	2.5
Total	100.0

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The age at which most dancers had started dancing, however, was considerably younger. A large proportion of 68% started dancing when they were under 25 years old and 92% began when they were under 29. Only a small proportion (7.6%) started when they were over 30. Women who started dancing later in life were more likely to cite family reasons, such as illness in families or partnership break up as their reason for starting dancing.

Table 2: Age started dancing

Age started	Number	Per cent
18-21	26	32.9
22-25	28	35.4
26-29	19	24.1
30-33	4	5.1
34-37	2	2.5
Total	79	100

Half of the dancers were single (50%), but the other half were in some form of relationship with someone with whom lived (21.3%) or did not live (21.3%). Only 6.3% of the dancers were married.

Relationship	Number	Percent
Single	40	50.0
Co-habiting	17	21.3
Have partner, but live alone	17	21.3
Married	5	6.3
Other	1	1.3
Total	80	100.0

Only 19% of dancers surveyed had children. Amongst dancers with children 86.8% had one child and 13.2% had two children. No dancer had more than two children.

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Nationality

British nationals constituted over half the dancers surveyed. The next largest national groups were Romanian (19%) and Brazilian (8.9%).

Table 3: Nationality by region

Nationality	Number	Per cent
British	42	53.2
EU	26	32.9
Non-EU	10	12.7
Dual: EU-Non EU	1	1.3
Total	79	100

Table 4: Nationality of dancers

Nationality		No.	Per cent
EU	British	43	54.4
	Romanian	15	19.0
	Latvian	2	2.5
	Lithuanian	2	2.5
	Polish	2	2.5
	Estonian	1	1.3
	French	1	1.3
	Italian	1	1.3
Non-EU	Brazilian	7	8.9
	Thai	3	3.8
	Zimbabwean	1	1.3
Dual	Canadian-EU	1	1.3
Total		79	100.0

Education

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All of the dancers had some education and had finished school with some qualifications. 87% had completed at least Further Education, while 25% had completed an undergraduate degree.

Table 5: Educational Attainment

Educational Attainment	Number	Percent	Cumulative Percent	Cumulative Percent
School	7	8.9	8.9	100
School and currently in FE	3	3.8	12.7	91.1
Further education	30	38.0	50.6	87.3
FE and currently in undergraduate education	11	13.9	64.6	49.4
FE and currently in other (non-HE) education	8	10.1	74.7	35.4
Undergraduate	14	17.7	92.4	25.3
Undergraduate and currently in postgraduate education	5	6.3	98.7	7.6
Postgraduate	1	1.3	100.0	1.3
Total	79	100.0		

However, a significant number of dancers were still studying at some level. Just over one third of dancers were students. 31% of dancers were currently in some form of education, making students a significant proportion of dancers. 3.8% were taking further education courses, 13.9% were using dancing to help fund an undergraduate degree and 6.3% for a postgraduate degree.

Non-higher education courses included Beauty School; Drama School; Hairdressing; Interior Design; Life Coaching; and The Knowledge. Undergraduate courses included Media and Journalism; Business Studies; Economics; Nursing; Psychology; Radiography; Mechanical Engineering and Sociology. Postgraduate studies included Ecology and Law.

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Work history and entry into dancing

Dancers gave multiple different reasons for beginning to dance. Most, however, cited money as the main motivator (see table 6).

Table 6: Reasons for starting dancing

Reason for starting	Number	Per cent
Money	28	36.4
Money for education	9	11.7
Someone else was doing it	9	11.7
Like dancing	5	6.5
Debt	4	5.2
Freedom or flexibility	4	5.2
Relationship break down	3	3.9
Adventure	2	2.6
Boost my career	2	2.6
Always wanted to	2	2.6
Increase confidence	2	2.6
Help family	2	2.6
To be able to buy nice things	2	2.6
Sociability	1	1.3
Bet	1	1.3
Lack of other work	1	1.3
Total	77	100.0

Dancers mainly found work in their first club through friends and the internet (sum = 63.6%). Agencies had a small role to play, but were more predominant amongst migrant workers.

Table 7: Recruitment into first club

Recruitment	Number	Per cent
Friend	14	31.8

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Internet	14	31.8
Agency	4	9.1
Word of mouth	4	9.1
Walked past	3	6.8
Newspaper	2	4.5
Boyfriend/ex-boyfriend	1	2.3
Just knew it	1	2.3
Job centre	1	2.3
Total	44	100

Most dancers

Table 8: Length of time performing

Length of time performing	Frequency	Per cent	Cumulative Percent
Less than 6 months	11	13.9	13.9
6 months to <1 year	6	7.6	21.5
1 year to <3 years	28	35.4	57.0
3 years to <5 years	20	25.3	82.3
5 to 10 years	12	15.2	97.5
>10 years	2	2.5	100.0
Total	79	100.0	

Dancers that we spoke to had been dancing for between 1 day and 17 years. Most dancers had been dancing for between 1 year and <3 years (mode and median). Only 17.7% had been dancing for more than five years, indicating that most dancers left between 3 and 5 years into their dancing careers.

Table 9: Number of clubs worked in

Number of clubs worked in	Frequency	Per cent	Cumulative Percent
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1-2 Clubs	45	57.0	57.0
3-4 Clubs	16	20.3	77.2
5-6 Clubs	8	10.1	87.3
7-8 Clubs	1	1.3	88.6
9-10 clubs	5	6.3	94.9
More than ten clubs	4	5.1	100.0
Total	79	100.0	

Women had danced in between 1 and 35 clubs. Most women had worked in a only 1-2 clubs. Women that had danced in more than ten clubs (5.1%) tended to have worked for agencies who had sent them to a number of different pubs and clubs.

Women generally reported earnings going down. They reported between £50 and £800 earnings in the first club they worked in. The average in the first club women worked in was £284, while the average that women currently reported was £232. This does not reflect reports from dancers that earnings have drastically gone down in the past few years. However, dancers have tended to state that it is not so much that earnings have gone down across the board but that they are a lot more inconsistent now and that earnings across the week may even out, but that they were more likely to be out of pocket on a night than they were previously.

The tables below show earnings shifting over time.

Table: Earnings in first club per shift

Earnings per shift	Number	Per cent	Cumulative Percent
0-49	1	3.1	3.1
£50-£99	2	6.3	9.4
£100-£199	6	18.8	28.1
£200-299	8	25.0	53.1
£300-399	6	18.8	71.9
£400-499	3	9.4	81.3
£500 or more	6	18.8	100.0
Total	32	100.0	
System	75		

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Table: Earnings in second club per shift

Earnings per shift	Number	Per cent	Cumulative Percent
0-49	1	2.0	2.0
£50-£99	3	6.1	8.2
£100-£199	14	28.6	36.7
£200-299	16	32.7	69.4
£300-399	8	16.3	85.7
£400-499	4	8.2	93.9
£500 or more	3	6.1	100.0
Total	49	100.0	
System	58		
	107		

Work strategies

Most dancers worked more between 2 and less than 4 shifts a week (57.1%). Over 66.2% of dancers worked less than four shifts a week.

Shifts worked per week

Shifts worked per week	Number	Valid Percent	Cumulative Percent
0 to <2	7	9.1	9.1
2 to <4	44	57.1	66.2
4 to <6	23	29.9	96.1
6 to 7	3	3.9	100.0
Total	77	100.0	

Dancing was the sole form of income for the majority of dancers (60.3%). However, it was significant that 39.7% of dancers did combine dancing with other forms of work and income.

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In addition to working, many dancers were combining dancing with some form of education. Less than half of the dancers (47.5%) were only dancing. The larger majority (53.5%) combined dancing with education, other forms of work or both of those activities.

Table 8: Activities combined with dancing

Combine dancing with	Frequency	Valid Percent
Education	12.0	15
Other forms of work	18.0	22.5
Work and education	12.0	15
Only dancing	38.0	47.5
Total	80.0	100

Of the dancers who were engaged in other types of work. When these are examined alongside nationality an interesting pattern emerges. While British dancers are fairly evenly distributed in terms of the strategies that they are using, Non-EU dancers overwhelming only dance and do not undertake any education or other forms of work.

Table 9: Combinations of dancing, work and education by nationality

Nationality	Education		Other forms of work		Other forms of work and education		Only dancing		Total
	No.	Per cent	No.	Per cent	No.	Per cent	No.	Per cent	
British	6	14.3	12	28.6	10	23.8	14	33.3	42
EU	6	23.1	4	15.4	2	7.7	14	53.8	26
Non-EU	0	0.0	1	10.0	0	0.0	9	90.0	10
Dual: EU-Non EU	0	0.0	1	100.0	0	0.0	0	0.0	1
Total	12	15.2	18	22.8	12	15.2	37	46.8	79

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Feelings about work

Job satisfaction amongst dancers was strikingly high. Asked to score their job satisfaction from 0 to 10 with 10 being the highest, a significant proportion (84.4%) rated their satisfaction above five and only 5.3% rated their satisfaction at less than five.

Table 10: Job satisfaction scores

Score	Number	Per cent
Zero to four	4	5.2
Five	8	10.4
Six to Ten	65	84.4

Looking more carefully at the numbers, no dancers rated their satisfaction below three, the majority rated their satisfaction at work at 7-8, with the second largest group rating it at the highest levels of 9-10 (24.7%).

Table 11: Job satisfaction scores

Score	Frequency	Per cent
1-2	0.0	0.0
3-4	5.0	6.5
5-6	13.0	16.9
7-8	40.0	51.9
9-10	19.0	24.7
Total	77.0	100.0

When asked how happy they felt at work, the majority of dancers stated that they felt Happy or Very Happy (76.4%). While 22.2% were neutral, only 1 person said that they felt unhappy.

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Table 12: Happiness at work

Happiness at work	Number	Per cent
Very Happy	12	16.7
Happy	43	59.7
Neither Happy or Unhappy	16	22.2
Unhappy	1	1.4
Very unhappy	0	0
Total	72	100

Dancers were also asked how respected they felt within the workplace. This time, the majority (59.2%) were neutral, stating that they neither felt respected nor disrespected. Despite this neutrality, significantly more dancers said that they felt Respected or Very Respected (33.8%) than Disrespected or Very Disrespected (7%).

Table 13: Respect at work

Feelings of respect	Number	Per cent
Very respected	4	5.6
Respected	20	28.2
Neither respected nor disrespected	42	59.2
Disrespected	4	5.6
Very disrespected	1	1.4
Total	71	100

A large majority of dancers felt safe at work. However, a number of them stated that there was significant difference between clubs and therefore it was hard to say as a rule.

There was little significant difference in happiness at work between different nationalities, although Non-EU nationals were the most likely to rate themselves happy or very happy at work.

Nationality	Happy or Very Happy	Neither	Unhappy or very Unhappy
British	78.9	21.1	0.0
EU	71.4	23.8	4.8
Non-EU	81.8	18.2	0.0
Dual	0.0	100.0	0.0

A large majority of women felt safe or very safe at work (88%), however many commented that it was hard to state exactly as it varied from club to club.

Table 14: Safety at Work

Feelings of safety	Number	Per cent
Very safe	20	26.7
Safe	46	61.3
Neither safe nor unsafe	8	10.7
Unsafe	0	0
Very unsafe	1	1.3
Total	75	100

Positive feelings about work

Dancers were given a list of options and asked whether any of them represented things they felt was the best part of their job:

- 98.1% said that one of the best features of the job was the ability to **choose their own hours**
- 80.6% **earning more money** than in other jobs
- 77.8% said **getting money straight away**
- 75% said the ability it gave them to **be independent**
- 74% said that **keeping fit** was one of the best features

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- 74% said **combining fun and work**
- 56.9% said **making new friends**
- 51.4% said **feeling good about themselves** was one of the best elements
- 51.4% said **working shorter hours**
- 32.8% said it helped their **career prospects**

When asked what dancers liked most about dancing as a job, the most frequently cited answer was clear, "Money!":

I get money really easily.

Earn VERY good money in the short term. £100-£200 a night. My favourites are Tues, Wed, Thurs - that's the business guys

Easy money. Getting things I could never have got otherwise. Seen more money than I have ever seen in my life and I've gained a lot of confidence.

It's only about money. I like the money. It's fun. Interesting talking to people.

Fun, socializing and sociability were also frequently stated, alongside money, as key factors for engaging in dancing:

Money. Some of the girls. I made a best friend here. Social life - I like working socially.

Money. Nice people. Sometimes you can find nice people to have a conversation.

Money. I like to be with the girls and have fun.

Money. Also, it's just like going to a rave.

Money. Fun.

Meeting people. Different types of people.

Meet different people, different backgrounds, shouldn't be ashamed of it, not a prostitute.

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I love it. It is a really glamorous job. I love the socialising, the glamour. You meet some really decent guys as well. It does shine a light on many things in many different ways. You get regulars and that makes the job so much easier. In the club I work in now no-one has ever been rude or racist towards me. Never.

Fun. Drink every night. Talk to random people.

I'm an exhibitionist. Definitely the money. It's a social thing as well, all my friends work here.

The actual dancing itself was a commonly cited reason for engaging in lap dancing and also for why women enjoyed it:

I like the actual dancing and it is good money.

It's a lot of fun. Personally, in a year's time I am going to start a pole dancing studio. I love it. It's a proper sport.

I love music. I like dancing.

I was dancing from when I was a small child. I have no inhibitions about my body and like to be sensual and to express myself.

I like dancing, I do all sorts of dancing, even belly dancing! I like having freedom of choice and being your own boss. It is also a good confidence boost.

I can exercise, use my energy.

It was felt that this also offered the opportunity to self-improve and to learn new skills:

You meet a lot of people, learn about new people. You learn a lot about the psychology of the human being.

It keeps you fit. Gives you bravery. It makes you a very a good psychologist.

Lots - money, fun, you get to look after yourself. Lost 6 kilos. Trained to look better with age..

Helps me to handle men, to be more feminine, to take care of myself and my appearance. It's like an art, not just dancing.

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Fully independent, flexible hours, social job, confidence as a woman. Self esteem.

Flexibility was also frequently mentioned and sometimes in combination with both earning potential and socialability:

Money. Flexibility.

Freedom. You can drink. You don't have set times. That's the main thing.

Choose when you want to work. Plan your own schedule.

Work when you want. Only have to work three days a week, still earn more than in five days a week. I like night work. It's just social. you have a laugh, even when it's crap, it's like going on a night out.

It's not stressful. Good money. If you don't want to work, you don't work.

I can choose my holidays, like if I just want to go away, I don't have to wait. Money. It's the same feeling like when I go out to a club.

I've just started a 9-5 job. It is literally so shit. Impossible.

The flexibility also enabled people to engage in the other parts of their life that they valued:

I like that it's a night out. Dressing up, glamorous side of it and the money. See my daughter all day.

A number of dancers also cited the feelings they drew from dancing as being a very positive part of the experience:

I'm an exhibitionist, I like the attention and it's a good way to make money.

Money. I like the feelings, I can feel...

Communicate nicely. Meet different people. When started, I was scared, now have confidence. I like making friends, chat, being happy. Good, but you can't do it all yourself.

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My satisfaction went down - 9 when I started, 2 or 3 by the end. Social life, work/life balance, immediate earnings, suits other employment and education and the money are all advantages. Being English means you don't have to do things you don't want to. Keeps you fit, take care of yourself for a living and play dress up. It gives you confidence with guys.

Great confidence about myself and how I look.

Seeing people happy

Work when you want, as long as you want. Quite social. I do enjoy going to work.

When there is money to be made, it's great. It's fun. The flexibility is good too.

Social life. Keeping fit. Nocturnal hours. Positive self image. Combines fun and work.

You can relax and socialise and drink. Can be good money on a good day. Something physical which is what I have done all my life.

Working evenings. It is glamorous. Working with the girls. Getting a lot of money.

All of these feelings were neatly summed up by one dancer who surmised "Better money. No commitment. Leave when you want to leave. Drink what you want".

Negative feelings about work

Dancers were given a list of options and asked whether any of them represented things they felt was the worst part of their job:

- 55.6% said **never knowing how much money they would earn**
- 48.6% said **keeping their job a secret** was one of the worst aspects of the work
- 31.9% said **customers being rude or abusive**
- 30.6% said that having to **compete with the other dancers** was problematic for them

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- 23.6% said feeling **pressure on their bodies** to look a certain way
- 23.6% said **losing respect for men**
- 20.8% said they found it **emotionally difficult**
- 13.9% said they felt it meant they **didn't have career prospects**
- 11.1% said **feeling bad about themselves**
- 6.9% said feeling that they could **lose their job easily**

Dancers were also asked open question about what they liked least about the job. Customer behaviour was consistently cited by dancers as one of the more negative elements of the jobs:

Stupid men!

Stupid people! Stupid men.

Try and grab you. Think you're something that you're not

When a customer is rude, it is difficult.

When you get weirdos coming in. Some are pushy, but you can always call a bouncer.

When people expect more than they're going to get from VIP

Touching. Nasty customers. I don't like stress when I am working.

It's tedious talking to drunk men and pretending to enjoy their conversation

The way that some people treat you, but that doesn't happen often.

The men, dealing with the men. Tiring - emotionally and physically and it changes your body clock.

Rude customers. People who think they don't have to pay. People who touch you, only when they're drunk though.

Rude men: some men are perverted, they don't respect the rules and just be coarse. We are dancers, not prostitutes.

You can get some bitchiness. Lifestyle - drinking all the time. You can get some assholes as well.

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Pigheaded guys and assholes. English guys don't have much sense, they want intimacy, to have a relationship with you. The job is mainly ego boosting. Have got to make them believe that you'll go home with them, when you have no intention of doing that at all. More so in London than anywhere else.

People expect a lot from you. A lot refuse dances because you won't let them touch you.

Pervy men. Don't like the fact that some men are really disrespectful.

Painful or difficult customers. You get asked for sex all the time. Managers sometimes and fines.

Guy's attitudes sometimes. You know which ones they are though.

I hate the job, but love the money. I hate all the wankers, but the money is worth it. Don't like finishing at 3am. I don't like the men or the manager or the mental torture, you have to stay very strong minded.

Men are idiots.

Men being rude.

Men being rude - boundaries that men cross, asking ridiculous questions.

Men who don't buy dances.

Customer being rude. When they talk about sex during a private dance.

Dancers reported customers requesting 'extras', such as touching the customers or being allowed to touch the dancers and this was frequently cited as one of the worst aspects of the work:

People expect a lot from you. A lot refuse dances because you won't let them touch you (Dancer, 20, Leeds).

Many attributed this to the fact that some girls were willing to offer more during dances and to bend or break the rules in order to get higher tips and more dances. However, when asked about how frequently that took

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place, most said it was a small minority rather than a majority of customers and that it didn't happen very often.

Financial instability was similarly found to be problematic.

You make a compromise. Stupid men. They think we are a bitch because we have this job. This is a lottery, sometimes you make money, sometimes you don't.

Worst thing is that it is up and down.

When you don't make money.

Shit money now.

Insecurity - not knowing how much money you'll make.

It's gone down, my satisfaction, as it is harder to make money. Everyone is a bit desperate now. Bit hard to give them what they want to get them to stay and spend more money. The rules have made it quite sterile and a bit edgy. It used to be that you'd do a dance, have another and make it sexier and sexier. Now, everyone is being watched and there's not much more you can do. You can't really enjoy it. It makes the dance interaction weird. You can't put your full concentration to it to make him feel like he wants to spend more money.

The hours:

The fact that I am working long hours, I am tired a lot but still enjoying the job.

The hours can be long, it can be hard.

The nocturnal hours, pressure to consume drugs, harassment from managers, pressure to consume alcohol and it's emotionally draining

They also felt that some of the rules and systems instigated in the club were unfair:

The stage - they should pay us, or should encourage men to pay for the show. We get nothing no matter much we're on there for. We're only here for one reason.

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Some of the customers. The industry is a bit greedy, self-obsessed, money grabbing..

Rules - it's got much stricter about when you want to leave. The authority of it.

Money is really hit and miss. Also, how much they take off you seems unfair sometimes.

Inconsistency with the rules.

Stigma:

Nothing. I have no regrets. Although I don't like the publicity that us dancers get. I'm self-employed, I'm a law abiding citizen. During the day I am a full time Mother. I don't carry myself like this outside!

Stigma, most of my friends know but family don't know. Can feel degraded, depends on how the club is run. You get propositioned a lot, comes with the job. Can't take things personally, you just have to act dumb.

Have you got time?! Stigma - I don't like that. The stereotyping of people outside. I don't like the length of the hours, but I do like working nights.

Interestingly, a lot of women said that there was nothing they disliked and often emphasised the freedom to leave if you did not like it:

Nothing.

Nothing.

Nothing. If you don't want to work, you don't work.

Nothing. It's fine.

Don't dislike anything about the job. There are good/bad days like any job.

You can always walk away.

In addition, many said that they felt that the high numbers of women working each evening produced problems between the girls as they were forced to compete with each other. As the number of women working has

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grown and the number of clubs proliferated there is increasingly intense competition between the dancers on any one evening, in some contexts this led to tensions and hostility between the dancers. Dancers were forced to intensify their work in a number of different ways: 1) by working more shifts 2) by offering more to customers in order to be able to compete with other dancers.

Conditions

Wage slips

Although the majority did not receive a wage slip, some reported receiving receipts for how much they had earned. Though these often had to be requested by the dancers, rather than offered at the end of each shift.

House fees, fines, debts and commission

- House fees paid by dancers ranged from £0-£200 though only 19% of dancers had ever paid over £80.
- Commission on private dances and other services ranged from 0-66%, but only 18% had ever paid over 30% commission.
- 74.6% of dancers had been fined at some point in their dancing career. The highest reported fine was £100 for a missed shift. The most common fines were for chewing gum and lateness.
- 15.4% of dancers had owed debts to the clubs. These were either made up of costumes that they had to buy from the club in order to comply with its rules around dress or a result of house fees that the dancers had been unable to pay. Dancers often made a distinction between earned money and 'their own' money and a number of them reported having had to pay house fees from their own money that they had to go to the cash point to get out when they had not made enough money on a shift to cover their house fee.
- 69.6% of dancers surveyed had been out of pocket by going to work at least once during their time dancing

Rules

Club rules consistently came up as an element of dancing that dancers did not like. Some felt that there were too many rules and others felt that they were enforced inconsistently and often with significant favouritism.

Rules swap and change and you never know what they are (Dancer, 26, Leeds).

Many of the women felt that they didn't have access to knowledge about what the council imposed rules were and which had been instituted by the club. Some thought that this was a good reason to have a contract between the club and the dancers:

It would set out the rules properly. Rules for everyone: set out what people aren't allowed to do (Dancer, 21, Leeds).

Improving conditions

One 22 year old from Leeds said that she thought a union would be able to help to offer clear information about what the clubs were and were not allowed to do:

If there's new legislation it's good to have some information from someone other than the clubs of what the rules are.

Others thought that monthly meetings between management and all of the dancers would also help to make the situation and the rules clear.

None of the women I spoke to had their own insurance. Some vaguely knew that they needed it, but others had never thought about it and no-one had ever spoken to them about it. This makes the women extremely vulnerable. If they were injured and unable to work, they would not be paid by the club and would have no legal come back.

One 20 year old dancer in Leeds summed up all the things that needed to be improved in the industry as:

[There needs to be] more regulation of agencies. One was done for running a brothel and simply renamed itself. This legislation not to have been passed. Girls don't know where they stand. There's no way to find it out. There's not enough security, I know of girls who

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have been raped and abused at work. You cannot go to the police, as you are a stripper, so there is no legal standing at all.

In order to improve security, panic alarms, more CCTV and doormen were cited as important. Similarly, many felt that the way in which private booths were set up also endangered them and also allowed standards to be lowered by dancers offering more than is allowed in the dances.

At some of the clubs, the dancers felt that the club was doing very little to try to attract custom and this often meant that they were left to do it themselves. Often they would be taken out in the limo or car to try and get people to come back to the club or to hand out flyers. Some of the dancers stated that increasing the visibility of the club in this way was key to improving their conditions:

They should promote the club more, we have to put the effort in, we have to take time out to do it ourselves (28 year old).

Unionisation

Only 9.7% of dancers surveyed were aware of any organisations or unions of dancers. 41% said they would not be interested in joining a union, while 24.7% said they would be (see Table). A significant number of respondents said that they might be interested or did not know whether there would be (33.3%). There were high levels of ignorance about the role of trade unions generally and specifically about what they could do for dancers.

Table: Interesting in Joining a Union

Interest in joining a union	Number	Per cent
Interested	18	24.7
Not interested	30	41.1
Maybe interested	17	23.3
Don't know	8	11.0
Total	73	100

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Reasons for wanting to join a union included better regulation and accountability in the industry:

A few reasons. There is no legislation, no insurance.

Occasionally we are treated unfairly. If there is ever an issue you are just seen as self-employed, so it would be good to have someone to go to.

Unfair things, like management favouring girls who tip them. Regulate unfairness like this.

I think it could help to make the conditions better.

Others stated that representation and support would be key:

Having someone to represent me. Clubs don't like girls that have opinions and try to stick up for themselves.

Maybe, as I've heard that some dancers have been taken to court, so it would be good to have support.

Stand up for your rights, be represented, that would be good actually. Speak to them and help us make our choices.

Some emphasised the importance of having access to better information:

...because I would be more informed, feel stronger about everything

To know from the others about what's going on. Information and communication. New people. I like meeting new people.

Depends on what it would do. Maybe to meet up with others. Learn new dancing skills.

I want to know what it is about. Very interesting to know what they do. I would be very interested!

It would be good to talk about the clubs, what goes on. I think we can do it here, but it would be better with others.

One of the customers mentioned that I should be insured. They'd help with stuff like that.

Having somewhere to voice my opinions and find out whether the rules are made up by the club in their interests.

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Increasing skills and income was also seen as a potentially positive role for the union:

Not sure how would benefit. Could organise us and the clubs more so we had better work experience and more customers.

Generally, the reasons for not wanting to join were characterised by apathy:

No time.

Not beneficial for me.

Not interested.

Not my thing really.

I'm not into all that...

Can't be bothered.

Some thought that their self-employed status was actually a reason not to unionise:

We're self-employed. It's different than if I was working for the club.

When you come here you work for yourself.

Those that said they were not interested stated that they though the industry was run fairly and they didn't feel that they needed representation:

Don't feel the need to, it's not something I'm going to do forever. It's not an unfair industry.

However, as the dancer above suggests, many felt that as they saw dancing as a transitory job it was not something they attached any identity to:

I don't see myself as a stripper. Work is work, it's not my identity.

I don't take it seriously enough.

No, because I'm not going to do this for much longer.

I'm not going to make a career out of this job, not going to become a professional.

Not sure. It is what it is. It would formalise it a bit. It's laid back now.

For others, formalisation was a positive thing:

Would be good to have one. Get advice or if something has happened with a customer. If you get injured then getting advice would be useful. Legal info and accountancy from people who know about the job, to be able to do things by the book.

Issues around identity and unionisation also emerged in terms of wanting to refute the stigma attached to dancing:

It's a secret job, part-time job. I wouldn't want to be visible. It's a secret.

It's a secret! It's not like we could go on strike, only my husband knows...

Want to keep it completely separate to my life.

Suggested action

- Clearly displayed council rules in a number of places in the club: toilets, changing rooms etc
- Offer a receipt for fines and fees – make sure fines and fees go through the *books*
- Offer a receipt for dances where commission is taken
- Monthly meetings to discuss rules, changes, get dancers' input
- Prohibiting use of private booths
- Insurance for the women
- Limiting number of girls per capacity