

LICENSING COMMITTEE24 October 2011
10.00 am - 1.55 pm

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

Officers Present:

Head of Refuse and Environment – Jas Lally
Environmental Health Manager – Yvonne O'Donnell
Solicitor – Carol Patton
Licensing Manager – Robin Grey
Committee Managers – Toni Birkin and Martin Whelan

FOR THE INFORMATION OF THE COUNCIL**11/16/licf Apologies**

None.

11/17/licf Declarations of Interest

Councillors Saunders, Rosenstiel and Reiner each declared a personal interest item 11/21/licf as members of the Cambridge Cycling Campaign, which had made representations on item 11/21/licf.

11/18/licf Minutes

The minutes of the meeting of the 6th June 2011 were agreed as a correct record and signed.

Change to Agenda Order

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

11/19/licf Public Questions (See Information Below)

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

11/20/licf Sex Establishments - Statement of Licensing Policy

The Environmental Health Manager introduced a report regarding the Statement of Licensing Policy for Sex Establishments and reminded the committee of the issues raised at the June meeting.

Public Speaker Mr Bartlett Owner of Talk of the Town

Mr Bartlett explained that he had hoped to submit a petition of support for his club to the Licensing Committee, however, it was noted that it had been submitted after the deadline for this meeting. Mr Bartlett stated that he had 400 signatures and 2,000 on line supporters for his club.

Mr Bartlett stated that his main purpose in attending was to demonstrate the level of support for his establishment and opposition to a "nil policy".

Public Speaker Dr Belinda Brooks-Gordon

Dr Brooks-Gordon explained that she was speaking in the capacity as an academic rather than a County Councillor, and raised the following points

- Evidence from objectors refers to the theory of objectification. However, this is only one theory relating to the sex industry and there are others, which contradict this.
- Much of the academic research regarding lap-dancing clubs has been discredited.
- Recent police evidence to central government demonstrated that in general, clubs do not give rise to an increase in disorderly behaviour.
- Club users value a discrete venue and are unlikely to be unruly in the vicinity.
- Evidence from female staff of clubs suggests that they value the flexibility and the earning potential of clubs.
- Female students sometimes use this to pay for their education.
- Dancers state that what they want is clean changing rooms, safe locker areas and fair treatment from club owners.

Public Speaker Ms Emma-Rose Cornwall

Ms Cornwall raised the following points:

- Would like an explanation for the £30,000 cost quoted in the report.
- There is already extensive research into this issue available.
- Research shows a link between lap-dancing clubs and anti-social behaviour and violent attacks.
- Whether other costs been considered such as the cost associated with the rise in violent assault and rape?
- The spend of £30,000 could be seen as good value for money if it protects local women.
- Police lack resources to deal with rape, which is widely regarded as under reported.
- Would the policy lead to repeated applications as clubs apply to different Wards across the City in an attempt to find an area that would not reject the application?
- No Ward in the City is likely to welcome a lap-dancing club.

Members questioned the connection between lap-dancing and increased crime, as the evidence does not support this. Members also pointed out that the adoption of a nil policy would not prevent applications, all of which would be considered on their merits. The costs of repeat applications would be borne by the applicant.

Public Speaker Norah Al-Ani of Cambridge Rape Crisis Centre

Ms Al-Ani suggested that 10 other authorities had followed Hackney's example and had adopted nil policies. She stated that they had done this without costly consultations. For example, Portsmouth had spent no more on this consultation exercise and on any other consultation.

She suggested that the existing body of research on the subject could be applied to the local situation. She expressed the view that it was in the best interest of Cambridge to introduce a nil policy.

The Chair stated that legal guidance had been considered and that a nil policy could not be adopted for the entire City. Consultation would be needed Ward by Ward. She stated that it was important that the committee consider what it is able to do rather than what it might like to do.

In response to members questions, Ms Al-Ani stated that research in Camden suggested a link between sexual entertainment venues and increased violent crime.

Ms Al-Ani concluded by saying that Cambridge may not have any issues at present but more clubs could result in increased crime.

Public Speaker Dr Janie Huber

Dr Huber raised the following points

- Concerns about the transparency of the process of reconsidering a decision that had been agreed in June. She expressed disquiet that the decision was being looked at again due to costs.
- Cambridge is ahead of the game nationally.
- Newspaper headlines recently suggested that female students were funding their education via the sex industry. Does the committee want this to happen in Cambridge?
- The industry is aggressive and lucrative and could change the nature of Cambridge as a City.
- Lap-dancing clubs are degrading.
- A clear decision was taken in June and the necessary consultation should be carried out.

The Chair clarified the issues from the last meeting. The recommendations had included the line “based on analysis”, which had been taken from the Hackney decision. However, Cambridge had undertaken no analysis and therefore the decision was based on incomplete information. To-date there had been no case law to support nil policy decision and the evidence from other authorities is not as clear as it appears. Members should also consider the fact that any decision would impact on people’s livelihoods. It was noted that the decision could leave the Council open to Judicial Review Challenge, so it was important that the decision was based on robust evidence.

The Solicitor advised the committee that any policy must be lawful and based on relevant information.

Members discussed the meaning of a relevant locality. Applying this to every Ward would, de facto, apply the nil policy to the entire City. Members were advised that they would need to decide not just what were relevant localities but also the reasons behind that decision for each locality.

Members questioned the costs of consultation, which appeared to be much higher than the consultation on Taxis, and why these costs had not been known at the June meeting. The Head of Refuse and Environment responded that original report had considered consulting the City as a whole. A nil policy at Ward level would need to be more detailed and this level of detail had not been envisaged or costed in the original report.

The Chair reminded the committee that the original policy had been straightforward in stating that each case would be considered on its merits. A nil policy would not change this requirement. She further stated that the situation locally had been one of very few applications and there was no reason to expect this to change.

Members raised the following points:

- I. Pre-determining an area of relevant locality could be problematic, as the Ward boundaries do not correspond to natural community boundaries.
- II. There appears to be little to gain from the nil policy as all cases would still be heard by committee.
- III. The June decision had been based on incomplete information and showed no clear links to the corporate vision.

Councillor Brown suggested that case analysis of the Peterborough Case supported the assertion that whilst designating the whole authority, as single locality was inappropriate, there was significant flexibility about the definition of localities.

Councillor Blencowe and Councillor Pogonowski were concerned that opposition spokespersons had not been informed that the consultations agreed in June, were not taking place. The Chair stated that she had asked for this to happen and shared their concern if had not.

Councillor Blencowe also stated that the budget considerations were not relevant to the discussion. He suggested not implementing a decision of a regulatory committee was unsatisfactory.

The Executive Councillor for Environmental and Waste Services, Councillor Swanson stated that there was no funding for this consultation in the present budget. If the committee decided to go ahead with the consultation process, a bid for funding could be made next year.

Members discussed the need to adopt a policy by the 1st December 2011. The following additional points were raised:

- IV. Additional clauses could be added at a later date if needed.
- V. Existing premises would need to re apply.
- VI. Any policy would need to reflect the diverse nature of Cambridge.
- VII. Removing the figure of £30,000 and replacing this with a lower figure.
- VIII. Minor changes to the original policy would be needed to ensure it was gender neutral.

IX. The need for an evidence based approach to the decision.

The Chair proposed the following amended recommendations for consideration:

That the recommendations be amended to read:

To adopt a Sex Establishment Policy as originally proposed on 6th June 2011 un-amended.

To instruct officers to carry out appropriate research, consultation and analysis regarding the nil per ward policy agreed by committee on 6th June 2011 and to present their findings to a subsequent meeting of the Licensing Committee.

The Committee voted on the two parts of the motion separately:

- A. To adopt a Sex Establishment Policy as originally proposed on 6th June 2011 un-amended (Agreed by 7 votes to 0).
- B. To instruct officers to carry out appropriate research, consultation and analysis regarding the nil per ward policy agreed by committee on 6th June 2011 and to present their findings to a subsequent meeting of the Licensing Committee. (Rejected by 5 votes to 6)

The committee resolved (by 7 votes to 0) to:

To adopt a Sex Establishment Policy as originally proposed on 6th June 2011 un-amended.

11/21/licf Hackney Carriage And Private Hire Licensing Policy

The committee received a report from the Licensing Manager regarding the Hackney Carriage and Private Hire Licensing Policy. He stated that the carriage of wheelchairs would be subject to further consultation. The Head of Refuse and Environment confirmed that while existing case law had been considered when drafting the policy, no decision had yet been made.

Public Speaker Mr Wratten on behalf of Cambridge Licensed Taxis Limited

Mr Wratten raised the following points:

- I. The trade did not feel that they had been fully consulted.
- II. The penalty points system had been added at the last minute which had not allowed the trade to make an adequate response.
- III. The situation had changed since last April and the penalty points system was no longer needed.
- IV. The taxi trade is only responsible for 3% of City emissions.
- V. There had been no consultation on the introduction of Euro 5 as the emissions standard.
- VI. The taxi trade needed help in difficult financial times.
- VII. Best practice on consultations had not been adhered to.
- VIII. The service the Council provides to drivers is inadequate and items submitted do not reach committee for consideration.
- IX. Drivers had valued the previous services whereby a dedicated officer dealt with taxi issues.
- X. In London age restrictions in vehicles were less restrictive.

Members responded with the following points:

- I. Locally vehicles are tested to the standards of when they were built.
- II. London standards require modifications to the vehicle.
- III. Euro 4 standard vehicles could be extended.
- IV. Euro 3 standard vehicles needed to be phased out as soon as possible subject to adequate notice being given.
- V. Members shared the concerns of the trade that their representations were not included in the report.
- VI. Members should see details of consultations.
- VII. The monopoly of the Depot as a testing centre should be looked into.

The Chair reminded the committee that the decisions before them were policy matters and that operational matters should be addressed at the Taxi Forum with the Executive Councillor. The Chair indicated that she would be happy to attend the Forum. Councillor Blencowe expressed concern that changes to the Taxi Guide policy committee were delegated to the Head of Service. It was agreed following discussion that changes to the guide would in future be subject to consultation with the Chair and Spokes.

The Chair confirmed that further consultation was needed on minimum emissions standards. This would be subject to the agreement of the Chair, Vice Chair and the Opposition Spokes.

The Chair noted members' concerns that the trade do not feel their representations had been fully addressed.

The committee agreed to amend the recommendations to allow for further consultations to take place.

The committee resolved to:

- I. Note the content of the report and adopt the draft attached as Appendix D to the report as Cambridge City Council's Hackney Carriage and Private Hire Licensing Policy with immediate effect, save that officers will discuss with the Chair, Vice Chair and Spokes, paragraph 23.8 and 23.9 (Page 12 of the Draft Hackney Carriage and Private Hire Licensing Policy) which will be subject to further consultation (by 8 votes to 0).
- II. Note the contents of the "Taxi Guide" (Appendix E) and to delegate authority to the Head of Refuse and Environment, in consultation with the Chair and Spokes, make any future amendments to the "Taxi Guide" (by 8 votes to 0).
- III. Agree the purpose of the demand survey is to establish whether or not the current Hackney Carriage fleet meets the demand for the services of Hackney Carriages within the district and additionally to cover accessibility issues and the provision of ranks within the Council's district (by 7 vote to 1).
- IV. Request that officers develop a draft enforcement management system in consultation with the Chair, Vice Chair and Spokes that will be brought back to a subsequent licensing committee for Member consideration prior to appropriate public consultation (by 5 votes to 0).

11/22/licf Publication Of Interested Party Representations Made Under the Provision if the Licensing Act 2003

The committee received a report from the Licensing Manager regarding the publication of interested parties representations made under the provisions of the Licensing Act 2003.

Members made the following comments in response to the report.

- I. Names and addresses allow members to decide how much weight to give the representations.

- II. Representations are made in good faith and an open approach should be encouraged. However, vulnerable individuals might find this problematic.
- III. Could the policy be brought in line with the planning process?
- IV. Members of the public need to be informed that information may be published to the website.
- V. Members suggested treating individuals in a different way from institutions.
- VI. The problems of redacting information were discussed and it was agreed that it is not just the name and address that would identify the person making the representation.
- VII. Members and the applicant always get the full, un-redacted copies of representations.
- VIII. Redacting information would be time-consuming for officers and might require a change to the existing processes and/or additional resources.

Members agreed unanimously that full details of representation should be published for the following categories:

- A. A body representing persons who live in that vicinity,
- B. A body representing persons involved in such businesses
- C. A member of the relevant licensing authority.

The Chair invited members to indicate their preferred option from the following suggested for approval

- I. The publication of representations from interested parties with the removal of any personal data (1 Vote)
- II. The publication of representations from interested parties with their express written permission or if they refuse to give permission, with the removal of any personal data (5 votes)
- III. The continuation of the current situation such that representations from interested parties are not published to the Council website (1 vote)

The committee resolved to:

1. Publish in full representations received from the following:
 - A. A body representing persons who live in that vicinity.
 - B. A body representing persons involved in such businesses.
 - C. A member of the relevant licensing authority.

2. The publication of representations from interested parties with their express written permission or if they refuse to give permission, with the removal of any personal data from the following:

- A. A person living in the vicinity of the premises.
- B. A person involved in a business in that vicinity.

The meeting ended at 1.55 pm

CHAIR