

LICENSING COMMITTEE

30 January 2012
10.00 am - 12.10 pm

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

Also present: Executive Councillor for Environmental and Waste Services, Councillor Swanson

Officers Present:

Environmental Health Manager – Yvonne O’Donnell

Solicitor – Carol Patton

Head of Tourism and City Centre Management – Emma Thornton

Licensing Manager – Robin Grey

Committee Managers – Toni Birkin

FOR THE INFORMATION OF THE COUNCIL

12/1/licf Apologies

None

12/2/licf Declarations of Interest

No interests were declared.

12/3/licf Minutes

The minutes of the meeting of the 24th October 2011 were confirmed as a correct record subject to minor corrections.

12/4/licf Public Questions (See at the End of the Agenda)

Public Speaker Mr Dan Strauss

Mr Dan Strauss addressed the committee regarding the Update on the Street Trading Application Process report and made the following points:

- I. Mr Strauss spoke of his personal experience of the application process.
- II. The Council's web pages gave a misleading impression that the process was easy when it was not.
- III. New traders stand little chance of gaining a pitch as many had been in the same hands for 20 years or more.
- IV. Three families controlled a large number of pitches.
- V. Why is there no tender process in place?
- VI. The price of the pitches does not reflect their trading value.
- VII. The system does not encourage high quality, locally sourced and sustainable produce purveyors.
- VIII. Mr Strauss does not want to compete with the existing traders but wants to offer an entirely different gelato product.
- IX. The allocations policy needs a full review.

The Head of Tourism and City Centre Management responded. A review is planned and the issues raised will be noted. However, the review process is likely to take longer than 3 months.

Councillor Smith confirmed that she had discussed the issues with Mr Strauss prior to the meeting. She had also requested training for members on the street trading licensing. It is important that the policy on street trading licensing be fully reviewed and that the decision process be open and accountable. However, the deadline for the current year's applications was 31st January 2012. Those applications would be considered using the existing policies and procedures.

12/5/licf Hackney Carriage And Private Hire Enforcement Policy

The committee received a report from the Licensing Manager regarding the Hackney Carriage and Private Hire Enforcement Policy.

Public Speaker Mr David Wratten on behalf of Cambridge Licenced Taxis Limited.

Mr Wratten raised the following points:

- The trade had concerns over the proposed enforcement policy.
- The penalty points system, as set out on page 15 of the Officer's report, was unfair.
- The current system was fair and reasonable. Why change it?

Councillor Brierley expressed disappointment that the proposals offered no positive reward for good behaviour. He suggested a star system, based on

positive feedback, to be displayed on vehicles with customers selecting on quality rather than the first car on the rank. It was suggested that this might be more appropriate for Private Hire Vehicles.

In response to members' questions, the Licensing Manager outlined the current policy and the proposed changes.

Members raised the following points:

- I. The proposals appear overly bureaucratic.
- II. Drivers are already confused and adding a second layer of penalties would cause additional problems.
- III. Public safety and driver livelihoods were protected by the current system.
- IV. What would be achieved by the changes?
- V. The current system triggered hearings at certain points but members expressed concerns that they often do not have a full history of recorded complaints against a driver.
- VI. There appeared to be flaws in the current recording systems that needed to be resolved.
- VII. Accruing 6 points would not necessarily be evidence that a driver is not a fit and proper person to hold a licence.
- VIII. Concerns were expressed about the weight that would be given to unsubstantiated complaints.
- IX. Most drivers were good people seeking to make a living wage.
- X. The current system was working well and an additional layer of bureaucracy would create tension and friction.
- XI. Concerns were expressed over the potential to create two systems for driver sanctions.
- XII. A points system would offer officers clear guidance on action to be taken.
- XIII. The Taxi Driver Handbook would need to be updated.

Mr Wratten responded and made the following points:

- The trade had asked officers for details of complaints held on the system.
- If records are already kept, why were more needed?
- Customers already had free choice at taxi ranks and did not have to take the first available vehicle.
- In addition, the trade would like to request a fair price system for out of town trips.

Councillor Smith suggested that the proposal for fair pricing for out of town trips be raised at the next Taxi Forum.

It was agreed that consultation on the Enforcement policy should be as wide as possible. Members suggested a press release, use of the website, contacting known interest groups and raising the issue at Area Committees as part of the consultation process.

Members voted on the options within the report:

- i) Agree to consult on the draft enforcement policy (Appendix A of the Officer's report) with the two alternatives for Section 2 as set out in paragraphs 3.5 & 3.6 of the report. (4 Votes)
- ii) Amend the draft enforcement policy (Appendix A of the Officer's report) or the two alternatives for Section 2 as set out in paragraphs 3.5 & 3.6 as deemed necessary and commence the consultation process. (3 Votes)
- iii) Not agree consultation on the draft enforcement policy. (4 Votes)

The committee resolved by 6 votes to 4 to:

To consult on the draft enforcement policy (Appendix A of the Officer's report) with the two alternatives for Section 2 of the policy as set out in paragraphs 3.5 & 3.6 of the report.

12/6/licf Review of the Hackney Carriage Table of Fares

The Committee received a report for the Licensing Manager regarding the Review of Hackney Carriage Table of Fares.

Public Speaker Mr David Wratten on behalf of Cambridge Licenced Taxis Limited.

The trade opinion was that the proposed surcharge, should fuel exceed 149.0 pence per litre, would be reasonable.

Members raised the following points:

- I. Members supported a fair pricing structure.
- II. Would customers understand a surcharge?
- III. How would the system work? What would be the triggers and what would happen if the price subsequently dropped?

- IV. Members suggested that they were not opposed to the system in principle should there be a sudden sharp rise in price. However, the level needed to be higher than that proposed.
- V. Members agreed that the surcharge for 5 passengers or more was a good idea.

Members agreed that additional work was needed on the fuel surcharge proposal and amended the recommendation to read:

- ii) To ask officers to draft a feasibility study of a fuel surcharge with a trigger point to commence at times of large, unexpected fuel price rises. The proposals would be presented to the next licensing committee in March.

The Committee resolved unanimously:

- i) To amend the Table of Fares with effect from 01 March 2012, subject to the statutory consultation process, to include a £3 "Extra" charge for journeys with 5 or more passengers travelling in the vehicle;
- ii) To ask officers to draft a feasibility study of a fuel surcharge with a trigger point to commence at times of large, unexpected fuel price rises. The proposals would be presented to the next licensing committee in March; and
- iii) To determine any future amendment to the Table of Fares by using the percentage increase as calculated by Transport for London.

12/7/licf Adoption Of Consolidated Byelaws For Acupuncture, Tattooing, Semi-Permanent Skin Colouring, Cosmetic Piercing And Electrolysis

The committee received a report from the Licensing Manager regarding Adoption of Consolidated Byelaws for acupuncture, Tattooing, Semi-Permanent Skin Colouring, Cosmetic Piercing and Electrolysis.

Members asked for clarification about some the terminology.

The Committee resolved unanimously to recommend to the Civic Affairs Committee that it resolve:

- I. To authorise the affixing of the Council's common seal to the byelaws;
and
- II. To authorise the Head of Legal Services to carry out the necessary procedure and apply to the Secretary of State for confirmation.

12/8/licf Update on Street Trading Application Process

The Committee received a report from the Head of Tourism and City Centre Management regarding the Update on the Street Trading Application Process.

The Chair had requested further training for herself and other members of the committee on this matter. Members also noted the comments of Mr Strauss detailed at 12/4/licf.

In response to members' questions, the Head of Tourism and City Centre Management confirmed the following points:

- I. The Miscellaneous Provisions Act sets out the regulations for consent streets.
- II. The consent streets area consists of a number of roads within the inner ring road. Streets that were not consent streets were deemed prohibited streets. Extending the consent street area would require additional resources as the area is currently managed by a single officer, the Street Trader and Market Officer.
- III. Controls outside the Consent Area were minimal.
- IV. Tables and Chairs outside premises were subject to County Council controls. However, the two authorities worked jointly where possible.
- V. The Miscellaneous Provisions Act, with the guiding principle that fees should be reasonable rather than income generating, controlled fees for Street Trader pitches.
- VI. Street pitches were renewed annually.
- VII. To date it has been rare to receive more than one application for a pitch.
- VIII. Some traders do hold multiple pitches and had made considerable investments into their businesses.
- IX. The review would consider the approaches taken by other Historic Cities.

Members welcomed the review and suggested this was overdue. It was agreed that the process needed to be simplified and standardised. Bringing it into line with the allocation of market stalls was suggested.

Councillor Benstead suggested a move away from one-year renewals of pitches to a rolling three-year allocation. This would allow businesses some continuity. One third of the available pitches would be reviewed each year.

In response to members' questions the officer confirmed the following:

- X. The review would be funded with existing resources.
- XI. Consents can only be awarded for periods of up to one year, renewable. The annual renewals requirement of the Miscellaneous Provisions Act would be investigated to see what could be changed and what other authorities had done.
- XII. The Lion Yard is private land and would not be part of the review.
- XIII. Identifying additional pitches would be part of the review.
- XIV. Street Touting was under review elsewhere and would not be included in the review.

Councillor Swanson asked for clarity on mechanisms, beyond environmental health, that could be used to control hot food vans outside the consent street area.

The Environmental Health Manager stated that with regard to extending the consent zone that the Council may, by resolution, designate any street within its district as a "prohibited street", a "licence street" or a "consent street" for street trading purposes.

The Committee resolved unanimously to:

- I. Agree to the proposed review of the way in which Street Trading applications are determined and to agree the timetable set out in paragraph 3.6 of this report; and
- II. Approve the proposal for management of the application process for 2012/13 set out in paragraph 3.7 of this report.

The meeting ended at 12.10 pm

CHAIR

