

**LICENSING COMMITTEE**

8 October 2012

10.00 - 11.15 am

**Present:** Councillors Rosenstiel (Chair), Benstead (Vice-Chair), Brierley, Gawthrope, Hart, McPherson, Pippas, Saunders, Smith, Owers and Stuart

**Officers Present:**

Head of Refuse and Environment – Jas Lally

Head of Tourism and City Centre Management - Emma Thornton

Environmental Health Manager – Yvonne O'Donnell

Licensing and Enforcement Manager – Robert Osbourn

Principal Scientific Officer - Jo Dicks

Solicitor – Carol Patton

Committee Manager – Martin Whelan

<b>FOR THE INFORMATION OF THE COUNCIL</b>
-------------------------------------------

**12/24/LICF Declarations of Interest**

There were no declarations of interest.

**12/25/LICF Apologies for absence**

Apologies for absence were received from Councillor Reiner, Councillor Stuart attended as an alternate member.

**12/26/LICF Minutes of the previous meeting**

The minutes of the previous meeting were approved as a true and accurate record of the meeting.

**12/27/LICF Review of the Street Trading Policy**

The committee received a report from the Head of Tourism and City Centre Management, regarding the review of the street trading policy.

The committee made the following comments

- i. It was questioned whether there was further opportunity to strengthen the requirements with regards to sustainability issues.
- ii. Exploring the possibility of using the seasonal pitches all year round, and the 3-day pitches all week was suggested.
- iii. Clarification was requested on whether the manner in which the delegations were presented was standard practice.
- iv. Further clarity was requested on the arrangements for considering a revocation, and whether it was appropriate for the Head of Tourism and City Centre Management to review their own decision.
- v. A minor amendment was requested to 5.1.9 to improve the readability.
- vi. With reference to 5.2.2, the Head of Tourism and City Centre Management was asked to clarify the deadline for informing traders of changes, as both 2 and 8 weeks were listed in the report.
- vii. Further information was requested on the charging arrangements for the stalls, and whether the current levels of charges were appropriate.

The Head of Tourism and City Centre Management responded and made the following points

- The suggestion regarding reviewing the seasonal pitches was welcomed. It was suggested that it might be possible to create additional capacity, but that this would be dependent on a range of factors.
- It was confirmed that the proposed delegation arrangements were consistent with normal practice.
- The Head of Tourism and City Centre Management explained the proposed process on the revocation process, and re-assured the committee that there would be a separation of roles in the process.
- The Head of Tourism and City Centre Management agreed to clarify the wording of 5.1.9 and 5.2.2.

- It was clarified that legislation regulated the level of charges, but that the current arrangements were under review. It was noted that the review of charges was an executive function, and the responsibility of the relevant Executive Councillor rather than Licensing Committee.
- viii. Concerns were raised about whether the proposals maintained an appropriate balance between competition and security.

The Head of Tourism and City Centre Management acknowledged the concerns, and explained that the proposals were consistent with good practice across similar locations. The committee were assured that whilst the proposals increased the security for stallholders, it also introduced greater scrutiny for traders.

- ix. It was highlighted that the streetscape had changed significantly and that there may be new locations, which could be considered in future.
- x. The possibility of exploring the potential use of ice cream stalls for other purposes in the winter was welcomed.
- xi. Clarification was requested on the extent of consultation, and whether members of the public had responded to the consultation.

The Chair highlighted that the list of responses included individuals who were not directly associated with the street trading process or other departments of the City Council.

- xii. Further information was requested on the charges levied, and whether this included the costs associated with cleaning.

The Head of Tourism and City Centre Management confirmed that the costs levied included the costs of street cleaning, but needed to be reviewed. In response, it was suggested that the possibility of charging different fees based on the nuisance caused by the trading activity could be considered. The suggestion was noted.

- xiii. The proposed policies were noted, but it was suggested that the procedure for informing applicants should be clarified to make it clear that no expenditure or contractual commitments should be entered into until written confirmation has been received. The importance of an appropriate food handling qualification was also emphasised.

- xiv. Reservations were expressed in making a decision prior to the circulation of the Internal Audit review into the process.

The Head of Tourism and City Centre Management assured the committee that the proposed policy was consistent with the outcomes of the Internal Audit report. Following discussion it was agreed that members of the committee should have the opportunity to review the Internal Audit Report. Due to the timescales for the 2013/14 application process, it was agreed to alter recommendation 2.1 to approve the policy subject to the outcome of the internal audit report.

- xv. Further information was requested on how the demand for different types of stalls was assessed, and what mechanisms were in place to assess new locations.

The Head of Tourism and City Centre Management outlined the process for assessing new locations. It was highlighted that each proposed location would be subject to an individual assessment.

The Chair expressed disappointment that the process for identifying new locations for street trading had not progressed further.

### **Resolved** (Nem Com)

- i. To approve the final draft of the Street Trading Policy and procedures as set out in Appendix A of the committee report with a commencement date of 9th October 2012, subject to the policy approved being consistent with the outcomes of the Internal Audit review.
- ii. To delegate to the Director of Environment powers relating to the control and operation of street trading except for decisions on the allocation of new or vacant pitches where more than one applicant has applied for a pitch and decisions on renewal applications where 5.2.6 of the street trading policy applies.
- iii. To authorise the Head of Tourism and City Centre Management to further investigate designation of the following streets as consent streets: Sussex St, Christ's Lane, Parkers Piece (the area of public highway marked with pitch number 21 in the agenda pack), Milton's Walk, Pikes Walk and to bring a report back to the licensing Committee.

- iv. To approve the extension of Pitch number 17 from 6 months to 8 months to bring it in line with all other 8 month seasonal pitches.

### **12/28/LICF Emission Standards for Taxi Vehicles**

Mr David Wratten spoke on behalf of CCLT and explained that 34 vehicles would need to be removed from the fleet early as a result of the policy adopted by the committee in June 2012. An extension to the deadline to December 2014 for phasing out Euro 3 vehicles was requested. The committee were advised of the financial implications for individuals if being required to replace vehicles early.

The Chair clarified with Mr Wratten the number of affected vehicles. It was noted that due to the nature of adapted vehicles there was often a lag time between a vehicle being constructed and registered.

The committee received a report regarding emission standards for taxi vehicles.

The committee made the following comments on the report and letter circulated by Mr Wratten.

- i. The Air Quality Action Area was adopted in 2004, and the adopted policy was designed to support this.
- ii. It was noted that in the event of the vehicles being removed from the fleet, they were still eligible to be licensed as private hire vehicles in South Cambridgeshire and were likely to continue to operate in the city.
- iii. Sympathy was expressed for the owners of the affected vehicles. The relative impact of Euro 3, 4 and 5 was explained to the committee.
- iv. The assertion that the 34 vehicles were a small part of the trade was challenged.
- v. The importance of giving drivers proper notice and not imposing changes, which have retrospective implications, was highlighted.

Following discussion it was agreed to amend the recommendations to (changes marked as strikethroughs and red text)

2.1 Members are recommended to adopt a policy to address air quality, as follows:

i) a new vehicle licence will not be granted in respect of a vehicle unless it is less than 4 years old and either registered after 1st September 2009 or meets the Euro 5 standard or higher.

The implementation date will be the ~~8th October 2012~~ **1<sup>st</sup> December 2014**

ii) A vehicle licence will not be renewed unless the vehicle is less than 9 years old and meets the Euro 4 standard or higher. The implementation date will be ~~1st September 2013~~ **December 2014**

2.2 Members are recommended to adopt a policy for renewals during a transitional period between the 8th October 2012 and 1st September 2013 as follows:

No vehicle will be relicensed after its ~~the 8th birthday~~ **anniversary of its first registration.**

In response to a question from the committee, Mr Wratten explained that the trade would try and support the vehicles affected by the revised policy, but it was unclear at this stage what this would involve.

**Resolved** (Unanimously) to adopt a policy to address air quality.

- i. A new vehicle licence will not be granted in respect of a vehicle unless it is less than 4 years old and either registered after 1st September 2009 or meets the Euro 5 standard or higher. The implementation date will be the 1<sup>st</sup> December 2014
- ii. A vehicle licence will not be renewed unless the vehicle is less than 9 years old and meets the Euro 4 standard or higher. The implementation date will be 1st December 2014.
- iii. During a transitional period between the 8<sup>th</sup> October 2012 and 1<sup>st</sup> October, no vehicle will be re-licensed after the 8<sup>th</sup> anniversary of its first registration.

**12/29/LICF Revision of Scheme of Delegation of function under the Gambling Act 2005**

The committee received a report regarding the revision of the scheme of delegations of functions under the Gambling Act 2005.

**Resolved** (Unanimously) to

Delegate the licensing functions under the Gambling Act 2005 to the Licensing Sub-Committee and the Head of Refuse and Environment as set out in the table shown in paragraph 3.7 of the committee report.

**12/30/LICF Review of Statement of Gambling Principles**

The committee received a report from the Head of Refuse and Environment regarding the “Review of the Statement of Gambling Principles”.

**Resolved** (Unanimously) to

- i. Recommend that Council approves the Statement of Gambling Principles shown in Appendix A and recommend to Council that it is published on 21 December 2012, to come in to effect on 18 January 2013.

**12/31/LICF Outcome of review of Statement of Licensing Policy**

The committee received a report from the Head of Refuse and Environment regarding the “Outcome of the review of the statement of licensing policy”.

The committee welcomed the report, but expressed frustration that greater use of the review powers hadn't been made and suggestions were made to support the process.

**Resolved** (Unanimously) to

Recommend that Council approves the Statement of Licensing Policy as shown in Appendix B and recommend to Council that the policy is adopted from 25 October 2012.

The meeting ended at 11.15 am

**CHAIR**