

LICENSING COMMITTEE

21 July 2014
10.00am - 11.45 am

Present: Councillors Benstead (Chair), Smith (Vice-Chair), Gawthrope, McPherson, Meftah, O'Reilly, Owers, Pippas, Sinnott, Baigent and Bick

Officers Present

Environmental Health Manager: Yvonne O'Donnell
Licensing and Enforcement Manager: Robert Osbourn
Legal Advisor – Carol Patton
Committee Manager – Glenn Burgess

FOR THE INFORMATION OF THE COUNCIL

14/9/LIC Apologies for absence

Apologies were received from Councillors McPherson and Austin.

Councillor Moore attended as the alternate.

14/10/LIC Declarations of Interest

No interests were declared.

14/11/LIC Minutes of the previous meeting

The minutes of the meetings held on 27 January 2014 and 12 June 2014 were agreed as a correct record and sign by the Chair.

14/12/LIC Public Questions

Sue Phillips addressed the committee regarding agenda item 6 (Fees for home boarding of pet animals) and made the following points:

- i. Thanked City Council officers for opening a dialogue with local business owners on this issue.

- ii. Expressed her support for the officer's recommendation.

David Wratten addressed the committee and made the following points:

- i. In Cambridge it took on average 2 hours 55 minutes to undertake a licence transfer. The average across 46 other local authorities was between 10 and 40 minutes.
- ii. The fee in Cambridge was £80 compared with an average of between £0 and £50 elsewhere.
- iii. Requested that this be investigated and a reduced fee be introduced for single transfers.

The Licensing and Enforcement Manager responded that without sight of these data he was unable to pass comment. It was noted that the issue would be looked at again in January 2015.

Mr Wratten made the following additional points:

- i. Many drivers would be required to undertake single transfers prior to this date and the issue should be looked at sooner.
- ii. He would be pursuing the issue through the Ombudsman.

The Chair agreed to discuss the issue in more detail with Mr Wratten outside of the meeting.

14/13/LIC Urgency Action taken by Director of Environment

14/13a/LIC Granting of street trading consent for vacant street trading pitch

Noted.

Re-ordering of the agenda

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

14/14/LIC Fees for Home Boarding of Pet Animals

The Committee received a report from the Licensing and Enforcement Manager regarding the fees for home boarding of pet animals.

In response to members' questions the Licensing and Enforcement Manager said the following:

- i. The proposed £80 fee would cover the cost of administration of the licences and the inspection of premises. Officers had fully costed the work involved and whilst this fee would cover costs to the Council it was not designed to make a profit.
- ii. Veterinary inspections would not be undertaken as a routine, and where required were fully rechargeable.
- iii. A licence would only be required for home boarding when it was a business. A licence would not be required to look after a pet on behalf of friends or family and where no fee was being charged.
- iv. The number of animals boarded at any time must not exceed four, including dogs/cats owned by the licence holder. This number was based on good practice from other local authorities.
- v. There was one existing licensee in the City that would be affected by this change in policy.

The Committee:

Resolved (unanimously) to:

- i. Introduce the less onerous regime proposed including a reduced fee of £80 for home boarding of animals, where licensees met the home boarding criteria
- ii. Agree the following criteria for home boarding;
 - Boarding must take place in residential premises e.g. a family home
 - The number of animals boarded at any time shall not exceed four, including dogs/cats owned by the licence holder
 - Cats and dogs may not be boarded at the same time unless there is clear separation

14/15/LIC Taxi Age Policy Anomaly

The Committee received a report from the Licensing and Enforcement Manager regarding an anomaly in the Taxi Age Policy.

In response to members' questions the Environmental Health Manager said the following:

- i. As a consequence of a misunderstanding regarding the dates in the policy a small number of drivers had been incorrectly advised. Examination of vehicle records indicated that 7 vehicles where proprietors had been advised that they could renew for an additional year would, in fact, breach the policy if renewed.
- ii. Renewals would be for a 1 year period.

The Committee:**Resolved (unanimously) to:**

- i. Agree a waiver of the age policy as set out in paragraph 23.8 of the taxi policy, which would enable officers to approve applications to renew the licences for those 7 vehicles identified as caught by the anomaly and whose vehicles were due to expire between 1st September 2014 and 1st December 2014, without the need to hold a hearing of the Licensing Sub-Committee for each case.
- ii. Authorise the Head Refuse and Environment to waive the age policy for any other vehicles that are caught by the anomaly, but have not yet been identified as doing so.

14/16/LIC Voluntary Code on Sales of High Strength Beers and Ciders

The Committee received a report from the Licensing and Enforcement Manager regarding a voluntary code on sales of high strength beers and ciders.

An error was identified in the officer's recommendation. Reference to the Executive Councillor for Strategy and Resources should read 'The Executive Councillor for Strategy and Transformation'.

In response to member's questions the Licensing and Enforcement Manager said the following:

- i. Whilst concern had been raised by Licensed Trade representatives the proposed voluntary code would not contravene competition law.
- ii. Whilst traders in Ipswich initially feared that the 'Reducing the Strength' Campaign would affect their businesses this proved not to be the case. Many found that by reducing the amount of street drinkers using their premises their overall customer base, and therefore profit, had increased.
- iii. Enforcement and close liaison with the police would continue.
- iv. Some new licensees were already offering not to sell high strength beers and ciders as part of their application.

Councillor Owers responded that, whilst not a solution on its own, this was part of wider measures across the City and he strongly supported the recommendations. It would be essential to engage fully with Licensed Trade representatives to highlight the benefits and for the scheme to be managed carefully.

Councillor Bick highlighted the need for work to continue on treatment and addressing homelessness. Concern was expressed about a blanket restriction on certain products and the need to ensure that those not abusing high strength alcohol could still access it if they so wished.

Members noted that this was the start of an ongoing dialogue regarding the issue. Further detailed discussions would take place at the Strategy and Resources Scrutiny Committee.

The Committee:

Resolved (unanimously) to:

- i. Request officers to enter into discussions with potential partners, as listed in Section 7f of the officer's report, with a view to developing a voluntary code on the sale of high strength beers, lagers and ciders, for submission to the Executive Councillor for Strategy and Transformation, for adoption.

14/17/LIC Hackney Carriage Table of Fares

The Committee received a report from the Licensing and Enforcement Manager regarding the Hackney Carriage table of fares.

The Committee received a representation from Mr Wratten.

The representation covered the following issues:

- ii. Highlighted confusion regarding the implementation of the fare increase.
- iii. The taxi trade had expected any increase to be on the actual tariff and not 'on the drop'. An increase on the tariff would not affect the smaller jobs whereas an increase 'on the drop' would.
- iv. A starting tariff of £2.85 would cause issues for taxi drivers.

The Licensing and Enforcement Manager responded that Cambridge City Licenses Taxi (CCLT) had not specified that the increase be done in a certain way.

In order to meet the requirements of the trade the table of fares could read (as at Appendix A of the officer's report but with amendments underlined):

Cambridge City Hackney Carriage Maximum rate of charges from 24th March 2014 <small>Local Government Miscellaneous Provisions Act 1976</small>	
Fares are calculated on a combination of distance or time or parts thereof. The meter must only be switched on when passengers are safely in the vehicle and the trip is about to commence. Please be aware that all journeys taken in Hackney Carriages within the Cambridge city boundaries must be charged on the meter; this is the maximum legal fare.	
Tariff 1: Between 07:00 – 19:00 hours	£2.80
Tariff 2: Between 19:00 – 07:00 and Sundays and Bank Holidays	£3.80
Tariff 3: 19:00 Christmas Eve – 07:00 Boxing Day 19:00 New Years Eve – 07:00 New Years Day	£4.80
Each tariff includes initial distance of <u>90</u> metres or part thereof	
For each subsequent <u>181</u> metres or part thereof	20p
<small>HIRING CHARGES – WAITING TIME AS INDICATED BELOW – will be charged when the vehicle is motionless or when it is travelling below the changeover speed of 16.79 km/p/h</small>	
For each period or part thereof 40 seconds	20p

EXTRA CHARGES

1. For each journey with 5 or more passengers	£3
2. Fuel Surcharge (only applicable if the national retail price of diesel, as measured by the Arval index, has exceeded 179.9p per litre since 15 August 2012) **There will be a separate notice in this vehicle if this extra charge is payable.	£0.40
3. Vehicle unfit to continue working	£80
4. Surcharge for payment by credit or debit card	5%

Exclusions: the Taxicard scheme

Any fare calculated in accordance with the Table of Fares may be subject to any concession scheme approved by the council provided the driver of this vehicle is a participant in such a scheme and the passenger has provided any necessary proof of entitlement to the benefit of such a scheme to the satisfaction of the driver

Complaints about the vehicle or driver should be made to:

Jas Lally, Head of Refuse and Environment
PO Box 700
Cambridge, CB1 0JH
01223 457888



The committee supported this proposal.

The Committee:

Resolved (unanimously) to:

- i. Vary the existing Table of Fares, with effect from 15 September 2014, subject to the statutory consultation process, as shown above.

14/18/LIC Limiting the Number of Hackney Carriage Licences

The Committee received a report from the Licensing and Enforcement Manager regarding limiting the number of Hackney Carriage Licences.

In response to members' questions the Licensing and Enforcement Manager and the Environmental Health Manager said the following:

- ii. The committee was being asked to instruct officers to simply investigate the feasibility and cost of the study.
- iii. The previous study was funded by the taxi trade and cost in the region of £15,000.
- iv. CCLT had responded to the previous study and a number of individual responses had also been received.
- v. A limit on the number of licences would not necessarily result in fewer taxis.

- vi. There were currently 309 Hackney Carriage licences in the City and 180 Private Hire licences.
- vii. South Cambs District Council currently had 800 Private Hire licences that were able to trade anywhere in the country.
- viii. There was no provision in law for local authorities to limit the number of Private Hire vehicles.

At the request of the Chair, and with the agreement of members, Mr Wratten addressed the committee and made the following points:

- i. The CCLT response to the last study represented the views of 75% of the taxi trade – a total of 225 drivers.
- ii. Any policy needed to be effectively managed and reviewed every 3 years.

Members noted that this was just the start of the process and further detailed discussions would be ongoing.

The Committee:

Resolved (unanimously) to:

- i. Instruct Officers to investigate the feasibility of carrying out a study to establish if there is evidence that there is no significant demand for Hackney Carriages that is unmet.
- ii. Instruct Officers to investigate the costing of such a study and to obtain approval from the Executive Councillor for Environment, Waste and Public Health for funding, to carry out a study, through the Council's budget process.

The meeting ended at 11.45 am

CHAIR