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Licensing Committee

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Monday, 25 January 2016

LICENSING COMMITTEE

25 January 2016

10.00 - 10.30 am

Present: Councillors Benstead (Chair), Bird (Vice-Chair), Austin, Bick, Meftah, O'Connell, O'Reilly, Pippas, Ratcliffe, Sinnott and Abbott

Officers Present:

Environmental Health Manager: Yvonne O'Donnell

Licensing & Enforcement Manager: Lewis Duckett

Committee Manager: Sarah Steed

FOR THE INFORMATION OF THE COUNCIL

16/25/LIC Apologies for absence

Apologies were received from Councillors Gawthrope and McPherson. Councillor Abbott attended as alternate.

16/26/LIC Declarations of Interest

There were no declarations of interest.

16/27/LIC Minutes of the previous meeting

The minutes of meeting of the 12 October 2015 were agreed and signed as a correct record.

16/28/LIC Public Questions

There were no public questions.

16/29/LIC Licensing Fees

The Committee received a report from the Environmental Health Manager which set out the fees and charges for licences and associated items which were proposed to be made with effect from 1 April 2016 and would be submitted to Full Council to note on 25 February 2016.

The Committee asked the following questions in response to the report:

- i. At what stage were proposals formulated, did the original proposals come to the Licensing Committee.
- ii. Queried the inflation figure in paragraph 3.11 of the Officer's report.

In response to the Committee's questions, the Environmental Health Manager confirmed the following:

- i. Following the Westminster case, the licensing fee proposals are delegated to Officers to draft, Officers follow a formula approach and bring the final report to Licensing Committee for approval and to Council to note, this has been the case for the past two years.
- ii. The inflation figures were provided by the Finance Department.

Resolved by 7 votes to 0 to:

- i. Approve the level of fees and charges with effect from 1 April 2016, as set out in Appendix A and request officers to communicate the charges to the businesses, taxi trade and public.

16/30/LIC Garage Transfer - Vehicle Testing

The Committee received a report from the Environmental Health Manager which proposed that mandatory vehicle testing for Hackney Carriages and Private Hire Vehicles continued to be undertaken by Cambridge City Council at the new garage site once it had been located to Waterbeach.

The Committee asked the following questions in response to the report:

- i. Noted that vehicles went through a rigorous test but questioned what tests there were to make sure that drivers were suitable to hold a Hackney Carriage or a Private Hire driver's licence.
- ii. As drivers had to demonstrate medical fitness, did they have to use specified doctors or could they use their own GP.
- iii. Paragraph 3.2 of the Officers report stated that a vehicle could be tested up to three times a year, why did the City Council only require a taxi vehicle to be tested twice a year.
- iv. Following the Volkswagen emission scandal what tests were in place to test taxi vehicle emissions and asked if a briefing could be provided on vehicle testing and emissions at a future Committee.
- v. Questioned the different rules in place for vehicle testing for vehicles licensed by South Cambridgeshire District Council and those licensed by the City Council.

- vi. Asked if an Aberdeen taxi could operate in Cambridge City.

In response to the Committee's questions, the Environmental Health Manager confirmed the following:

- i. Drivers had to demonstrate that they were fit and proper persons to hold a Hackney Carriage and / or a Private Hire driver's licence. Part of this process included medical tests, knowledge tests and a DBS check.
- ii. Following a report to the January 2015 Licensing Committee, taxi drivers could now use their own GP to complete the medical test as it was determined that a GP would have a better medical history of an individual.
- iii. It was determined that vehicles should be tested twice a year to ensure vehicle safety and to require the vehicle to be tested three times a year would be too onerous.
- iv. Taxi vehicles underwent a standard MoT emissions test, however Officers would need to check with the garage whether any further testing was done.
- v. Work was being done to see if taxi policies could be harmonised between South Cambridgeshire District Council and Cambridge City however it was noted that South Cambridgeshire covered a large rural area which was different to Cambridge City. It was up to South Cambridgeshire District Council what policies they set for their own area.
- vi. Hackney Carriage vehicles licensed through Cambridge City could operate in Cambridge City, Private Hire Vehicles could operate in and around Cambridge through an Operator registered with Cambridge City.

Resolved unanimously to:

- i. Agree the principles of vehicle testing and the issuing of Certificate of Compliance (CoC) for Hackney Carriage and Private Hire Vehicles to be undertaken by Cambridge City Council at the garage when it relocates to Waterbeach.

16/31/LIC Authorisation of Officers to Serve Closure Notices under the Criminal Justice and Police Act 2001

The Committee received a report from the Environmental Health Manager which sought authorisation for Council officers to exercise the powers to close unlicensed premises contained within the Criminal Justice and Police Act 2001 ('the Act').

The Committee asked the following questions in response to the report:

- i. Once the power had been delegated to the Director of Customer and Community Services could that power be further delegated.
- ii. Requested that a report detailing the use of the delegated powers was brought to the Licensing Committee so that Members could be aware of when the powers had been exercised.

In response to the Committee's questions, the Environmental Health Manager confirmed the following:

- i. The Director of Customer and Community Services could delegate the power to close unlicensed premises to other Council officers.
- ii. Confirmed that an enforcement report could be brought to the Committee as a standard item every quarter or six months and could include information as to whether the power to close unlicensed premises had been exercised.

Resolved unanimously to:

- i. Recommend to Full Council that sections 19-28 of the Criminal Justice and Police Act 2001 be added to the scheme of delegations which are the responsibility of the Licensing Committee as found in Part 3 Section 5.6 of the Council's constitution.
- ii. Subject to Council approval for recommendation 2.1 (i above), that the Director of Customer and Community Services be given delegated powers to exercise the Council's functions under section 19-28 Criminal Justice and Police Act 2001.

The meeting ended at 10.30 am

CHAIR