

LICENSING COMMITTEE

16 October 2017
10.00 am - 1.00 pm

Present: Councillors Bird (Chair), Benstead, Abbott, Adey, Gawthrope, Gehring, McPherson, R. Moore, T. Moore, Pippas and Smart

Officers

Environmental Health Manager: Yvonne O'Donnell
Team Manager (Commercial & Licensing): Karen O'Connor
Technical Officer: Luke Catchpole
Legal Advisor: Nathan Mountney
Committee Manager: James Goddard

Public Speakers:

Mr Karl Stamper - National Private Hire and Taxi Association
Mr Rashel Mohammed
Mr Nasir Uddin - General Secretary of Cambs Taxi Driver Association

FOR THE INFORMATION OF THE COUNCIL

17/71/Lic Apologies

Apologies were received from Councillors Sinnott and Ratcliffe. Councillor R. Moore attended as the Alternate.

17/72/Lic Declarations of Interest

Name	Item	Interest
Councillor Adey	17/78/Lic	Personal: Member of the Fire and Rescue Authority
Councillor McPherson	17/78/Lic	Personal: Licensed First Responder

17/73/Lic Minutes

The minutes of the meeting held on 24 July 2017 were approved as a correct record and signed by the Chair.

17/74/Lic Public Questions

Public questions were asked under agenda items 17/76/Lic and 17/78/Lic.

17/75/Lic Re-Ordering the Agenda

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.

17/76/Lic Hackney Carriage Table of Fares

The Committee received a report from the Team Manager (Commercial & Licensing).

The report advised that following requests from the trade, Licensing Committee resolved on Monday 24 July 2017 to formally consult on changes to the Hackney Carriage Table of Fares.

Formal consultation with the trade, and other interested parties, took place between 31 July 2017 and 3 September 2017, with a proposed implementation date for the revised Hackney Carriage Tables of Fares of 25 September 2017.

As objections were received to the proposed changes to the Hackney Carriage Table of Fares, these are brought to the Licensing Committee for further consideration and determination.

The Hackney Carriage Table of Fares, with or without modifications, must come into effect not later than two months after the first specified implementation date of 25 September 2017.

The Committee received a representation from Mr Stamper on behalf of the National Private Hire and Taxi Association.

The representation covered the following issues:

- i. The 5% surcharge for payment by credit/debit cards would probably be removed in January 2018. Requested the City Council considered the impact of this on Hackney Carriages (not private hire vehicles) before the surcharge was removed.
- ii. A lot of drivers continued to use 2013 tariffs to avoid failing tests through excess charges.
- iii. The city was currently #54 in the league table of tariffs. Charges across the board would move its position to #16.

- iv. If the 5% surcharge was removed and put across the board it would lead to drivers removing credit card facilities and only taking cash.
- v. Asked for charges across the board to be fair.
- vi. Drivers' on-going vehicle running costs were increasing.
- vii. Suggested imposing a fuel surcharge to encourage electric vehicles instead of diesel ones.

The Team Manager (Commercial & Licensing) said the original request for increase received by the trade was 1.7%. This was the proposal that was consulted upon and not 5%.

The Committee made the following comments in response to the report:

- i. Drivers' running costs were increasing but the complexity of charges was confusing for customers. The City Council's proposals should clarify the situation.
- ii. Acknowledged drivers had to make a living in a competitive environment. Advised drivers against taking cash payments in preference to card ones to avoid fees. Having cash in a cab made drivers a potential target for theft.
- iii. The cost of living was rising for the population of the whole country.
- iv. Guest houses were also expected to remove the 5% surcharge for payment by credit/debit card by January 2018.
- v. As much of the city was 20mph, traffic was deliberately slowed down which could slow taxis returning back to ranks to pick up fares. There was a need to review the impact of journey/waiting time on the journey time league table and table of fares in future.

In response to Members' questions the Team Manager (Commercial & Licensing) said the following:

- i. If Councillors approved any charges that later came into conflict with other legislation, the other legislation would supersede Council charges.
- ii. Hackney Carriages followed the Council's table of fares, but Private Hire vehicles were not obliged to (but generally did).
- iii. The Council would consider a surcharge for electric vehicles and the impact of waiting time/number of journeys travelled under the speed of 10mph in the league table of journey times in future as part of its Emissions Policy. Recommended that Councillors approved the current proposal in the meantime.

The Committee:

Resolved (unanimously) to:

- i. Consider the responses received to the consultation.
- ii. Set a date for adoption of the revised Hackney Carriage Table of Fares as Monday 13 November 2017, or a suitable alternative within the two month statutory deadline.
- iii. Remove under 'Extra Charges' the 5% surcharge for payment by credit or debit card when legislation prohibits this; anticipated to be 13 January 2018.

17/77/Lic Review of Statement of Licensing Policy

The Committee received a report from the Team Manager (Commercial & Licensing).

The report advised the Licensing Act 2003 required a licensing authority to prepare and publish a statement of its licensing policy at least every five years. The current Policy would expire on 24 October 2017, and without a revised statement of Licensing Policy, Cambridge City Council would not be able to process any applications covered by the Licensing Act 2003.

Additionally, forthcoming changes to legislation meant the Cumulative Impact Policy would soon have a statutory footing and would introduce a requirement on licensing authorities to review the evidence on which Cumulative Impact Policies are based at least every three years.

This would mean that the requirement to review the Statement of Licensing Policy will remain at five years, whilst the requirement to review the Cumulative Impact Policy would become every three years.

It was proposed to separate these two Policies as they would have differing statutory review periods; five years for the Statement of Licensing Policy and three for the Cumulative Impact Policy.

The Committee were advised that recommendation 2.1.2 included a typographical error:

Approve that the amended Statement of Licensing Policy attached to this report as Appendix F is to be adopted by full Council on 19 October ~~2019~~ **2017**.

The Committee made the following comments in response to the report:

- i. Supported retaining the CIA in its current form. It controlled the number of establishments that sold alcohol, plus associated anti-social behaviour.
- ii. Exceptions could be made (when deemed appropriate) allowing establishments to sell alcohol in the CIA.
- iii. Queried why the representation from Cambridgeshire Constabulary did not support a CIA for the whole of Mill Road.
- iv. Expressed concern that reducing the CIA would lead to anti-social behaviour moving from one part of Mill Road to the non-CIA area where it would be harder to tackle.
- v. Recommended consulting on the CIA as the Police were the only body who could request a CIA and they had put on public record that they questioned the area it covered. The City Council had a legal duty to now justify the CIA.

In response to Members' questions the Team Manager (Commercial & Licensing) said the following:

- i. If an application for a licence to sell alcohol in the Cumulative Impact Area (CIA) was made during the consultation period, Councillors would base their decision on the current policy. If the CIA consultation led to a change to the CIA future decisions would have to be based on this. Decisions made on speculation about the CIA consultation response would be ultra vires and undefendable.
- ii. Referred to P77 and P133 of the Officer's report. The Police supported the CIA but queried if it was proportionate to cover the length of Mill Road.

The Technical Officer said the Police and other responsible authorities could request the set up or removal of a CIA. The Police provided the main statistical evidence for one.

The Environmental Health Manager (Commercial) said the Police would be invited to attend a Licensing Committee and respond to queries after the CIA consultation period. The CIA could be reviewed at any time. If some part was removed, a review could be held in future to see if it should be re-instated.

- iii. The CIA consultation would likely occur November 2017 to January 2018, then a report would be brought back to Licensing Committee in March 2018. Consultees would include east area resident associations, schools, churches, traders and community meetings; possibly all city area committees too.

The Committee:**Resolved (by 9 votes to 0) to:**

- i. Consider the results of the public consultation exercise as summarised in Appendix D of the Officer's report.
- ii. Approve that the amended Statement of Licensing Policy (attached as Appendix F to the Officer's report) be adopted by full Council on 19 October 2017.
- iii. Agree for the proposed changes to the Cumulative Impact Policy to be the subject of a further twelve week public consultation.
- iv. Request officers to return to Licensing Committee with the outcome of the consultation.
- v. Note the forthcoming changes in relation to the review periods for the Statement of Licensing Policy and Cumulative Impact Policy, and agree in principle to separating these two documents.

Due to the change in agenda order, 17/77/Lic was taken after 17/78/Lic. Councillor McPherson was not present as he had another engagement.

17/78/Lic Review of Hackney Carriage and Private Hire Licensing Policy

The Committee received a report from the Team Manager (Commercial & Licensing).

The report advised under the powers conferred to Cambridge City Council under the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976, (as amended), Cambridge City Council has responsibility for licensing Hackney Carriage, Private Hire and Dual Licence Drivers as well as vehicle proprietors and Private Hire Operators within the City.

The Hackney Carriage and Private Hire Licensing policy (the 'policy') was produced in order to provide the Council, its officers, the trade and the public with appropriate guidelines that put the Council's licensing requirements into practice in a clear and transparent manner.

The current Hackney Carriage & Private Hire Licensing Policy (the 'policy') applies to all drivers, vehicles and operators and was last updated in October 2016.

Subsequent requests from the trade to revise the policy, led to the

Licensing Committee resolving to request officers go out to consult on the proposed changes to the policy.

The subsequent consultation has taken place, and Members were requested to review the feedback received and determine what, if any, changes should be made to the policy.

The Committee were advised that the:

- i. Petitions referred to in paragraphs 3.8 and 3.9 of the Officer's report had been removed to protect signatories personal data, but responses were summarised in Appendices E and F.
- ii. The Police had submitted feedback expressing concern that people would access/egress Hackney Carriages from the public highway.

The Committee received representations from Mr Mohammed and Mr Uddin on behalf of Cambs Taxi Driver Association.

The representations covered the following issues:

- i. Concerned about being liable if gave first aid or used a fire extinguisher without training. Suggested it was better not to have equipment for either use in taxis due to this.
- ii. Asked if the upper age limit of taxis could be expanded so they could be used for longer.
- iii. Could not afford to install CCTV or livery due to cost, and most drivers were on the minimum wage.
- iv. Side loading wheelchair users was difficult in some areas of the city. It was difficult and costly to modify cars to be wheelchair accessible.

The Team Manager (Commercial & Licensing) responded:

- i. The East of England Ambulance Service NHS Trust advised they would like first aid kits to be kept in taxis for the benefit of drivers and passengers.
- ii. Cambridgeshire Fire and Rescue Service advised they would like fire extinguishers to be kept in taxis for the benefit of drivers and passengers.
- iii. Garage emission testing and air quality impacts of vehicles were related to different chemicals.
- iv. The Highways Authority did not support side loading of wheelchair users from the public highways, and also confirmed the additional space needed by rear loading vehicles in ranks.

The Committee heard supplementary points from Mr Mohammed and Mr Nassim:

- i. A lot of people used rear loading vehicles.
- ii. Suggested that public realm CCTV could be used instead of internal vehicle CCTV.
- iii. Drivers could lose advertising revenue due to livery requirements.

The Team Manager (Commercial & Licensing) responded:

- i. The acceptable age and emission levels for licensed vehicles would be reviewed in January 2018.
- ii. Research indicated that CCTV could be installed in vehicles for £500-£700 pounds. Some local authorities required taxis to install CCTV, but some did not.

The Committee made the following comments in response to the report:

- i. Requested first aid kits and fire extinguishers be kept in licensed vehicles.
- ii. Recommended livery be implemented for Cambridge Hackney Carriages only so they could be easily identified. Users would be confident they were safe and licensed transport.
- iii. Recommended CCTV be implemented for the safety of passengers and drivers. It could be used as evidence in case of disputes/complaints.
- iv. Suggested that vehicle emissions rather than age should determine if vehicles were licensed. Suggested keeping to the current age limit requirement of 4 years.
- v. Discussed the merits of side and rear loading vehicles. Recommended the taxi trade offered both types of vehicle to suit people's access requirements.
- vi. Expressed concern about asking drivers to purchase expensive equipment and sought ways to mitigate this eg phasing in requirements.

In response to Members' questions the Team Manager (Commercial & Licensing) said the following:

- i. Referred to the list of consultees, their responses and the consultation process summary listed in the Officer's report (starting P151).
- ii. Members would have to use their discretion when weighing up the statistical importance of responses from each group of consultees.
- iii. Any taxi livery chosen should be appropriate for people with visual impairments eg colour blindness.
- iv. Vehicle operators would be responsible for purchasing CCTV and livery (if approved). Drivers would not necessarily have to if they rented vehicles and plates.

- v. CCTV images could not be switched off by vehicle owners, but sound could (if they wanted CCTV that was admissible as court evidence, this would have to be locked and only accessed by the licensing authority and police).

The Environmental Health Manager said Officers were in the process of undertaking a demand survey for Hackney Carriage vehicles. Suggested bringing a report to committee in January 2018 when more information was available regarding:

- a. Equalities Act.
- b. Demand for low emissions and electric vehicles.
- c. Identifying the type of vehicle needed in the city.

The Committee:

Members of the Licensing Committee considered the responses received in relation to the seven items subject to consultation and resolved changes be made to the Hackney Carriage & Private Hire Licensing Policy as follows:

- i. **Resolved (unanimously)** not to remove the requirement to carry a fire extinguisher.
- ii. **Resolved (unanimously)** not to remove the requirement to carry a first aid kit.
- iii. **Resolved (unanimously)** not to raise the age limit for first registration of vehicles from four years.
- iv. **Resolved (by 6 votes to 5)** not to require the carrying of a card payment device.
- v. **Resolved (by 10 votes to 0)** the addition of a livery requirement for Hackney Carriages only (not Private Hire vehicles).

Resolved (unanimously) the implementation date be set out in a report to Licensing Committee in March 2018.

- vi. **Resolved (unanimously)** to require the installation of CCTV, that it be locked and only accessed by the licensing authority and police.

Resolved (unanimously) the implementation date be set out in a report to Licensing Committee in March 2018.

Councillor Smart proposed and Councillor Abbott seconded deferring the vote on (vii) to seek information. The proposal was **lost by 6 votes to 5**.

- vii. **Resolved (by 9 votes to 0)** to allow only Hackney Carriages to be rear loading wheelchair accessible vehicles.

Resolved (unanimously) the implementation date be set as 16 October 2017 so Hackney Carriages had the option of being side or rear loading as of this date.

The meeting ended at 1.00 pm

CHAIR