

LICENSING COMMITTEE

22 March 2021
10.30 - 11.15 am

Present: Councillors Bird (Chair), Gehring, Johnson, Massey, McQueen, Moore, Page-Croft and Summerbell

Officers

Environmental Health Manager: Yvonne O'Donnell

Environmental Health and Licensing Support Team Leader: Wangari Njiiri

Committee Manager: James Goddard

Producer: Liam Martin

FOR THE INFORMATION OF THE COUNCIL

21/22/Lic Apologies

Apologies were received from Councillors McPherson and Thittala.

Councillor Gehring said another appointment may require him to leave the meeting early.

21/23/Lic Declarations of Interest

No declarations of interest were made.

21/24/Lic Minutes

The minutes of the meeting held on 25 January 2021 were approved by the Chair.

21/25/Lic Public Questions

There were no public questions.

21/26/Lic Pavement Licence Fee

The Committee received a report from the Environmental Health Manager.

The Business and Planning Act 2020 was introduced in July 2020, and included different measures that were intended to support businesses and the economy to recover from the disruption caused by the Covid-19 pandemic.

Part 1 of the Act introduces the process of Pavement licences. This process is a streamlined and cheaper route for businesses such as cafes, restaurants and bars to secure a licence to place furniture on the highway, in addition the Guidance allows licences to be granted where the consumption of food and drink would be an ancillary activity eg (supermarkets and places of entertainment). The aim of this is to support business to operate safely while social distancing measures remain in place, without having such a large impact on their serving capacity.

When introduced it was hoped that the new process would provide much needed income over the summer months up until September 2021 and protect as many hospitality jobs as possible.

Prior to July 2020, Highway furniture permissions were granted as Table and Chair licences, issued by Cambridgeshire County Council, as the Highways Authority, under Part 7A of the Highways Act 1980.

Under the Part 7A of the Highways Act 1980, each valid application would go through a 28-day consultation period.

However, with the Pavement License process, from receipt of application to decision to grant or refuse licence, takes no more than 14 days. This includes a 7 day consultation period starting the day after application is received, and 7 day decision period after the consultation period finishes.

It is key that a decision is made within the 7 day decision making period. If a delay occurs in which an applicant is not informed of the decision by the end of the 7th day, a Deemed licence would be granted. A disadvantage of this is Cambridge as a Licensing Authority would have no powers to add additional conditions, if required.

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

- i. Referred to concerns about blocked pavements.
- ii. An administration fee could be considered if this became a permanent power.

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

- i. Ward Councillors would be consulted on issues in early July.
- ii. Officers had 14 days to consider applications. They would help businesses to get up and running.
- iii. Officers would look at fees being charged if this became a permanent power. Fees would not be implemented for a temporary measure.
- iv. Consultation would occur before a pavement licence were issued to ensure the pavement was clear for 1m from the business to the edge of the kerb. This would be monitored.

The Committee:

Resolved (unanimously) to approve:

- i. Zero fee (£) for all new, renewal and variation Pavement License applications.
- ii. All new licences granted will expire on 30 September 2021. However, if Parliament agree a 12 month extension, licences will automatically be extended to 30 September 2022.
- iii. Current licences due to expire 31 March 2021, will automatically be extended up until 30 September 2021 (current licence holders, do not need to reapply). However, if Parliament agree a 12 month extension, licences will automatically be extended to 30 September 2022.
- iv. Although all licences will be granted under the recommendations detailed in points B and C, it may be required that during the decision making period, a shorter period licence may be is justified by the decision making officer.

21/27/Lic Hackney Carriage Vehicle Licence Numbers

The Committee received a report from the Environmental Health Manager.

The Council may, as part of its adopted policy on the licensing of Hackney Carriages (HCV), consider whether to apply a limit on the maximum number of HCV licences which it will issue at any time. However, this power may be exercised only if the Council is satisfied that there is no significant demand for the services of HCVs which is unmet (section 16 Transport Act 1985). The Council has no power to limit the number of Private Hire Vehicle (PHV) licences.

In January 2015 members agreed that a Demand Survey should be completed every 3 years in order to review the limit on the number of HCV. This is to ensure the council is satisfied that there is no significant unmet demand for the service.

The most recent Demand Survey was completed in 2017. Within the report produced by the company completing the survey, it was concluded that there was no significant unmet demand. As a result of these findings, the number limit for HCV remained at 321.

As the Council have a limit in the number of HCV they have within the city, as part of the demand survey process an expression of interest 'list' was created for those who wished to hold a HCV, when one become available. This list is currently closed and the council are not currently accepting new expressions of interest.

Since March 2020, 4 plates have become available and offered to those currently on the list. Due to the impact of Covid - 19, those offered plates have been provided with 12 months to licence a new HCV, as opposed to 3 months previously. This extension is in response to Covid-19. There are also a further 9 individuals who remain on this list.

The next Demand Survey was due to be completed in 2020, however this did not take place due to the restrictions in place throughout the Country and the city, in response to the Covid – 19 pandemic.

The Environmental Health Manager, deemed that if a Demand Survey was to be completed under the restrictions in place, the results would not be a true representation of the demand for HCV services.

The above decision was communicated with Committee Members and members of the trade.

Following the above decision not to proceed with the Demand Survey in 2020, the Environmental Health Manager received a request from a member of the trade to stop or freeze the issuing of plates, which have been returned to the council (Appendix A of the Officer's report).

It was apparent that owing to the Covid-19 pandemic restrictions throughout the country that the taxi trade has been impacted due to decreased demand for the services. As the restrictions ease over the next coming months, demand is likely to increase, however it is unknown how quickly things will go back to 'normal' at this point in time.

In response to Members' questions the Environmental Health Manager and Environmental Health and Licensing Support Team Leader said the following:

- i. The report sought to reduce the number of HCV at present.

- ii. Few electric vehicles currently on the market were wheelchair accessible. It did not seem reasonable to insist on this requirement for a 6 month period.
- iii. If new licences were extended, electric vehicles that were wheelchair accessible would be encouraged.
- iv. A demand survey was proposed in 2020 but this was not viable due to covid lockdown, so another demand survey would occur in the next two years. The limit on HCV and policy on ultra-low emission vehicles would be reviewed then.
- v. Licensing conditions (Green Policy for Taxis) required new saloon cars to be electric from April ~~2024~~ 2020 (corrected post meeting, but 2021 mentioned in meeting). All vehicles should be electric or ultra-low emission from 2028.
- vi. Officers were reviewing the specifications on what were viable electric or ultra-low emission vehicles to encourage licensees to use these in the city.
- vii. Officers were also looking at infrastructure in the city (eg designated charge points for taxis) to get the best performance out of vehicles.

The Committee:

Resolved (unanimously of all present - 7 votes to 0) to approve that council officers put on hold handing out plates returned to the council to the next persons on the Expression list, for the next 6 months.

Councillor Gehring left the committee during the debate.

The meeting ended at 11.15 am

CHAIR