

LICENSING COMMITTEE

30 January 2023
10.30 am - 12.40 pm

Present: Councillors McPherson (Chair), Bird (Vice-Chair), Bennett, Carling, Divkovic, Gilderdale, Page-Croft, Robertson, Scutt and Levien

Officers

Environmental Health Manager: Yvonne O'Donnell
Team Leader (Environmental Health and Licensing Support): Wangari Njiiri
Legal Adviser: Paul Weller
Committee Manager: James Goddard
Producer: Sarah Steed

Others Present from Cambridge City Licensed Taxis

Afzal Aslam (Member)
Ahmed Karaahmed (Chairman)
Kamil Winek (Member)

FOR THE INFORMATION OF THE COUNCIL

23/27/Lic Apologies

No apologies were received.

23/28/Lic Declarations of Interest

Name	Item	Interest
Councillor Bennett	All	Personal: Regular Hackney Carriage and Private Hire vehicle user.

23/29/Lic Minutes

The minutes of the meeting held on 24 October 2022 were approved as a correct record and signed by the Chair.

The Environmental Health Manager had approached Inspector Rogerson to ascertain if the Police were aware of any funding to help taxi drivers install CCTV in their vehicles. There was not. The Environmental Health Manager then approached the Office of the Police and Crime Commissioner and was

informed a budget of just £5,000 was available for the whole of the (CCTV installation) project, which must be installed within twelve weeks.

The Environmental Health and Licensing Business Support Team Leader had approached several businesses to see if they could offer financial support for CCTV installation. One company could offer payment options, one could offer lease options and one made no comment.

In summary, there was no financial support the installation of CCTV in taxi vehicles from 1 April 2023.

Councillor Scutt undertook to contact Central Government to see if there was a safety policy for taxi drivers and financial assistance available to install CCTV. She had not received a satisfactory response so would follow up with the local MP.

23/30/Lic Public Questions

Members of the public asked a number of questions, as set out below.

1. Ahmed Karaahmed raised the following points:
 - i. Over the last few weeks the trade had prepared and submitted four petitions to the Environmental Health Manager. Two were referenced on today's agenda and two were not.
 - ii. He expected a report on CCTV funding to be included on the agenda but it was not.
 - iii. In April 2022 the taxi trade has a metre increase as low as 5.4% but license fees had increased 200%, this was not acceptable.

The Environmental Health Manager responded:

- i. Referred to Appendix E (table of proposed fees and charges 2023/24 as amended following consultation) of the Officers' report which included some cost reductions.
 - ii. Appendix E included up to date figures. Mr Karaahmed had referred to out of date cost figures that were included in the consultation.
- a. Ahmed Karaahmed raised the following supplementary points:
 - i. The Licensing Department had changed how it operated since lockdown. It was hard to get face-to-face meetings. This should reduce licensing fees.
 - ii. Requested an audit of the Licensing Department.

- iii. Requested licensing fees be frozen.
- iv. Taxi livery had increased vehicle costs. It was difficult to find silver vehicles that complied with City Council policies. This meant City Council licensed Hackney Carriage drivers were leaving to become Private Hire drivers licensed by South Cambs DC which had less demanding policy standards.
- v. Cambridge City Licensed Taxis would seek legal advice about installing CCTV. Details would be circulated to the Environmental Health Manager to pass onto Councillors.

The Environmental Health Manager referred to a report later on the agenda.

2. Kamil Winek raised the following points:

- i. Referred to 3.33 in the Officer's report: Summary of the Findings of the 2022 Demand Survey. There were fewer wheelchair accessible vehicles (WAV) on the road.
- ii. As soon as WAV reach eight years old drivers moved to the cheaper option of Private Hire saloon vehicles. Licensing Department public safety policies were counter-productive as they led to fewer vehicles being available to provide safe transport.
- iii. Requested a designated Taxi Licensing Officer be available to handle concerns.
- iv. Requested an audit of the Licensing Department to ensure it was fit for purpose.
- v. Requested the following policy requirements be amended:
 - a. Remove policy 12.7.
 - b. Remove the need for CCTV in WAV for another year.
 - c. Increase WAV working life from eight to ten years until 2028.
 - d. Remove the need for vehicle livery to reduce vehicle cost.

The Environmental Health Manager referred to a report later on the agenda.

b. Kamil Winek raised the following supplementary points:

- i. 1 January 2023 received cash flow details from Licensing Department. Queried why this included many zero figures, but received no response.
- ii. It was hard to understand where funds were going as figures for Licensing and Environment Department accounting were muddled.

3. Afzal Aslam raised the following points:

- i. Referred to petitions submitted by the taxi trade.
- ii. Queried why increased licensing charges were proposed? Please freeze them. Drivers would go elsewhere as Private Hire drivers as this was easier than being a City Council licensed Hackney Carriage driver.

The Environmental Health Manager referred to a report later on the agenda.

23/31/Lic Re-Ordering 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 published agenda.

23/32/Lic Annual Review of Licensing Fees and Charges 2023-24

The Committee received a report from the Environmental Health Manager.

Cambridge City Council, as the Licensing Authority, was responsible for processing and issuing licences for a wide range of activities.

Fees should be set so as to avoid either a surplus or a subsidy where possible and adjusted, if necessary, in succeeding years to achieve and maintain the correct balance.

The calculation of the taxi and private hire fees and charges 2023/24, considered specific officer role and their time involved in the issuing and processing of applications, in addition to the administration and monitoring of compliance with conditions.

The costs involved in carrying out all the processes and the true costs of running a taxi service, have been calculated and these are the fees that went out for consultation as attached in Appendix A of the Officer's report.

The Officer's report set out the revised fees and charges for licences and associated items, which it is proposed should be made with effect from 1st April 2023. The approved charges would be submitted to Full Council to note on 23rd February 2023.

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

- i. Figures in Appendix E of the Officer's report reflected the 'true cost' of licence charges.

- ii. The Licensing Department currently had a deficit of £102,000. This could vary by the financial year end when recharge figures were considered.
- iii. Gambling Act fees were set by statute. Animal welfare fees were set in 2018. The only fees currently needing review were taxi ones.
- iv. It was not always possible to increase ancillary fees by a standard 9.5%, but most were 9.4%.

The Committee:

Resolved (by 9 votes to 0) to:

- i. Approve the level of the fees and charges with effect from 1st April 2023, as set out in Appendix E.
- ii. Request officers to communicate changes with members of the public, businesses and taxi trade.

23/33/Lic To Review the Livery Policy of Hackney Carriage Vehicles

The Committee received a report from the Environmental Health Manager.

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 current Hackney Carriage & Private Hire Licensing Policy (the 'policy') applies to all drivers, vehicles and operators and was updated in October 2016 and has been reviewed and amended on several occasions since.

The main justification for having a livery requirement is for the safety of the travelling public. It assists the travelling public to identify easily a HCV that is licensed by Cambridge City Council and thereby have had all the necessary safety checks in place especially when being hailed down in the street.

On Thursday 29th December 2022, the Licensing Authority received a petition signed by 101 Hackney Carriage Vehicle drivers requesting for the livery standards to be removed, as referenced in Appendix A of the Officer's report.

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

- i. Manufacturers could call any car colour silver. Officers had to use discretion what was acceptable eg grey.
- ii. Wanted a common vehicle livery of silver with a green stripe.
- iii. Could details be put in Cambridge Matters:

- a. People were unaware that taxis were safe spaces. Queried how to communicate this?
- b. There was an excellent perception of the taxi service by the public (ref report by independent body – item 7 on the agenda).
- iv. Suggested Officers made a bid to the Office of the Police and Crime Commissioner to do a safety campaign that taxis were a safe space.

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

- i. The silver vehicle (main colour) with green stripe on taxis distinguished City Council vehicles from South Cambs DC vehicles.
- ii. Silver and green was easier to spot than other colours (particularly at night) so customers knew they were getting into a licensed vehicle ie safe space.
- iii. It would be unnecessarily complicated to have different livery for electric and combustion engine vehicles (if silver with green stripe was not in general circulation for electric vehicles). Some electric vehicles had already got licence plates. The general supply of electric vehicles was more of an issue than their colours. A significant number of Hackney Carriages had moved over to the new livery so it would be unfair to change the requirement now.
- iv. If the V5 log book said the vehicle was silver, this was acceptable to Officers.

The Committee:

Resolved (by 9 votes to 0) to retain the current livery standards for HCV as part of the Hackney Carriage and Private Hire taxi licensing policy.

23/34/Lic Limiting the Number of Hackney Carriage Licences

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.

The Officer's report presented the findings of the LVSA demand survey and asked members of the Licensing Committee to decide whether they are

satisfied that there is no significant demand for the services of HCVs within Cambridge which is unmet, and if so, whether to retain a limit on the number of HCV licences that the Council issues. If members decide to retain a limit they must then decide what that limit will be.

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

- i. Disabled people felt discriminated against as it was easier to get a taxi from the rank than book one through an Operator.
- ii. Booking taxis on an app was unreliable.
- iii. How to ensure WAV drivers took bookings if there was a limited supply of vehicles? Was there a way to record which drivers refused fares and remove their licence?
- iv. Asked for a future committee report on taxi use and difficulties of booking/getting a taxi.

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

- i. There were a limited supply of WAV. Operators could not control which jobs (self-employed) drivers chose to undertake. Operators could ask if a driver was available, but drivers may choose not to be.

Ian Millership said legislation was in place but drivers sidestepped some jobs.

- ii. Bookings by phone or on an app were equally valid. An app booking was recognised by law as a booking and could be formally checked.
- iii. Complaints could be investigated on a case-by-case basis if someone had booked a taxi but one had not arrived.
- iv. Hackney Carriage drivers could not refuse a fare if on a rank. By law Private Hire drivers can choose which passengers they wished to take.
- v. The City Council had a list of WAV from Operators and who had/not taken bookings. Licensing Officers had invited drivers to discuss why they had not taken bookings. Officers had to work within the constraints of the law.

Ian Millership said it was mainly Private Hire not Hackney Carriage drivers who were reported for refusing WAV bookings.

- vi. In March 2018, Licensing committee agreed to reduce the number of Wheelchair Accessible vehicles within the Hackney Carriage Fleet from 65% to 50%. This was done by offering 50 current WAV the opportunity

- to trade their WAV for an electric vehicle. To date, all available electric plates have been allocated.
- vii. There was no stipulation for Private Hire vehicles to be WAV so most City Council licensed vehicles were saloons, with a small minority of WAVs. SCDC also had a limited number of Private Hire WAVs.
 - viii. Officers could ask Operators if 'blind bookings' (ie not advising the driver if a passenger used a wheelchair or not) would help prevent discrimination. It was up to Operators what information they provided to drivers.

In response to Members' questions Ian Millership said the following:

- i. Taxi forums could advise if ranks were in the correct location.
- ii. It was good practice to ensure people knew rank locations and to seek customer feedback on appropriate rank locations.
- iii. The number of taxis was limited to an appropriate number in Cambridge. It was good practice to encourage people to keep coming into the trade to ensure there was a continuous supply of drivers to replace existing ones who had left.

The Chair allowed public speakers an additional two minutes to comment before the Committee voted on the Officer recommendations. Ahmed Karaahmed raised the following points:

- i. Private Hire drivers were refusing WAV bookings not Hackney Carriage drivers. He suggested making a licence condition they should take WAV bookings.
- ii. It was hard to get silver WAV vehicles so Hackney Carriage drivers were handing in City Council plates to become South Cambs DC Private Hire licenced drivers. If the City Council relaxed its policy this would stop drivers leaving.

The Committee:

Resolved (unanimously):

- i. They were satisfied there was no significant unmet demand for hackney carriages in Cambridge.
- ii. To retain a limit on the number of HCV licences which may be issued.
- iii. To keep the limit at the existing level of 321.

The meeting ended at 12.40 pm

CHAIR

This page is intentionally left blank