



EAST
CAMBRIDGESHIRE
DISTRICT COUNCIL

AGENDA ITEM NO. 3

Minutes of a meeting of the Licensing Committee held in the Council Chamber, The Grange, Nutholt Lane, Ely on Wednesday 21 November 2012 at 9.30am

P R E S E N T

Councillor Allen Alderson
Councillor Michael Allan
Councillor David Ambrose Smith
Councillor Sue Austen
Councillor Tony Cornell
Councillor Lavinia Edwards
Councillor Tony Goode (Chairman)
Councillor Lindsey Harris
Councillor Chris Morris
Councillor John Palmer
Councillor Charles Roberts
Councillor Sue Willows
Councillor Andy Wright

I N A T T E N D A N C E

Lin Bagwell – Licensing Officer (Enforcement)
Maggie Camp – Senior Legal Assistant
Liz Knox – Head of Environmental Services
Melanie Sage – Democratic Services Officer

2 members of the public attended the meeting.

21. APOLOGIES FOR ABSENCE

There were no apologies for absence received.

22. DECLARATIONS OF INTEREST

There were no interests declared.

23. MINUTES

Cllr Allan referred to minute no. 15 – Minutes of the last Licensing Committee meeting. At a previous meeting of the Licensing Committee, Members had enquired whether it was necessary for the Licensing Committee to receive the exempt Taxi Licensing Sub-Committee minutes and, had also enquired whether the name of the Driver/Applicant could appear in the public Taxi Licensing Sub-Committee minutes. Cllr Allan noted that the minutes of the previous

Licensing Committee meeting stated that a response would be provided to Members at this Licensing Committee meeting and he enquired whether officers now had a response on the matter.

The Head of Environmental Services reminded Members that on 12 October 2012 a response on behalf of the Chairman of Licensing Committee had been emailed to all Licensing Committee Members.

At the request of Cllr Allan the Head of Environmental Services read out the emailed response as follows:

'Cllr Wright enquired whether it was necessary for the Licensing Committee to receive the exempt Taxi Licensing Sub-Committee minutes, particularly as the public minutes, although limited in content, were included within the agenda and the exempt minutes could be provided to Members on request.'

It is possible for the Chairman of the Sub-Committee to agree and sign off the minutes without them being brought to Licensing Committee. The exempt minutes would be available in Democratic Services for Committee Members to see, but cannot be circulated by email. The advantage of including them on the agenda of Licensing Committee ensures that all Committee Members are aware of what/who is appearing/being dealt with by the Sub-Committees.

Cllr Allan also enquired whether the name of the Driver/Applicant could appear in the public Taxi Licensing Sub-Committee minutes.

The key issue as the grounds on which we are excluding the press and public from the Licensing Sub-Committees are under Schedule 12A of the LGA 1972 and making this 'Exempt' information. The 3 categories currently used for Taxi Licensing Hearings are Paragraphs 1, 2 and 7:

- 1 - Information relating to any individual*
- 2 - Information likely to reveal the identity of an individual*
- 7 - Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime*

We believe that these are strong grounds for holding the meetings in Exempt session, they are equally strong grounds for not naming the individual (using Paragraph 2 shows this) until and if it is subsequently determined that the grounds for maintaining the information as Exempt are no longer valid and all or part of it (including the name) can be 'de-exempted'.

The options are:

- *Hold in Exempt session and do not name in Minutes, unless it has been ruled subsequently (presumably by MO) that some or all of information, such as the name of the individual, no longer needs to be Exempt*
- *Hold in public session, as there are not strong enough grounds for 'exempting' the information'*

The Head of Environmental Services explained that Members would need to make a decision if they wished to no longer receive the exempt Taxi Licensing Sub-Committee minutes.

Referring to the statement read by the Head of Environmental Services, Cllr Allan enquired whether the word 'we' referred solely to the District Council or included other authorities. The Head of Environmental Services explained that the majority of Councils conducted Taxi Licensing Sub-Committee meetings in exempt session, although a few authorities did conduct Taxi Licensing Sub-Committee meetings in public session.

Cllr Allan did not agree that the Taxi Licensing Sub-Committee meetings should be conducted in exempt session as the public should be aware if a driver/applicant had done something wrong and if the Taxi Licensing Sub-Committee resolved that no action was necessary then the public would also be aware of this. Cllr Allan noted that cases in the Magistrates Court were open to the public. Cllr Allan further noted that a Taxi Driver could have his licence revoked by East Cambridgeshire District Council or an application be refused. However, that driver/applicant could then apply to another authority.

Cllr Wright suggested that this matter be a debate for a future Licensing Committee meeting.

It was resolved:

That the Minutes of the Licensing Committee meeting held on 18 July 2012 be confirmed as a correct record and signed by the Chairman.

24. CHAIRMAN'S ANNOUNCEMENTS

The Chairman informed the Committee that the Members' information session that had been scheduled at the conclusion of the Licensing Committee meeting would not take place due to unforeseen IT difficulties that were currently being experienced.

25. APPROVAL OF THE LICENSING AUTHORITY GAMBLING ACT 2005 STATEMENT OF PRINCIPLES – 3 YEAR REVISION

The Licensing Officer presented a report, (M149), previously circulated, for the Licensing Committee to consider and recommend to

Council adoption of the proposed East Cambridgeshire District Council's Gambling Act 2005 Licensing Authority Statement of Principles that had been amended in line with consultation responses, to come into effect as of 31 January 2013, as attached to the officer's report as Appendix 1.

The Licensing Officer explained that every 3 years the Licensing Authority is required to consult and publish a Statement of Principles relating to the carrying out of its functions under the Gambling Act 2005.

A copy of the draft revised Statement of Principles was displayed on the Council's website and public notice board in the Council reception, with copies made available for viewing in the public libraries within the district for the duration of the consultation period from 23 July 2012 to 14 October 2012.

A copy of the draft policy and Regulations was also sent to 110 consultees representing stakeholders and members of the public. A total of five consultation responses were received and were attached to the officer's report as Appendix 2.

The Licensing Officer explained that amendments as a result of the consultation responses and recent publication of the Gambling Commission Guidance were illustrated throughout the policy document in italics.

The Licensing Officer further explained that the Gambling Act 2005 Licensing Authority Statement of Principles will be made available to the public on the Council's website, at each of the district libraries and in the reception area of the Council offices in line with the requirements as detailed in paragraphs 3.9 and 3.10 of the officer's report.

Referring to the Gambling Act 2005 Licensing Authority Statement of Principles, Cllr Wright requested an explanation of 'Adult Gaming Centres' and a further explanation regarding paragraph 21.2 'Casinos and competitive bidding - *The Licensing Authority is aware that where a licensing authority's area is enabled to grant a premises licence for a new style casino, there are likely to be a number of operators wishing to run a casino.*' The Licensing Officer explained that an Adult Gaming Centre was an area or shop that contained gaming machines that only persons of 18 years and over could use. Cllr Wright stated that the term Adult Gaming Centre implied something different to slot machines. The Licensing Officer explained that an Adult Gaming Centre would require a Premises License and that this was the term used on the Premises License application form. Cllr Wright noted that there was no mention of a specific age within the policy document.

In response to a number of questions the Licensing Officer explained that only persons of 18 years and over could enter Adult Gaming Centres. Persons under 18 years over could not enter Adult Gaming Centres irrespective of whether that person was only accompanying someone of 18 years or over.

In response to Cllr Wright's query regarding casinos, the Licensing Officer explained that the Licensing Authority has not passed a resolution under section 166 of the Act to not issue a casino premises licence. Any future decision to pass or not to pass a casino resolution will only be determined after a full consultation process has been undertaken within the area. The Licensing Officer further explained that the Licensing Authority would need to apply to the Government as to whether a casino would be allowed in the district.

The Head of Environmental Services confirmed that for the purposes of clarification paragraph 19.1 of the Gambling Act 2005 Licensing Authority Statement of Principles would be amended to include persons of 18 years and over.

It was resolved TO RECOMMEND TO COUNCIL:

That the Licensing Committee recommend to Council adoption of the proposed Gambling Act 2005 Licensing Authority Statement of Principles, amended in line with consultation responses, to come into effect as of 31 January 2013, subject to the following amendment:

'19.1 Entry to an adult gaming centre is age restricted to persons aged 18 years and over.'

26. APPROVAL OF THE STREET COLLECTION LICENSING POLICY

The Licensing Officer presented a report, (M150), previously circulated, for the Licensing Committee to consider approval of the proposed Street Collection Licensing Policy, amended in line with consultation responses, to come into effect for applications received from 1 January 2013, attached to the officer's report as Appendix 1.

The Licensing Committee at its meeting on 13 June 2012 approved a twelve-week consultation exercise with relevant stakeholders and the general public on the Council's draft Street Collection Licensing Policy.

A copy of the Council's draft Street Collection Licensing Policy and Regulations made by the Council with regard to Street Collections was displayed on the Council's website and public notice board in the Council reception, with copies made available for viewing in the public libraries within the district for the duration of the consultation period from 25 June 2012 to 21 September 2012.

A copy of the draft policy and Regulations was sent to eighty-four consultees representing stakeholders and members of the public. A total of 3 consultations responses were received from City of Ely Council, Littleport Parish Council and Mepal Parish Council and were attached to the officer's report as Appendix 2.

The Licensing Officer explained that amendments as a result of the consultation responses were illustrated throughout the policy document in italics.

The proposed policy established how the District Council would approach its licensing functions under Section 5 of the Police, Factories, Etc (Miscellaneous Provisions) Act 1916 and would provide guidance to potential applicants, relevant stakeholders, the general public, Licensing Officers and Members of the principles which will be applied by the Council when carrying out street collection licensing functions.

It was noted that in preparing the proposed Street Collection Licensing Policy that Licensing Officers also had regard to Directive 2006/123/EC of the European Parliament and of Council on 12 December 2006 on services in the international market.

Referring to Section 9 of the policy document regarding 'Face-to-Face activity' Cllr Cornell enquired whether this applied to direct debit collectors. The Licensing Officer explained that face-to-face activity in a public place would not be permitted within the district without a Street Collection Permit having been granted by the Council. However, if the Licensing Team received an application for such activity it would initially approach the Town Centres Team to determine whether they would allow such activity. The Licensing Officer noted that it was not a regular occurrence for the Council to grant a Street Collection Permit for face-to-face activity. In granting a Street Collection Permit the Council could specify requirements of the collector, such as where the person could collect, that collectors could not stand within a certain proximity to each other so as to prevent a 'rat run'. Failure to comply with these set regulations meant that the Licensing Officers could enforce, by firstly seeking compliance and ultimately, if necessary, by prosecuting the collector for non-compliance.

Cllr Cornell noted that the sellers of the 'Big Issue' often created an obstruction by the entrance to the Cloisters. The Licensing Officer explained that 'Big Issue' sellers did not fall within the Street Trading or Street Collection Policy and were not licensable by the Council.

Cllr Allan enquired whether persons collecting petition signatures required a Street Collection Permit. The Licensing Officer explained that a Street Collection Permit would not be required unless there was a monetary gain for 'charitable or other purposes'.

Cllr Austen enquired whether street musicians required a Street Collection Permit. The Licensing Officer explained that a Street Collection Permit would not be required unless it was purported that the money was for 'charitable or other purposes'. However, it would be for the Town Centres Team to determine whether busking was permitted in the district.

In response to a question by Cllr Wright, the Licensing Officer explained that begging was a police matter.

Cllr Roberts enquired whether carol singing required a Street Collection Permit. The Licensing Officer explained that if people were door knocking then a house-to-house collection permit would be required. However, if a group of carol singers congregated in a town then no licence would be required other than possibly a Temporary Event Notice. Although if all the proceeds raised were for a 'charitable or other purpose' for instance a particular band then a street collection permit would be required.

Cllr Wright stated that not everyone was aware of the Street Collection regulations and the requirements to apply for a permit. He therefore enquired whether the Council could make provisions to cover all street collections over the Christmas period. Cllr Wright stated that this could avoid previous issues where people had not applied in sufficient time and could therefore not collect. The Head of Environmental Services noted that a Street Collection Permit does not incur a cost to the applicant and also referred to paragraph 4.10 of the policy document that stated an 'umbrella' Street Collection Permit is available for large public events, as follows *'The Licensing Authority requires organisers of large public events such as Christmas late night shopping events or city and town centre festivals to apply for an 'umbrella' Street Collection Permit for the event'*.

Cllr Allan stated that an 'umbrella' Street Collection Permit was acceptable providing those collecting were genuine. The Head of Environmental Services further referred to paragraph 4.10 of the policy document that stated *'The organiser will provide the Licensing Authority with a list of the participating charities and be responsible for ensuring each organisation completes a returns form and all returns forms are returned to the Licensing Authority within the statutory timescale'*.

Cllr Ambrose Smith suggested that officers should carefully consider the terminology used within policy documents to avoid Americanised terms and referred to the word 'shopping mall' within the Street Collection policy document.

It was resolved:

That the Licensing Committee approve the proposed Street Collection Licensing Policy, amended in line with consultation responses, to come into force for applications received from 1 January 2013 onwards.

27. **APPROVAL OF THE HOUSE-TO-HOUSE COLLECTION LICENSING POLICY**

The Licensing Officer presented a report, (M151), previously circulated, for the Licensing Committee to consider approval of the proposed House-to-House Collection Licensing Policy to come into effect for applications received from 1 January 2013, attached to the officer's report as Appendix 1.

The Licensing Committee at its meeting on 13 June 2012 approved a twelve-week consultation exercise with relevant stakeholders and the general public on the Council's draft Street Collection Licensing Policy.

A copy of the draft House-to-House Collection Licensing Policy and Regulations was displayed on the Council's website and public notice board in the Council reception, with copies made available for viewing in the public libraries within the district for the duration of the consultation period, from 25 June 2012 to 21 September 2012.

A copy of the draft policy and Regulations was sent to eighty-four consultees representing stakeholders and members of the public. A total of 2 consultations responses were received from City of Ely Council and Mepal Parish Council and were attached to the officer's report as Appendix 2.

The Licensing Officer noted that the finalised and adopted policy will provide guidance and will inform potential applicants, relevant stakeholders and the general public, Licensing Officers and Members of the principles which will be applied by the Council when carrying out house-to-house licensing functions.

Cllr Wright referred to the collection bags that were often posted through letterboxes and how someone could be sure that the bag was from a genuine charity. The Licensing Officer explained that this was a problem all over the country and that the public could contact its local authority with the details of the collector for verification. The Licensing Officer noted that the police were currently prosecuting a person for stealing charity bags from another collector. At first it appeared that neither collector was licensed. However, it later transpired that the person delivering the bags was licensed by the Home Office. The Licensing Officer explained that where the Home Office issues a House-To-House permit the collector is not required to apply to a local

authority. However, the collector is requested, but not obliged, to notify a local authority that they are collecting in the district.

Cllr Allan enquired whether the public could send empty bags that were delivered through letterboxes to the licensing team. The Licensing Officer explained that there was no money generated from House-To-House licence applications and enforcement was difficult. It was intended that in the future House-To-House permits that the authority granted would be published on the Council's website. However, to avoid criticism officers needed to consider collectors with a national exemption as unless the authority is informed it is not aware that the Home Office has issued a House-To-House permit.

In response to a question by Cllr Cornell regarding a statement of return as per paragraph 5.2 of the policy document, the Licensing Officer explained that once an application had been granted the permit and a statement of return form is sent to the collector. The Licensing Officer stated that the statement of return must be submitted to the authority within one month of the expiry of the licence, which was noted within paragraph 7.4 of the policy document and supported within paragraphs 13(1) and 13(4) of the House-to-House Collections Regulations 1947, Appendix A, pages 15 and 16 of the officer's report. The Licensing Officer stated that a copy of the policy and regulations were circulated to all collectors.

Cllr Wright suggested that the Council should be assisting with the prosecution of all collectors that do not have the required House-To-House collection permit. The Officers agreed, but noted that it was difficult to gather the evidence required for a successful prosecution. Cllr Wright acknowledged this. However, he noted that sometimes one successful prosecution was sufficient to deter other unlawful collectors.

It was resolved:

That the Licensing Committee approve the proposed House-to-House Collection Licensing Policy to come into force for applications received from 1 January 2013 onwards.

28. **HACKNEY CARRIAGE ROOF SIGNS**

In the absence of the Principal Environmental Health Officer, the Licensing Officer presented a report, (M152), previously circulated, to enable the Licensing Committee to consider the results of the roof sign survey, an extract of the notes of a meeting held with the Chairman of Licensing Committee and members of the Hackney Carriage and Private Hire Trade relating to roof signage, and to make recommendations regarding the current roof sign licence condition.

It was explained that at the meeting of the Licensing Committee on 18 July 2012 it was resolved that the Licensing Committee:

- i. *Agree to a Hackney Carriage Roof Sign survey being conducted in relation to those Hackney Carriages licensed by East Cambridgeshire.*
- ii. *That prior to the survey, the Chairman of the Licensing Committee meet with the taxi trade to discuss the matter.*
- iii. *Agree that the findings of the Hackney Carriage Roof Sign survey be presented to a future Licensing Committee meeting for discussion in relation to the current Hackney Carriage Roof Sign Licence Condition.*

It was explained the Licensing Committee Chairman had held a meeting with the Hackney Carriage and Private Hire Trade at the Council Offices on 19 September 2012 to discuss Hackney Carriage Roof Signs within East Cambridgeshire. The Principal Environmental Health Officer delivered a short presentation and the comments made at the meeting were recorded.

A survey of the Hackney Carriage roof signs currently displayed on licensed vehicles within the district was carried out between 10 October 2012 and 25 October 2012, as detailed in Appendix 2 of the officer's report. It was noted that the Licensing Committee had been provided with photographs taken during the survey and the roof sign survey illustrated that there were a variety of roof signs in use.

It was explained that currently the Hackney Carriage Roof Sign Licence Condition stated that '*A vehicle roof sign will be allowed in a form to be approved by the Council*'. However, the licence condition did not define 'an approved form' and the condition wording did not make it a specific requirement for a Hackney Carriage to have a roof sign.

The Law Commission are currently proposing a reform on the 'Law on Taxi and Private Hire Services within England and Wales'. The Law Commission plan to publish a final report and draft Bill in November 2013 and it will be for Government to decide whether to change the law relating to Hackney Carriage and Private Hire legislation. One of the proposals is to bring in national minimum standards for Private Hire and Hackney Carriage vehicles.

Concerns were expressed at the meeting with the Hackney Carriage and Private Hire Trade that if the Council's Licence conditions were amended prior to the outcome of the Taxi and Private Hire Reform, further amendments may be required resulting in an additional cost to the Trade.

The following basic standards were therefore recommended regarding an ‘approved form’ for the Hackney Carriage Roof Sign Licence Condition:

- (i) That the roof sign is illuminated when the vehicle is available for hire.
- (ii) That the word ‘TAXI’ in black capital letters is clearly legible on front and rear side of the roof sign.
- (iii) That the roof sign does not bear any features that could be confused with the external and internally displayed vehicle plate number.

At the conclusion of the officer’s presentation the Chairman explained that the meeting with the Hackney Carriage and Private Hire Trade had been productive and that there had not been any objections from the Trade for having a roof sign. The Hackney Carriage and Private Hire conditions were ultimately for public safety and the Chairman referred to the recent introduction of door stickers. The Chairman noted that the survey had illustrated that the majority of Hackney Carriage vehicles already complied with the proposed recommendation and that approximately 12 signs would require the wording ‘TAXI’ to be affixed to the rear of the current roof sign.

During the above announcement by the Chairman, Cllr Cornell left the Council Chamber.

Cllr Wright was pleased to support the officer recommendations and he noted that after 4½ years some simple wording was finally suggested for the roof signage recommendation. Cllr Wright agreed that 2.1b.(i)-(iii) was the way forward and he was concerned at the amount of officer time that had been invested to arrive at the proposed recommendations. The officer recommendations were seconded by Cllr Willows.

The Chairman stated that to enable Members to make an informed decision it had been important that officers had conducted the survey of Hackney Carriage roof signs.

In response to a question by Cllr Ambrose Smith regarding officer’s recommendation 2.1.b.(iii) the Licensing Officer explained that the survey of Hackney Carriage roof signs had highlighted that some roof signs included numbers on the end of the roof sign that are different to the external and internal display plate number issued by the Council, which could cause confusion if a member of the public wished to make a complaint about a driver or vehicle.

In response to a further question by Cllr Ambrose Smith, the Head of Environmental Services confirmed that only the word ‘TAXI’ in black capital letters was recommended on the front and rear side of the roof sign and that no colour was specified. Cllr Ambrose Smith

therefore suggested that recommendations 2.1.b.(i) and (ii) were sufficient.

Having previously left the meeting Cllr Cornell returned to the Council Chamber.

Cllr Roberts stated that 2.1.b. (iii) was required as to prevent other markings being added to the roof sign. However, Cllr Roberts proposed that the following simplified wording be used instead of that proposed in the officer's report '*That there are no other markings on the roof sign*'. This was supported and accepted by the Committee.

It was resolved:

That the Licensing Committee:

- a. Note the results of the roof sign survey and the comments relating to Hackney Carriage roof signs made during the meeting between the Chairman of Licensing Committee and Members of the Trade on 19 September 2012, as per extract detailed in Appendix 1 of the officer's report.
- b. Recommend that in terms of an '*approved form*' for Hackney Carriage roof signs that this relates to the following basic standards:
 - (i) That the roof sign is illuminated when the vehicle is available for hire.
 - (ii) That the word 'TAXI' in black capital letters is clearly legible on front and rear side of the roof sign.
 - (iii) That there are no other markings on the roof sign.
- c. Agree to a consultation with the trade and other relevant organisations on points (i) to (iii) in addition to it being mandatory that Hackney Carriages carry a roof sign. Subject to consultation, any changes would be required on renewal of vehicle licences from a specified date.
- d. To review Hackney Carriage roof sign standards as a result of any future changes to legislation/guidance issued in connection with the Law Commission Taxi Reform.

29. **FORWARD AGENDA PLAN**

The Committee received and considered the Licensing Committee forward agenda plan.

The Head of Environmental Services noted that further to the earlier Committee discussions that an additional item would be required, as requested by Members, regarding a 'Review of

Procedures relating to Taxi Licensing Sub-Committee Hearings'. The Head of Environmental Services envisaged that this would be presented to the January 2013 Licensing Committee meeting.

It was resolved:

That the Licensing Committee forward agenda plan be noted, subject to the following addition:

- 16 January 2013 – Review of Procedures relating to Taxi Licensing Sub-Committee Hearings.

30. TAXI LICENSING SUB-COMMITTEE MINUTES

The Licensing Committee received the minutes of the Taxi Licensing Sub-Committee meetings held on 18 July 2012 in respect of Driver (vii) and 17 October 2012 in respect of Driver (viii).

It was resolved:

That the minutes of the Taxi Licensing Sub-Committee meetings held on 18 July 2012 and 17 October 2012 be received and noted.

31. EXCLUSION OF THE PRESS AND PUBLIC

It was resolved:

That the press and public be excluded during the consideration of the remaining item because it was likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during this item there would be disclosure to them of exempt information of Category 1, 2 and 7, Part 1 Schedule 12A to the Local Government Act 1972 (as amended).

32. TAXI LICENSING SUB-COMMITTEE - EXEMPT MINUTES

The Licensing Committee received the exempt minutes of the Taxi Licensing Sub-Committee meeting held on 18 July 2012 in respect of Driver (vii).

It was resolved:

That the exempt minutes of the Taxi Licensing Sub-Committee meeting held on 18 July 2012 be received and noted.

Referring to the matter for which the Taxi Licensing Sub-Committee meeting on 18 July 2012 had been convened, Cllr Wright

stated that senior officers should be able to have the discretion to determine whether it was necessary to convene a Taxi Licensing Sub-Committee meeting. The Head of Environmental Services referred to the 'Officer Delegation Report' listed on the forward agenda plan for the Licensing Committee meeting on 12 December 2012, which was as a result of Cllr Wright's comments at the Taxi Licensing Sub-Committee meeting on 18 July 2012.

Cllr Wright supported this report as Taxi Licensing Sub-Committee meetings required significant officer time, had cost implications and also caused anxiety for Drivers/Applicants.

Cllr Roberts agreed with Cllr Wright that in certain circumstances the decision should be delegated to officers in consultation with the Chairman and Vice Chairman of the Licensing Committee, as to whether it was necessary to convene a Taxi Licensing Sub-Committee meeting.

The meeting concluded at 10.35am