



EAST
CAMBRIDGESHIRE
DISTRICT COUNCIL

LICENSING COMMITTEE

Minutes of the meeting of the Licensing Committee held in the Council Chamber, The Grange, Nutholt Lane, Ely on Wednesday, 12th September 2018 at 11:00am.

PRESENT

Councillor Elaine Griffin-Singh (Chairman)
Councillor Sue Austen
Councillor Paul Cox
Councillor Julia Huffer
Councillor Chris Morris
Councillor Alan Sharp
Councillor Stuart Smith

OTHERS

Stewart Broome – Senior Licensing Officer
Maggie Camp – Legal Services Manager and Monitoring Officer
Liz Knox – Environmental Services manager
Adrian Scaites-Stokes – Democratic Services Officer
3 members of the public

15. **APOLOGIES**

Apologies for absence were received from Councillors Michael Allan, Mike Bradley and Carol Sennitt.

16. **DECLARATIONS OF INTEREST**

There were no interests declared.

17. **MINUTES**

It was resolved:

That the Minutes of the Licensing Committee meeting held on 20th June 2018 be confirmed as a correct record and be signed by the Chairman.

18. **CHAIRMAN'S ANNOUNCEMENTS**

The Chairman noted that there were some members of the public that wished to speak at this meeting and they would be allowed to at the appropriate time.

19. **HACKNEY CARRIAGE FARES – CONSIDERATION OF COMMENTS RECEIVED FOLLOWING CONSULTATION**

The Committee considered a report, T96 previously circulated, that detailed the responses submitted to the taxi tariff of fares amendment notice published on 29 June.

The Senior Licensing Officer advised the Committee that six objections had been received following the consultation, all of which were from the taxi trade with none from the public.

Table 1 in the report outlined the main points raised together with officer comments and suggestions:

- Changing the switchover time rate for Saturdays and removing the Sunday rate was not intended to negate the incentive for working on Sundays. As this could result in less taxis being available on Sundays it was proposed to include a specific Sunday tariff.
- Changing the time for Rate 2 during 6:30pm to 8pm would reduce fares but it was believed this would be offset by other gains. As there had been objections to this potential loss of income it was suggested that Rate 1 be adjusted to mitigate this issue.
- The initial proposal to only charge extra for four or more passengers would lead to a loss of income, particularly for drivers of larger vehicles, and would have more of an adverse impact than anticipated. Therefore it was now proposed to keep the current charges.
- The proposed change of rates would make it cheaper to hire a taxi after midnight than during the day. This was an anomaly and the table of fares should be adjusted accordingly.
- The suggestion received relating to the additional passenger rate could result in higher charges for passengers, particularly for short journeys. This was considered potentially unfair so the current rates should be kept.
- To overcome the potential loss of income relating to booking fares, Rate 1 should be increased to compensate.
- The proposed maximum Bank Holiday charge was not compulsory, so no change was recommended.
- The comment received concerning petrol costs was incorrect as this factor had been taken into account already.

Additional suggestions, as set out in the report, had been received:

- Suggestion 1 – this would lead to a significant increase in fares.
- Suggestion 2 – this would lead to passengers needing pennies to pay for journeys, which would be annoying.
- Suggestion 3 – this was based on the existing tariffs.

In conclusion, the comments received had highlighted a few anomalies and the suggestions made would result in fare rates well over that originally suggested. The initial report suggested increases between 5.7% to 6%, which was considered realistic. Taking the comments received into account, officers thought there was scope to amend the proposals to arrive at a sensible solution. Table 3 showed the amended figures, which were a balanced approach. The main differences were the inclusion of a Sunday tariff, the

Bank Holiday date had been amended and the rate for working 11pm to 7am was higher. The impact of adopting the rates in Table 3 would result in the changes of the Rate 1 rate overcoming the losses under Rate 2, there would be more incentive for night-time working and weekend working would be encouraged. Table 4 illustrated the impact of the Table 3 fares. It compared the figures against local neighbouring authorities and showed that the Council would be 'mid-table'.

Reviewing fares was always a difficult business, as if they were too high the public would be tempted to use other forms of transport or if too low the taxi trade would lose income. Some drivers may benefit more than others under the revised proposed rates but this could depend on the shift patterns they worked. So a balanced approach was needed, therefore the rates shown in Table 3 were recommended.

Councillor Julie Huffer asked whether the number of taxi licences for South Cambridgeshire and Cambridge City were known, as a comparison. The Senior Licensing Officer estimated that South Cambridgeshire would have around a similar number, whereas Cambridge City would be expected to have more.

At this point the Chairman invited Mrs Humphrey to address the Committee. Mrs Humphrey made the following comments:

- She queried why the fares were changing, as the current regime was not broken.
- The proposed changes would not benefit anybody.
- From her experience working from the railway station, passengers would not pay the £5.50 Rate 2 fare.
- Passengers would see that rate displayed on the taxi meters.
- Passengers would walk passed the taxis and call Private Hire vehicles instead if the suggested fares were implemented.
- It was only last year that passengers had got used to the current rates.
- It would cost the trade money after 11pm.
- There was nobody in Ely after midnight so no taxis would be ordered.
- She offered alternatives to certain proposed rates which she considered would be acceptable.

The Senior Licensing Officer explained that anecdotal evidence of no service provision had been used to adjust the changeover times/rates. There was a small night-time economy in Ely but getting people away was difficult. It was correct that the suggested fares for working beyond 23:00 would increase but this was due to the anti-social hours being worked and the potential to have to deal with awkward passengers at that time of night. The proposed rates were intended to incentivise and recompense the trade for working during those times. The Committee was reminded that those rates would still only put the Council 'mid-table'.

The rates could not be based in relation to train schedules, as they could vary. The station was only a small part of the trade throughout the district. The meter rate was the maximum that could be charged but drivers had the choice of charging a lower amount if they wished.

Councillor Elaine Griffin-Singh asked whether Mrs Humphrey could see the proposed fare regime working. The Committee were reminded that the review of rates had been at the prompting of the trade. The Council was concerned that not enough taxis were working at night but the evidence for that could be questioned.

Mrs Humphrey queried the point of putting the rates that high, as they should be lower. The fare was shown on the meter and there were plenty of taxis working during the night, particularly Friday and Saturday nights.

The Senior Licensing Officer reported that the Council had received anecdotal complaints related to Ely city centre and the problems of people getting away. It was difficult to ascertain whether this was a problem all the time, as the service varied. The railway station area was only a small part of the overall provision within the district, though many taxi drivers did use the station at times but they had offered no objections to the fare proposals.

Further to the consultation responses, a large portion of the populace had not replied suggesting contentment with the proposals, but it was noted that the responses received had been very useful in picking up a number of anomalies.

The taxi trade had indicated it wanted increases and had not offered any objections to the proposals that had been consulted on. The review had looked holistically at the overall service provided and what was needed to make a good rounded service. There could be winners and losers because of the proposals but a balanced view had been taken to ensure the right rates were selected. It was believed that the proposals would maintain the status quo.

Mr R Lee, taxi firm owner, stated that queries had been raised on the initial proposals but these had been addressed and a well balanced approach had now been suggested. His drivers were prepared to offer discounted rates from the metered rates shown, though this did not necessarily occur at the station.

Councillor Alan Sharp, in considering the charging rates and structure of charges, queried the initial charge as he thought it was too expensive. It was not normal for passengers to haggle over fares but they did have the option of using any vehicle in the taxi rank and not just the first in the queue.

The recommendations within the report were duly proposed, seconded, and upon being put to the vote were declared unanimously carried.

It was resolved:

That the amended table of fares set out in Table 3 at paragraph 5.5 of this report to come into effect on or before the 1 October 2018 deadline be approved.

20. **GAMBLING ACT 2005 – LICENSING STATEMENT OF PRINCIPLES – THREE YEAR REVIEW**

The Committee considered a report, T97 previously circulated, that detailed the revised version of the Council's Gambling Act 2005 – Statement of Principles for Licensing.

The Senior Licensing Officer advised the Committee that was requested to approve the Statement, as revised following the presentation of the draft version to the Committee on 11th April 2018. This was in consequence of the relevant consultation which had received two replies. The first had nothing to do with the consultation so was disregarded. The second was included as Appendix 1 to the report.

Councillor Chris Morris left the meeting at this point, 12:10.

The Senior Licensing Officer continued and explained that Table 1 in the report set out the proposed amendments to the draft Statement following the comments received. These amendments included clarifying the 'sufficient evidence of the location' wording, that the reference to 'ethnic profile of residents in the area' be retained as it would not lead to predetermination and it reflected the policy design to consider the society rather than individuals, and accepting that nothing within paragraphs 16.34 to 16.36 overrode the provisions of Section 172 of the Act.

It was resolved:

- (i) That revised version of the Gambling Act 2005 – Statement of Principles for Licensing be approved, including the amendments as stated in Table 1 in the report;

It was resolved TO RECOMMEND TO COUNCIL:

- (ii) That the approved Gambling Act 2005 – Statement of Principles for Licensing be adopted to come into effect on 31 January 2019, following a period of publication to be not less than 28 days.

21. **CHANGES TO ANIMAL WELFARE LICENSING**

The Committee considered a report, T98 previously circulated, that detailed the forthcoming changes to animal licensing and consequential changes to the existing fee structure.

The Senior Licensing Officer reminded the Committee that the Council was responsible for licences for animal welfare establishments and there were currently around 50 such licences in the district. In addition, the County Council Trading Standards had responsibility for 4 performing animal licences and these would be transferring to this Council. The existing legislation had been repealed and substantially amended. Current licence holders had been invited to the Council to be briefed on the new changes.

The new Regulations introduced a number of changes:

- All activities could be covered on one licence;
- Licences could last up to 3 years;
- Councils could no longer impose discretionary conditions;
- Licences for performing animals would be transferred to the District Council;
- Statutory guidance would be provided for activities and procedures;
- New definitions for licensable activities, with a couple of changes ;
- A new 'star rating' system would be introduced;
- Councils could vary, suspend or revoke licences;
- All officers would be obliged to undergo inspection training.

Animal boarding would be classified as a business, but this would omit home boarding of cats. Companies arranging animal boarding would also have to be licensed. The Star Rating would be used to assess the welfare standards and risk levels. The number of compulsory inspections would depend on the star rating given. The higher standards related to where compulsory and optional standards had been met. A licence holder could appeal against their star rating to the Council, so an Appeal Process would be put in place to authorise officers to consider those appeals. A register recording the star rating would be shared with the Department for Environment Food and Rural Affairs (DEFRA) and would form part of a public register.

There was also a new requirement for officer training and this would be expensive. Ways to manage this expense were being looked at. The current fee structure would not fit with the new obligations required under the legislation or cover the associated additional costs. Therefore the proposed fees, as set out in Table 3, took that into account. Licence holders would have to pay an application fee plus one for their initial rating. The latter could be refunded if they cancelled their application before an inspection took place. The main fees proposed would cover back office costs and had accounted for inflation.

One difficulty with the new inspection regime related to offices located outside the district that arranged the boarding of animals, as it was unclear who would be responsible for their inspections. Clarification was being sought on this issue, as well as for their star rating if they had multiple boarders.

Councillor Julie Huffer wondered whether someone arranging the boarding of an animal had to have a licence or whether it was just the boarders. The Committee was informed that this would depend on whether the establishments came within the scope of the new Regulations. The arrangers rating would depend on the lowest rating of any of their boarders. If those ratings changed it could have a financial implication for the Council, as fees may have to be paid back. All boarding activities were also to have separate conditions, so DEFRA's whole scheme was over-complicated.

It was compulsory for licence holders to comply with the new Regulations, though there were some concerns that some might not be up to the new required standards. Unfortunately the Council could not add any extra conditions. The star ratings would determine the length of the licences and this was expected to adversely impinge on the Council's income, as the three-year

licences were cheaper for the licence holders, which would lead to a decline in fees.

In response to Councillor Paul Cox's queries, the Committee was informed that DEFRA wanted to improve standards. So they wanted officers trained to Level 3, though this would not be of much benefit to more experienced officers. Horse establishments, including livery yards, would fall outside these Regulations.

Councillor Alan Sharp questioned whether the potential decrease in income would affect fee recovery. The Senior Licensing Officer expected a decrease in fees for inspections, as annual inspections would not be done on 3-year licences, but this might be offset by more ratings work and subsequent fees. This could also be balanced by allowing other licensing work to be done instead. After an extended period the level of work could be reviewed and fee levels adjust accordingly.

It was resolved:

- (i) That the proposed fee structure contained in Table 3 be approved to take effect from 1 October 2018;
- (ii) That the draft version of the Animal Licensing Policy at Appendix 1 be approved to take effect from 1 October 2018;
- (iii) That delegated authority be given to the Monitoring Officer to make the necessary amendments to the Council's Constitution (Licensing Committee and Licensing Sub-Committee's terms of reference and Officer Delegation table) to reflect the legal changes from the 1 October 2018 (Appendix 2).

22. **LICENSING COMMITTEE FORWARD AGENDA PLAN**

The Committee noted its forward agenda plan.

The meeting closed at 13:30.