

AGENDA ITEM NO. 3

Minutes of a meeting of the Licensing Committee held in the Council Chamber, The Grange, Nutholt Lane, Ely on Wednesday 14 September 2011 at 9.30am

PRESENT

Councillor Allen Alderson
Councillor Michael Allan (Vice Chairman)
Councillor Ian Allen
Councillor Lavinia Edwards
Councillor Tony Goodge (Chairman)
Councillor Bill Hunt
Councillor Tom Kerby
Councillor Charles Roberts
Councillor John Palmer
Councillor Sue Willows
Councillor Andy Wright

IN ATTENDANCE

Lin Bagwell – Licensing Officer
Elizabeth Bailey – Principal Environmental Health Officer
Maggie Camp – Senior Legal Assistant
Liz Knox – Head of Environmental Services
Melanie Sage – Democratic Services Officer

1 member of the public attended for part of the meeting.

20. APOLOGIES FOR ABSENCE

Apologies for absence were received from Cllrs Austen and Harris.

21. DECLARATIONS OF INTEREST

Cllr Hunt declared a personal interest on any taxi related discussion as he was a non-executive director of a garage group that supplied vehicles to the taxi trade, although he noted that there were no customers within East Cambridgeshire.

Cllr Wright declared a personal interest as he used taxis.

Cllr Allan declared a personal interest as he also occasionally used taxis.

22. **MINUTES**

The Chairman explained that following the Licensing Committee Chairman's Briefing meeting earlier in the week there were four grammatical/typographical amendments made to the minutes. Therefore tabled at the meeting was a revised version of the minutes for Member approval. The Chairman requested that, unless there were any further amendments to the factual content of these minutes, the minutes be approved as a correct record.

It was resolved:

That the amended Minutes of the Licensing Committee meeting, as tabled at the meeting, held on 13 July 2011 be confirmed as a correct record and signed by the Chairman.

23. **CHAIRMAN'S ANNOUNCEMENTS**

The Chairman made the following announcements:

- In April 2011 the Taxi Licensing Sub-Committee had resolved to revoke the Joint Hackney Carriage and Private Driver Licence of a Burwell taxi driver. The driver appealed against this decision to Cambridge Magistrates' Court and on 23 August 2011 the Magistrates upheld the decision of the Council to revoke the licence and ordered him to pay costs of £6427.04. The Chairman congratulated officers and thanked them for all of their hard work.
- The Licensing Committee had previously resolved on 19 July 2011 that the inspection and enforcement of cafe tables and chairs on pavements, and the issuing of permits authorising such activities should remain a County Council Highways function rather than it being transferred to East Cambridgeshire District Council. Members also recommended that a voluntary code of practice be formulated between County Council Highways, the City of Ely Council and other relevant Parish Councils regarding standards for tables and chairs on the pavements.

A meeting was recently held between the Chairman of the Licensing Committee, Principal Environmental Health Officer (Commercial), County Council Highways and the City of Ely Council to further this resolution, as there has been some uncertainty over whether it is possible for responsibilities to be delegated out by County Council Highways. It is likely that County Council Highways will retain the enforcement provision of tables and chairs on pavements, and that the City of Ely Council (and where relevant, Parish Councils) will

inspect and report any issues to County Council Highways for follow up.

A draft policy and procedure will form part of a consultation process on the proposed pavement permit scheme and is likely to be circulated shortly for comment to relevant bodies.

24. **SPECIFICATION FOR 'COUNCIL APPROVED' HACKNEY CARRIAGE ROOF SIGNS**

The Principal Environmental Health Officer presented a report, (L115), previously circulated, to enable the Licensing Committee to determine the 'Council Approved' Hackney Carriage roof sign.

At the Licensing Committee Meeting on 15 June 2011, Members resolved that a Hackney Carriage vehicle must carry a 'Council Approved' roof sign at all times, which should be illuminated when available for hire. However, no clear definition was agreed as to what constituted a 'Council Approved' roof sign. A clear definition was essential for the purposes of clarification, enforcement and transparency. For instance Hackney Carriage vehicles were required to be presented to a 'Council Approved' garage for inspection on an annual or twice annual basis, depending upon the age of the vehicle. Part of the inspection related to the display of the roof sign in order to determine whether the vehicle should pass or fail the relevant part of the vehicle test and garages required clarity as to what constituted a 'Council Approved' roof sign.

A clear definition was also essential for enforcement purposes. On inspection of Hackney Carriage vehicles, where a vehicle is found not to be displaying the 'Council Approved' roof sign, Enforcement Officers required a clear description to demonstrate to the vehicle owner that the roof sign on display is not to the approved standard, and for persistent non compliance, to demonstrate to the Licensing Committee and potentially the Magistrates Court, that the roof sign did not meet the required standard.

An example of the proposed 'Council Approved' roof sign was presented to Members at the meeting. The Principal Environmental Health Officer referred Members to Appendix 1 that detailed the proposed licence condition relating to Hackney Carriage 'Council Approved' roof signs. Since publication of the agenda the Principal Environmental Health Officer had been informed of the font type and size of the lettering on the example roof sign (Helvetica Bold 65mm) and stated that this would need to be incorporated into the condition.

Appendix 2 of the officer's report was the original condition regarding roof signs that had been consulted upon widely with the trade. Appendix 1 was the same condition with further clarification regarding sizes and dimensions.

In response to a number of concerns from Members the Principal Environmental Health Officer explained that the original licence condition (Appendix 2) was consulted on widely with the trade and the trade had agreed that this was acceptable to them. However, amendments were possible, but dependent on the extent of the amendments further consultation may be required. The Principal Environmental Health Officer suggested that the addition of the licence plate number on the roof signage was not necessary as this was already available on the inside of the vehicle, and the Council crest would be displayed on the front passenger and driver doors of a Hackney Carriage vehicle.

Cllr Wright stated that he would like to see closure on this matter as it had taken three years to resolve. However, Cllr Wright stated that Hackney Carriage vehicles with in-built roof signs should be exempt from the condition. The Principal Environmental Health Officer explained that it was mainly London style Hackney Carriage vehicles that had in-built roof signs. The Principal Environmental Health Officer stated that the condition needed to ensure uniformity, to prevent a variety of different roof signs being used. For the purposes of clarification, Cllr Wright stated that it should be specified within the condition that Hackney Carriage vehicles with in-built roof signs were exempt.

Cllr Allen suggested that an East Cambridgeshire District Council specific roof sign was preferable as only authorised Hackney Carriage Drivers would be able to have one and that well identified vehicles were essential. Cllr Allen stated that effective roof signage was necessary, especially at night.

Cllr Roberts recalled that at a previous meeting it had been suggested that the roof signage incorporate the East Cambridgeshire District Council crest on the ends of the roof sign. The Principal Environmental Health Officer did not recall this although explained that the Council's crest would appear on the Hackney Carriage front door stickers as well as on the rear vehicle plate.

Cllr Hunt was satisfied with the example roof sign displayed at the meeting. However, he stated that it required a corporate standard adequately specified by the legal team.

The Principal Environmental Health Officer explained that the second report that the Licensing Committee was to consider was that existing and new Hackney Carriage vehicle proprietors would be provided with a list of suggested suppliers from which to purchase the 'Council Approved' Hackney Carriage roof sign direct, which would also ensure that the roof signage meets a set standard. The Principal Environmental Health Officer noted that this was also referred to within the proposed licence condition relating to Hackney Carriage 'Council

Approved' roof signs, Appendix 1 of the officer's report that Members were currently considering.

Cllr Allan enquired whether the suggested suppliers could supply the signs with additional specific details. The Principal Environmental Health Officer confirmed that the suppliers could provide the roof sign to any specification, although this may incur additional costs.

Cllr Allan then proposed that the East Cambridgeshire District Council crest should be located either end of the roof sign. The Chairman sought clarification regarding the colour of the crest. Cllr Allan proposed that the crest be blue. However, should the cost of a blue crest be too prohibitive then it was agreed that the crest should be black.

The Head of Environmental Services enquired whether Members required a further report on the matter or whether Members would agree to delegate finalising the defined standard regarding the 'Council Approved' Hackney Carriage roof sign to the Head of Environmental Services, in consultation with the Chairman and Vice Chairman of the Licensing Committee.

It was then proposed that the Licensing Committee delegate finalising the defined standard regarding the 'Council Approved' Hackney Carriage Roof Sign to the Head of Environmental Services, in consultation with the Chairman and Vice Chairman of the Licensing Committee, incorporating the following:

- That the word 'TAXI' be in the font Helvetica Bold and of font size 65mm;
- That the East Cambridgeshire District Council crest be located either end of the roof sign in blue. However, should the cost of a blue crest be too prohibitive then the crest should be black.
- That Hackney Carriage vehicles with an in-built roof sign be exempt from having to additionally display the 'Council Approved' roof sign.

It was resolved:

- i. That the Licensing Committee delegate the finalising of the defined standard regarding the 'Council Approved' Hackney Carriage roof sign to the Head of Environmental Services, in consultation with the Chairman and Vice Chairman of the Licensing Committee, incorporating the following:
 - That the word 'TAXI' be in the font Helvetica Bold and of font size 65mm;

- That the East Cambridgeshire District Council crest be located either end of the roof sign in blue. However, should the cost of a blue crest be too prohibitive then the crest should be black.
- ii. That Hackney Carriage vehicles with an in-built roof sign be exempt from having to additionally display the 'Council Approved' roof sign.

Referring to Appendix 3 of the officer's report – Impact and Needs/Requirements Assessment (INRA), Cllr Wright noted that this was a new document, which he had not been aware of and enquired whether this was required by law. The Senior Legal Assistant confirmed that the completion of an INRA was a legal requirement and was required to be completed to consider any potential risks to those who will be affected by any policy or by its implementation.

Cllr Allen disagreed with the response to section (e) of the INRA – Does the policy have a significant effect on how services are delivered. Cllr Allen stated that the introduction of roof signage did affect service users and the wider community. The Senior Legal Assistant explained that a Scrutiny and Verification Panel reviewed all completed INRAs. The INRA appended to the officer's report was yet to be reviewed and when it was reviewed the Panel could consider the area of concern raised by Cllr Allen.

Cllr Wright stated that Members required further information to be able to understand the value of the document and that Members should have some input into the process.

The Head of Environmental Services clarified that initially an Initial Screening form is completed – as attached to the officer's report – the response to which would determine whether a full INRA was completed. The INRA process is completed for Members information and is a legal requirement for any new policy. The Head of Environmental Services further added that External Audit assessed whether or not INRAs were completed.

Cllr Roberts suggested that the problem was the design of the form and further explained that explanatory text was possible regarding section (d) of the form. However, explanatory text was not possible for the remaining sections of the form. Cllr Roberts suggested that if explanatory text could be added throughout the sections of the form that this could justify an officer's assessment and prevent concern. Currently the form was confusing and Cllr Roberts was therefore concerned that it was being published on the web.

25. **PROPOSED METHOD FOR OBTAINING 'COUNCIL APPROVED' HACKNEY CARRIAGE ROOF SIGNS**

The Principal Environmental Health Officer presented a report, (L116), previously circulated, to enable the Licensing Committee to consider the options available for Hackney Carriage proprietors to obtain a 'Council Approved' roof sign for their licensed Hackney Carriage vehicles.

At the Licensing Committee Meeting on 15 June 2011, Members instructed officers to present a report to a future Licensing Committee meeting to consider the options available for arranging for 'Council Approved' Hackney Carriage roof signs to be available to the trade.

Officers had considered various options for arranging for standard Hackney Carriage roof signs to be available for the trade, as listed in paragraph 3.4 of the officer's report, and officers concluded that Option A was the simplest process to administer in that Hackney Carriage Proprietors purchase a 'Council Approved' roof sign direct from a suggested list of specified Companies, provided by the Council.

The Principal Environmental Health Officer explained that the list of suggested suppliers from which Proprietors could purchase a 'Council Approved' Hackney Carriage roof sign would be an evolving document and if the trade suggested other suppliers that could meet the required specification, that they would also be added to the list.

Cllr Hunt stated that officers would need to be certain that any new supplier could provide a roof sign to the Council's specification and Proprietors must be made aware that the roof sign is not lawful without the Council's crest. The Head of Environmental Services stated that this would be made explicit in the Taxi and Private Hire Policy.

Referring to paragraph 4.4 of the officer's report, Cllr Allan noted that the district currently licensed 101 Hackney Carriages that required the approved roof sign from 1 January 2012. The Principal Environmental Health Officer confirmed that all Hackney Carriage vehicles would require the 'Council Approved' Hackney Carriage roof sign by 1 January 2012.

It was resolved:

That the Licensing Committee agree that existing and new Hackney Carriage vehicle Proprietors may be provided with a list of suggested suppliers from which to purchase the 'Council Approved' Hackney Carriage roof sign direct.

26. **REVIEW OF STREET TRADING IN EAST CAMBRIDGESHIRE**

The Principal Environmental Health Officer presented a report, (L117), previously circulated, to review the current street trading provision within East Cambridgeshire and to outline proposals for a street trading review.

The Principal Environmental Health Officer explained that at present, the district has two different types of street trading licence that it can issue; consent street trading licences and licensed street trading licences.

Certain streets within the district are designated as 'prohibited streets', where street trading is not permitted and some streets have been 'designated' to allow street trading to occur, as detailed in Appendix 1 of the officer's report. For designated areas, there is a limit of one street trader allowed for that area. The remainder of the District has not been prohibited or designated, and therefore these areas remain unregulated.

The Licensing Team often receives enquiries as to where sites are available to trade from. However, due to the limited areas currently designated for street and consent trading, those persons do not apply.

Regarding consent licensing, the Council adopted provisions to allow Consent Licences within Jubilee Gardens. A separate policy, licence conditions and application process applies to this area, as the Consent Licensing process is different to the Street Trading Licence process. To date this is the only area within the District that operates under the Consent licence system.

The Principal Environmental Health Officer referred Members to Appendix 3 of the report, which compared Licensed Street Trading and Consent Street Trading Licences. The Principal Environmental Health Officer noted that one noticeable difference regarding Street Trading Consents was that the District Council was under no duty to grant a street trading consent and need not specify statutory grounds for refusal. There is also no right of appeal on refusal to the Magistrate's Court or right of appeal against the refusal to renew consent or against the revocation or variation of consent. Street Trading Consents can also have a number of conditions attached.

Cllr Wright was not aware that the current system for licensing street trading was ineffective and that a loss of revenue should not be the basis for a change to the system.

Cllr Palmer enquired of how the trading from private land was regulated, such as, car boot sales. The Principal Environmental Health Officer explained that such activities were regulated by different legislation - Trading Standards Section 3(a).

Referring to Appendix 1 of the officer's report that listed the streets designated as prohibited streets, Cllr Hunt suggested that some of the streets listed should be reviewed as The Buttermarket, Chequer Lane and High Street would be ideal streets for such trading.

Cllr Allen did wonder about the motivation for the review. Cllr Allen accepted the proposal for consent street trading on the basis that the Council would be able to strictly regulate licences and that the Council could adequately manage the officer resource implications for the potential increase in applications.

The Principal Environmental Health Officer explained that each application is judged individually on its own merits against Street Trading Policy. The Principal Environmental Health Officer further explained that Consent Street Trading was a more flexible system and would ensure the same fees, procedures and conditions for all street traders, ensuring consistency, fairness and clarity. It would also provide the Council with enforcement powers to remove illegal street traders quickly, as currently any undesignated street does not provide for enforcement.

Cllr Wright stated that Cllr Hunt had made a relevant point as The Buttermarket was already used for the markets, which the Council collected rent for. Cllr Wright was concerned that adopting a Consent Street Trading would make it difficult for the Council to refuse Street Trading applications and that the markets would be adversely affected. Cllr Wright noted that there were already a number of vacant market stall pitches.

In response to a query the Principal Environmental Health Officer explained that tables and chairs on pavements were enforced via Pavement Permits and that markets and fairs are granted under a Charter. Resolutions to absolve any potential foreseen conflicts between street traders and market traders could be incorporated into the new Street Trading Policy.

The recommendations contained within the officer's report were proposed and that whilst drafting the street trading policy that the following Members' comments should be taken into account:

- That the street trading policy should not adversely affect any of the markets;
- That the officer resource implications to manage a potential increase in applications be carefully considered.

It was resolved:

That the Licensing Committee:

- i. Agree that a review of the current street trading provision is carried out; and
- ii. That a draft street trading policy is prepared, incorporating a proposed change to consent street trading licences only, and brought back to Licensing Committee for approval before full consultation is undertaken, taking into account Members' comments as follows:
 - That the street trading policy should not adversely affect any of the markets;
 - That the officer resource implications to manage a potential increase in applications be carefully considered.
- iii. Once consultation has taken place, officers are to report back to the Licensing Committee on the outcome of the consultation, with a request to incorporate any proposed changes to the policy as a result of the consultation (if any), together with a request that the Licensing Committee recommend the policy to Full Council for adoption.

27. **APPROVAL OF THE ZOO LICENSING POLICY**

The Licensing Officer presented a report, (L118), previously circulated, for Members to approve the proposed East Cambridgeshire District Council's Zoo Licensing Policy following consultation.

On 13 April 2011 the Licensing Committee approved a twelve-week consultation exercise to be undertaken on the draft East Cambridgeshire District Council's Zoo Licensing Policy with relevant stakeholders and the general public from 18 April 2011 to 11 July 2011, with all consultation responses to be considered by the Licensing Committee before a finalised policy be approved.

A copy of the draft Zoo Licensing Policy was displayed on the Council's website and the public notice board in the Council's reception, with copies made available for viewing in the public libraries within the district for the duration of the consultation period.

A copy of the draft policy was sent to eighty-eight consultees representing stakeholders and members of the public. During the consultation period two responses were received, one from the City of Ely Council and the other from Mepal Parish Council. No adverse comments were raised in the two consultation responses, which were attached as Appendix 2 of the officer's report.

It was resolved:

That the Licensing Committee approve the Zoo Licensing Policy to come into force on 15 September 2011.

28. **FORWARD AGENDA PLAN**

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

It was resolved:

That the Licensing Committee forward agenda plan be noted.

29. **TAXI LICENSING SUB-COMMITTEE MINUTES**

The Licensing Committee received the minutes of the Taxi Licensing Sub-Committee meeting held on 15 June 2011.

It was resolved:

That the minutes of the Taxi Licensing Sub-Committee meeting held on 15 June 2011 be received and noted.

30. **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).

31. **TAXI LICENSING SUB-COMMITTEE - EXEMPT MINUTES**

The Licensing Committee received the exempt minutes of the Taxi Licensing Sub-Committee meeting held on 15 June 2011.

Cllr Wright noted that the exempt minutes did not indicate who had been elected as the Chairman of the Taxi Licensing Sub-Committee meeting. The Chairman explained that on the Taxi Licensing Sub-Committee minutes that were filed for binding, the word 'Chairman' had already been included next to the name of Cllr Wright in the list of those present at the meeting.

It was resolved:

That the exempt minutes of the Taxi Licensing Sub-Committee meeting held on 15 June 2011 be received and noted.

The meeting concluded at 10.33am.