

**LICENSING COMMITTEE**

25 January 2010  
10:00am – 12:40am

**Present:** Councillors Benstead, Blencowe, Boyce, Hart, Liddle, McGovern, Rosenstiel, Shah, Smith, Stuart, Upstone

**10/Lic/01 Apologies**

Cllr Dixon – In the absence of the Chair Cllr Stuart chaired the meeting

**10/Lic/02 Declarations of Interest**

Cllrs Boyce and Wright declared a personal interest in item 4 (10/Lic/02). Cllr Shah declared a personal interest in item 7 (10/Lic/07).

**10/Lic/03 Public Questions**

There were no public questions.

**10/Lic/04 Sex Establishment Licence – Variation Request to Permit Sunday Trading**

The Head of Environmental Services introduced the report seeking a decision by the committee on whether to permit Sunday trading for sex establishments either in the specific case listed in the report and/or altering the model conditions.

The committee made the following comments during the debate;

1. A number of members expressed concern about the style of the report which sought a decision both on policy and a specific application. A further comment about the lack of a recommendation was made. The Head of Environmental Services outlined the reasons for presenting the report in the specific format.
2. In light of the period of time since the current condition were implemented, whether it was appropriate simply to remove condition 1.2 from the model conditions.
3. Clarification was sought on the restrictions on Sunday trading under the Sunday Trading Act 1994 referred to in paragraph 3.5 of the report. The Head of Environmental Services advised that the reference to 300 square feet, should have read 3000 square feet and that the reference to 280 square metres was correct. The committee were also advised

that if model condition 1.2 was removed the Sunday Trading Act provisions would apply if a store were over the threshold, but that neither store currently was of this size.

4. It was explained that until the 1980s sex establishments were not licensed. In response to a previous comment the Head of Environmental Services was asked to explain the law in relation to variations specifically regarding consultation. The Head of Environmental Services explained that the law did not require variations to be advertised.
5. The committee agreed that applications should be resolved by a sub-committee following a period of consultation. It was agreed that following the last review of the Licensing Committee arrangements, Sex Establishment and associated licensing powers had not been delegated to sub-committee to resolve.
6. Concerns were raised about the potential for unintended consequential effects to future applications if the model conditions or the specific was varied. The committee explored a number of options to achieve the desired outcomes.
7. Committee asked if the responsibility for consideration of individual applications could be delegated to the licensing sub-committees. The legal officer advised that under current delegations the applications must be determined by full licensing committee. The Legal Advisor advised the committee that the delegations in relation to Sex Establishment would need to be reviewed, prior to any Sub-Committee considering an application

**Resolved:** (by 10 votes to 0) to;

1. To retain the current model standard conditions that do not permit opening on Sundays
2. To defer consideration of the request for Sunday opening by the Private Shop
3. To introduce the requirement that applications for any variations of the model conditions relating to individual premises shall be undertaken in accordance with the procedures for application for new or transfer licenses as in paragraph 4.1 of the committee report, including consultation with ward members and group leaders.

## **10/Lic/05 CERTIFICATES OF GOOD CONDUCT FOR HACKNEY CARRIAGE AND PRIVATE HIRE APPLICANTS FROM OVERSEAS**

The Head of Environmental Services introduced the report. He explained that the change was to introduce best practice arrangements for managing background checks for applications from drivers from overseas.

The committee made the following comments;

1. Is the certificate internationally recognised? *The Head of Environmental Services advised that the certificate was a confirmation of good conduct requested by the City Council.*
2. How many other local authorities have introduced this requirement? *The Head of Environmental Services explained that a significant number of authorities had adopted the system.*
3. Is the sharing of information compatible with the European Union “right to work” principle? *The Head of Environmental Services explained that the process was not contrary to EU legislation and would also apply to non EU countries.*
4. The process should cover all countries in which the applicant has lived in the last five years; also cover British Citizens who have lived overseas.
5. What happens if an Embassy fails to respond? *The Head of Environmental Services confirmed that the onus was on the applicant to prove that they are a fit and proper person. Members expressed concern about the implications of embassies not responding in a timely manner.*

**Resolved (Unanimous):** to;

1. Approve the insertion of a condition with immediate effect to state that:

“All applicants who have not been resident in the United Kingdom for the past five years must provide a Certificate of Good Conduct from either their own Embassy or the countries where they were resident during that period. The certificate must be produced with a translation and bear the official seal of the Embassy.”

**10/Lic/06 IMPLEMENTATION OF NEW CONDITION RELATING TO TAXIMETERS**

**Resolved (Unanimous):** to;

1. Approve the revision of the existing condition in relation to taximeters to read;

“Meters must comply with Directive 2004/22/EC of the European Parliament and of the Council of 31 March 2004 on measuring instruments as implemented into UK law by The Measuring Instruments (Taximeters) Regulations 2006, be programmed to calendar control and be sealed by lead or plastic means to meet the required minimum standard.”

**10/LIC/07 ADVERTISING AND LIVERY ON LICENSED HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES – UPDATED STANDARD CONDITIONS**

The Head of Environmental Services introduced the report and explained that it sought to update the standard conditions with regards to advertising for both Licensed Hackney Carriage and Private Hire Vehicles.

The committee made the following comments

1. The difficulty of resisting requests in a de-limited environment was highlighted, but that subject to safeguards being in objection no substantial objection. The importance of the City Council crest and other identifying features being very clear was emphasised. It was suggested that any external crests should be mounted on a clear white background to ensure that there was sufficient contrast.
2. Concern about the visual environment impact of a proliferation of external advertising. With regards to internal advertising it was suggested that if the taxi operators received a revenue stream from the inclusion of advertising, consideration should be given to reducing taxi fares as a consequence. Additional concerns were also raised that if the proposal to permit electronic advertising screens was approved that it didn't encourage taxi operator to operate more efficiently.
3. A number of members expressed reservation about the link between advertising and the provision of CCTV. Advice from Officers was sought on the ability to restrict the use of the CCTV. It was noted that there were no existing conditions with regard to CCTV and a number of

potential uses around safeguarding drivers and passengers were highlighted. The Assistant Licensing Officer advised that in the past a grant had been received from the Safer Cities Fund to fund the installation of CCTV systems, however the supplier had gone into liquidation and the scheme had not progressed. Additional concerns were raised about the ability of smaller operators to fund the provision of CCTV if investment was required, and lack of any apparent controls on the scheme.

4. It was proposed that the wording of the condition in relation to acceptable advertising (Appendix B condition (c) 1-7) be varied to simply permit advertising, which is consistent with Advertising Standards Authority rules on acceptable advertising.
5. Specific issues were raised about the potential intrusion of the advertising screen being inside the taxi. Members agreed that if approved there must be a facility to allow passengers to switch off the screens.
6. The Head of Environmental Services confirmed in response to a question that the request had been received from a supplier of the advertising screens and not a taxi operator.
7. The Assistant Licensing Officer was asked whether it would be possible for private hire vehicles to have a large prominent display indicating “not pre-booked, no insurance”. She advised that this could lead to confusion because South Cambridgeshire Council does not have a similar condition requiring door signs on Private Hire Vehicles indicating, “not pre-booked, no insurance”.
8. The Assistant Licensing Officer confirmed that consultation had been undertaken with the taxi trade, and that no comments from the trade had been received.
9. The Head of Environmental Services confirmed that all complaints with regard to advertising would be referred to him.

Cllr Upstone proposed that advertising should only be permitted where CCTV is fitted. The motion fell by 2 votes to 9 votes.

Cllr McGovern proposed that advertising screens should not be permitted. The motion fell by the Chair's casting vote, after five votes in favour and five against.

Cllr Liddle proposed that the committee should formally accept that the conditions in relation to advertising should be linked to the Advertising Standards Authority guidelines. The committee accepted amendment by 11 vote to 0 votes.

### **Resolved (Unanimous)**

1. To amend the current conditions relating to advertising on licensed hackney carriage and private hire vehicles as outlined in section 1.1 and Appendix B part a) d) and e) of the committee report.
2. To introduce new conditions on internal advertising as proposed in Appendix B part b) of the committee report.
3. Not to approve Appendix B part c) 1-7, but instead to introduce a new condition that advertisements must comply with Advertising Standards Authority codes.
4. To introduce new conditions that advertisements must not obscure or distract attention from the Cambridge City Hackney Crest and must be placed at least 20 centimetres distance from the Crest *and that the City Council Crest must be displayed on a solid white background.*
5. To instruct officers to investigate and take action if appropriate, regarding any existing internal or external advertising which isn't compliant with the updated standard conditions.

### **10/LIC/08 THE LICENSING OF TUK TUKS AS HACKNEY CARRIAGE VEHICLES**

The Head of Environmental Services indicated he wished to withdraw the report and defer consideration to a future meeting following consultation between Officers and Members. Cllr Blencowe raised concerns about the process of withdrawing the report. No applications for the licensing of Tuk tuk's as Hackney Carriage Vehicles had been received and it was agreed that any request should be presented to the committee for consideration in the future.

### **RESOLVED (7 for, 0 against) to;**

1. Defer consideration of the report to a future meeting.

**10/LIC/09 MINOR VARIATIONS TO WORDING OF LICENCE  
CONDITIONS FOR TUK TUKS**

**RESOLVED (7 for, 0 against) to;**

1. Approve the addition of the following wording in relation to the age limits for Tuk Tuks;

“New” means any vehicle licensed for the first time ie, complete new licence, or at change of vehicle within current licence term.”

2. Replace the approved wording relating to emissions and vehicle standards for Tuk tuks as detailed below;

**Emissions**

In order to prove equivalence with Euro 3 emissions standards and to ensure that Emissions are not more than 4% carbon monoxide by volume, all Tuk tuks must pass an initial test conducted to European Whole type approval.

**Vehicle standard**

The vehicle must be maintained in a sound, mechanical and structural condition at all times and the vehicle must comply with the Road Vehicle Lighting Regulations 1989 and any other legislation that affects the construction & use of Tuk tuk style vehicles.

The Meeting Ended at 12.40am

**Chair**