



**MINUTES OF A MEETING OF THE LICENSING COMMITTEE
HELD AT THE TOWN HALL, PETERBOROUGH ON 21 JANUARY 2013**

Members Present: Councillors Thacker (Chairman), Hiller, Serluca, Peach, Allen, Kreling, Saltmarsh, Miners, Jamil and Davidson

Officers Present: Peter Gell, Strategic Regulatory Services Manager
Adrian Day, Licensing Manager
Kerry Leishman, Regulatory Officer
Colin Miles, Lawyer
Gemma George, Senior Governance Officer

1. Apologies for Absence

Apologies were received from Councillor Nawaz.

Councillor Kreling was in attendance as a substitute.

2. Declarations of Interest

There were no declarations of interest.

3. Minutes of the Meeting held on 22 November 2012

The minutes of the meeting held on 22 November 2012 were approved as a true and accurate record subject to the inclusion of Councillor Allen's apologies.

3.1 Minutes of the Sub-Committee Hearings held between May 2012 and December 2012

The following minutes, from the Sub-Committee hearings held between May 2012 and December 2012, were approved as true and accurate records.

- i) 25/05/12 Coco – Expedited Review Application
- ii) 29/05/12 Coco – Appeal Against Interim Steps
- iii) 20/06/12 Coco – Review Application
- iv) 05/07/12 Central Park – Variation Application
- v) 12/07/12 77 Mayors Walk – New Premises Application
- vi) 08/08/12 Seven Eleven – New Premises Application
- vii) 12/10/12 415 Lincoln Road – Variation Application
- viii) 09/11/12 Tesco – New Premises Application
- ix) 03/12/12 Central Food – New Premises Application

4. Cumulative Impact Policy, Late Night Levy and Early Morning Restriction Orders Consultation

The Committee received a report which had been compiled as a result of initial concerns raised by Officers of the Council, Responsible Authorities and the local community within the Operation CAN-do area. These concerns were in relation to the impact on the promotion of the Licensing Objectives due to the perceived saturation of licensed premises within the CAN-do area of the city.

The Committee was requested to determine whether Officers should proceed with a review of the Statement of Licensing Policy, to include a Cumulative Impact Policy within the Operation CAN-do area. The report further highlighted that the Licensing Act 2003, as amended by the Police Reform and Social Responsibility Act 2011 (“the 2011 Act”) gave Licensing Authorities the power to make an Early Morning Restriction Order (EMRO) if it considered it appropriate for the promotion of the Licensing Objectives. The 2011 Act also conferred on Licensing Authorities a power to introduce a Late Night Levy (LNL) enabling authorities to charge a levy to persons who were licensed to sell alcohol late at night.

Therefore the Committee was also requested to agree to further work being undertaken to identify what the viable options were when introducing Early Morning Restriction Orders and a Late Night Levy following initial consultation with the Chief Officer of Police and the Cambridgeshire Police and Crime Commissioner.

The Strategic Regulatory Services Manager and the Regulatory Officer addressed the Committee and provided further background in relation to the issues being experienced within the Operation CAN-do area and the steps which would need to be followed when considering whether to adopt a CIP within the Statement of Licensing Policy. This included the commencement of a full public consultation, the time length of which was suggested to be six weeks, and the evidence which would need to be gathered to support the imposition of a CIP, EMRO or LNL.

Following the consultation, a report would be brought back to the Licensing Committee requesting a decision to be made as to whether to request the adoption of a CIP to Full Council.

Members debated the report. Comments and responses to questions included:

- There were many local residents who would be supportive of a CIP;
- Due to the current licensing laws, refusal of a new premises application was only likely in exceptional circumstances;
- Only Full Council had the delegated authority to adopt a CIP;
- The statutory consultees were detailed with the Licensing Act 2003 and the consultation would be published online, and in the local newspaper;
- The best evidence currently available for the imposition of a CIP related to the Operation CAN-do area, however this did not mean that future areas could not also be considered if issues could be evidenced;
- A CIP was only being considered for the Operation CAN-do area at the current time;
- Introducing a CIP would not yield overnight changes, but rather it would be a longer term solution;
- The introduction of a CIP would reduce the presumption to automatically grant a new premises licence application;
- All premises licence applications would be dealt with in the same manner until a CIP was introduced;
- In order to ‘name’ another suitable location for the implementation of a CIP, evidence of proof of crime, anti-social behaviour, littering from licensed premises and detriment to health, amongst many other things, needed to be gathered and other avenues explored in the first instance.

Following debate and questions to Officers, Members commented that the serious issues being experienced within the Operation CAN-do area warranted the commencement of a consultation and the further exploration of options available to the Licensing Authority.

RESOLVED:

The Committee:

1. Determined that Officers should proceed with a review of the Statement of Licensing Policy to include a Cumulative Impact Policy within the Operation CAN-do area, due to the increasing concerns of Council Officers, Responsible Authorities and the local community of the impact on the Licensing Objectives; and
2. Noted the contents of the report and agreed to the further work required to identify what the viable options were when introducing Early Morning Restriction Orders (EMROs) and a Late Night Levy (LNL), following initial consultation with the Chief Officer of Police and the Cambridgeshire Police and Crime Commissioner.

Reasons for the decision:

The decision was made to comply with the statutory requirements regarding amendments to the Statement of Licensing Policy in order to include a Cumulative Impact Policy, with a view to making sustainable improvements in the Operation CAN-do area and furthermore, to enable the Licensing Authority to explore the new powers conferred to it in the form of Early Morning Restriction Orders and Late Night Levys.

5. Changes in the Licensing Policy for Hackney Carriage and Private Hire Vehicle Licensing Consultation

The Committee received a report which had been compiled as a result of Officers receiving a request from Allied Vehicles Ltd for the Council to review its conditions of fitness in relation to Hackney Carriage Vehicles. The request had been to amend the Council's current criteria in order for the Peugeot E7 to be considered as suitable to be licensed as a Hackney Carriage vehicle.

Furthermore, there was a need for Officers to review the Taxi and Private Hire Licensing Policy in order to ensure that it remained appropriate and fit for purpose.

The Committee was requested to consider a request from Officers for approval to launch an 8 to 12 week consultation in relation to the Hackney Carriage and Private Hire Vehicle Licensing Policy. A response would be sought from all stakeholders who had an interest in, or were affected by, the Hackney Carriage and Private Hire Policy.

Following the consultation period the responses would be collated and a policy drafted and presented to the Licensing Committee. The Committee would then be asked to consider all the information available within the associated documents, and the draft policy, in order to make an informed decision as to the adoption of a final policy.

The Strategic Regulatory Services Manager and the Licensing Manager addressed the Committee and provided further background to the reasons behind the request for a consultation and further outlined the specific items included within it.

Members debated the report. Comments and responses to questions included:

- All the relevant stakeholders would be consulted and the consultation would be published online and advertised in the local press;

- It had been agreed at a previous Licensing Committee meeting in 2009 that all taxis would have suitable CCTV systems fitted. The Committee commented that it was unfortunate that this recommendation had never been implemented;
- Many of the current processes, procedures and policies were not best suited to the relocation of the Taxi Licensing Service, which had happened just over a year ago, hence the need for a review of certain areas of the business;
- Currently, limousines were not required by law to be licensed. The Committee felt that this was a specific area that needed to be reviewed;
- Parking enforcement, relating to parking on grass verges, could not be included within the 'Relevance of Convictions and Cautions' section of the consultation document. It was noted however that verge parking issues did need to be explored further.

Following debate and questions to Officers, Members commented that the consultation was required, with a suggested duration of 12 weeks.

RESOLVED:

The Committee:

1. Approved the commencement of a consultation in relation to the policy covering the areas, as listed below:
 - i) Conditions of fitness for Hackney Carriage Vehicles;
 - ii) Vehicle Testing;
 - iii) Driver Badge Renewal Frequency;
 - iv) Limousine and Speciality Vehicles;
 - v) Private Hire Operator Conditions;
 - vi) Relevance of Convictions and Cautions; and
 - vii) CCTV.
2. Agreed the duration of the consultation to be 12 weeks.

Reasons for the decision:

The consultation was agreed for commencement to consider the request received from Allied Vehicles Ltd to review the policy. Furthermore, it was agreed in order to comply with statutory requirements regarding the regular review of licensing policies and to ensure that those policies and procedures continued to be fit for purpose.

7.00pm – 8.04pm
Chairman