

South Cambridgeshire Hall
Cambourne Business Park
Cambourne
Cambridge
CB23 6EA

t: 08450 450 500
f: 01954 713149
dx: 729500 Cambridge 15
minicom: 01480 376743
www.scambs.gov.uk



17 June 2008

To: Members of the Licensing Committee – Councillors RE Barrett, Mrs VM Barrett, Mrs PM Bear, Mrs JM Guest, R Hall, Mrs EM Heazell, Mrs CA Hunt, MB Loynes, RB Martlew, RM Matthews, DC McCraith, Mrs CAED Murfitt, A Riley, NJ Scarr and JF Williams
and Mrs SM Ellington, Environmental Services Portfolio Holder

Quorum: 4

Dear Councillor

You are invited to attend a joint meeting of the **LICENSING COMMITTEE** and **ENVIRONMENTAL SERVICES PORTFOLIO HOLDER**, which will be held in **SWANSLEY ROOM, GROUND FLOOR** at South Cambridgeshire Hall on **THURSDAY, 26 JUNE 2008** at **9.30 a.m.**

Yours faithfully
GJ HARLOCK
Chief Executive

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AGENDA		PAGES
1.	APOLOGIES FOR ABSENCE An apology for absence has been received from Councillor Mrs CA Hunt.	
2.	DECLARATIONS OF INTEREST	
3.	ELECTION OF CHAIRMAN To elect a Chairman of the Licensing Committee for the 2008/09 municipal year.	
4.	APPOINTMENT OF VICE-CHAIRMAN To appoint a Vice-Chairman of the Licensing Committee for the 2008/09 municipal year.	
5.	MINUTES OF PREVIOUS MEETING That the Chairman be authorised to sign the Minutes of the meeting held on 25 April 2008.	1 - 2
6.	REVIEW OF HACKNEY CARRIAGE FEES	3 - 14

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

Minutes of a meeting of the Licensing Committee held on
Friday, 25 April 2008 at 10.00am

PRESENT: Councillor Mrs CAED Murfitt – Vice-Chairman in the Chair

Councillors: EW Bullman Mrs JM Guest
RB Martlew NJ Scarr

Officers: Myles Bebbington Licensing Officer
Catriona Dunnett Principal Solicitor
Ian Senior Democratic Services Officer

Apologies for absence were received from Councillors RE Barrett, Mrs PM Bear, R Hall, RM Matthews, DC McCraith and A Riley.

21. DECLARATIONS OF INTEREST

There were no declarations of interest.

22. MINUTES OF PREVIOUS MEETING

The Committee authorised the Chairman to sign, as a correct record, the Minutes of the meeting held on 26 March 2008.

23. EXCLUSION OF PRESS AND PUBLIC

The Committee **RESOLVED** that the press and public be excluded from the meeting during consideration of the following item in accordance with the provisions of Section 100(A)(4) of the Local Government Act 1972 (as amended) (exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A of the Act).

24. APPLICATION FOR GRANT OF PRIVATE HIRE DRIVER'S LICENCE

The Committee considered an application for a private hire driver's licence.

In 2005, a previous application to South Cambridgeshire District Council had been refused. Since then, the Licensing Authority's policy in relation to driver's licences and relevancy of conditions had been revised. The Committee received evidence from the applicant and his current employer. The Committee

- noted the Council's current policy and the Licensing Officer's report
- received verbal submissions from the applicant and his employer in considering whether or not the applicant was a fit and proper person to hold a private hire driver's licence.
- Sought and received legal advice in relation to the application and the failure to comply with the Principal Solicitor's request that the applicant confirm, in writing, the reasons for his failure to attend the Council's previous hearing on this matter.

The Chairman explained the role of the Committee, which included consideration of public safety. She asked the Applicant why he had not attended the last hearing of this matter. He explained that he had been at a court in London in connection with a civil matter, namely an application by him asking the court to remove from the Licensing Officer's

report, and therefore from the consideration of Members, a copy of the court report relating to his earlier appeal against sentence. The applicant indicated that the judge had said that he could not interfere with the licensing authority proceedings but that the Judge would not allow the report on the appeal against sentence to be used in any appeal proceedings. The Principal Solicitor indicated that it was a matter for the Committee to give such weight to the explanation as they thought appropriate and that they should not attach significant weight to his failure to provide a written explanation, as a verbal explanation had been provided both to the Committee and the Principal Solicitor.

The applicant had an extensive criminal record as revealed on the enhanced report from the Criminal Records Bureau, obtained by the Licensing Officer in relation to the application. The Committee noted that, after conviction for aggravated burglary in 1997, the applicant had received a term of imprisonment of six years, which had been reduced, on appeal, to five years. He had been released in 2002 but, in 2004, had been convicted of obtaining pecuniary advantage by deception which he explained was as a consequence of him having driven a private hire vehicle without a licence for a period of six months in 2003. He received a 36 months conditional discharge.

The applicant made brief representations about his application and stated that he had been working as a contracted driver for the past five years under an exemption granted by the law. His employer confirmed this statement. The Committee noted that Section 75 of the Local Government (Miscellaneous Provisions) Act 1976 had been repealed in 2007 and that the applicant therefore needed a licence to be able to continue working as a driver. He stated that, should he not be successful in obtaining a licence, he would become unemployed and find it difficult to support his family.

The applicant's employer stated that the applicant was a good driver and that there had been no complaints about him. He reiterated that, if the applicant were not granted a licence, he would no longer be able to employ the applicant. He acknowledged the applicant's past history but indicated that the applicant was now a different person.

The Committee explored in some detail the issue of penalty points endorsed on the applicant's licence, as revealed by the CRB check.

The Licensing Officer, Applicant and applicant's employer then withdrew from the meeting room.

During careful and prolonged consideration of all the verbal and written evidence presented, the Committee received legal advice from the Principal Solicitor that the conditional discharge was 'a sentence' and about the application of the Licensing Authority's policy. The Committee

RESOLVED by four votes to one that a Private Hire driver's licence be granted to the Applicant for a period of six months only, subject to all of the standard conditions listed in the Council's Policy.

The Meeting ended at 12.35 p.m.

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO:	Licensing Committee/ Environmental Services Portfolio Holder	26 June 2008
AUTHOR/S:	Corporate Manager Health & Environmental Services/ Licensing Officer	

HACKNEY CARRIAGE TARIFFS**Purpose**

1. To advise and make recommendations to the Portfolio Holder on the adoption of a new table of fares, known as a tariff, applicable to Hackney Carriages in respect of the public undertaking journeys.
2. This is not a key decision.

Background

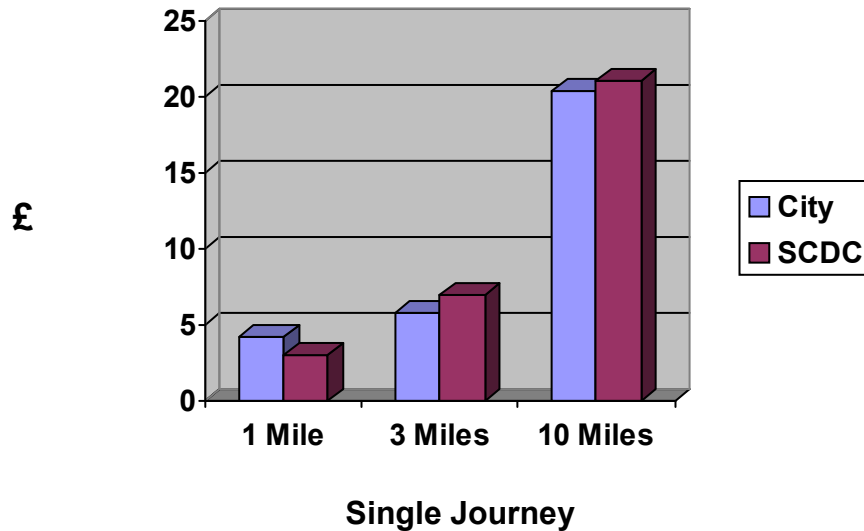
3. The Town Police Clauses Act 1847 creates a statutory duty for Local Authorities to licence Hackney Carriage vehicles. As part of this Act the District Council may set the tariffs that such vehicles can charge members of the public who undertake journeys in Hackney Carriages.
4. Private Hire vehicles are controlled under the Local Government (Miscellaneous provisions) Act 1976; under this legislation District Council has no jurisdiction to enforce any tariffs on the Private Hire trade.
5. At present there are 5 Hackney Carriage vehicles licensed by South Cambridgeshire District Council all of which will be subject to any amendments to the structure of existing tariffs or changes in fees to be charged. It is normal procedure that South Cambridgeshire District Council only reviews the tariffs when requested to do so by the trade. The last tariff review was in 2002. The current fees set are shown in **Appendix A**.
6. When applying an increase or change to the existing tariffs there is a set procedure that Local Authorities must follow, this is:
 - Recommendation of a tariff to the relevant Member body.
 - Publicly advertise any proposals agreed or made by the relevant Member body, allowing for a period of 20 days for the general public to raise any objections.
 - If objections are received the matter must be referred back to the Member body for a final decision.
 - If no objections are received the increase can be implemented at a time as agreed by the Member body either directly or by delegation.
7. On the 26 November 2007 a request was made a Hackney Carriage operator that SCDC considers an increase in fares to bring the charges in line with that of other authorities and in particular that of Cambridge City Council.

Considerations

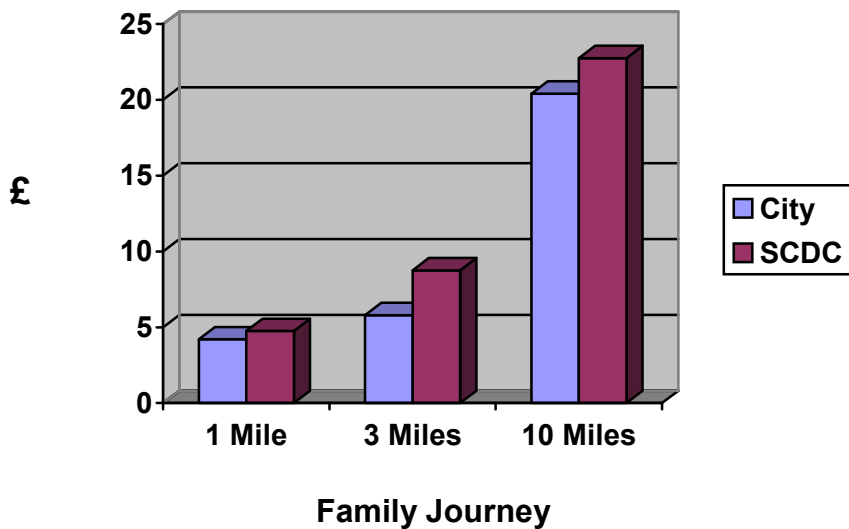
8. As a result of the request officers consulted with the trade on two sets of proposals.
 - a. A fare increase that would allow for an overall increase but keep the general existing tariff structure, which would allow the driver to make additional charges for such items as excess luggage, number of persons being carried etc. and
 - b. A proposal that SCDC's tariff followed that of Cambridge City Council, which does not allow such extra charges (proposals attached as **Appendix B**).
9. In total 4 hackney Proprietors responded and all 4 asked that our tariffs be directly in line of that of Cambridge City Council. A number of reasons both in writing and verbally were given but the key areas for requesting the same tariff structure as Cambridge City were as follows:
 - Current confusion caused to customers who find it difficult to distinguish between a Cambridge City Hackney Carriage and a South Cambridgeshire Hackney Carriage.
 - The cost of getting meters reset by the relevant meter companies. There is a minimum charge, which in general is split between the number of Hackneys requiring the new settings.
 - Any future increases, if in line with Cambridge City, would follow the Public Carriage Office (London cabs) formulation for working out a reasonable increase, which is calculated and assessed by independent auditors.
10. Cambridge City review their Hackney Carriage tariffs on an annual basis and in general follows the Public Carriage Office annual recommendations for London Hackney Carriages, which this year is 4.7%. This is usually implemented in September each year.
11. There are currently significant differences between the structure of the tariffs charged by Cambridge City Council and South Cambridgeshire District Council. The City tariff structure is based solely on distance and time of journey and does not allow for extra charges. Whereas South Cambridgeshire's tariffs have historically had a lower starting charge over the first mile with additional charges being levied dependant on number of persons travelling and whether excess luggage is carried.
12. The majority of journeys taken within the City are for shorter urban journeys therefore a simple tariff based on time and distance is quite appropriate, however such a tariff could penalise single travellers taking short journeys when compared to the current South Cambridgeshire tariff.
13. The cost on single and family travellers of the two tariffs have been modelled in Graph 1 and 2 respectively. (It should be noted that the City rates are assuming that the current 4.7% increase recommended has been accepted).
14. The graphs show that for single travellers the SCDC tariff is more beneficial over shorter distances but this position is reversed over longer journeys. Whereas in graph 2, modelled using a typical group of 4 people travelling with 3 suitcases, the City tariff has cost advantages across all distances. Due to the rural nature of the district it is likely that journeys would be in general over a longer distance.
15. Adopting a tariff structure in line with the City would allow the SCDC licensed Hackney Carriage fleet to compete fairly with Cambridge City on the grounds of a

more straight forward service for the public and significantly reduce cost of implementing any future tariffs for the trade.

Graph 1: Cost comparison between SCDC and Cambridge City Tariffs on single person journey



Graph 2: Cost comparison between SCDC and Cambridge City Tariffs on Family Journey



16. All fares set by the Licensing Authority are maximum fares and are only applicable for journeys taken within the district boundaries. Hackney Carriages may charge less than the stated fare if they wish and may negotiate fares when journeys go outside of the district boundaries.
17. If a new tariff is agreed by Members the proposals will be advertised and, if no objections are received, will come into effect 28 days after a public notice is inserted in a local newspaper. If objections are received the matter will be reported back to the Member body for a final decision. Once a tariff has been set by South Cambridgeshire District Council, officers will liaise with the trade and meter manufacturers to recalibrate existing vehicle meters as soon as is practicably possible.

Options

18. Members may:
- (a) Adopt the tariff structure and fees in line with Cambridge City Council as requested by the majority of the Hackney Carriage trade in SCDC (Appendix B).
 - (b) Keep the current tariff structure in place and implement the increase as referred to in **Appendix C**.
 - (c) Keep the existing tariffs and make no increase.

Implications

Financial	There are no financial implications to the Council in implementing a new tariff other than an advert in a newspaper
Legal	Any applicant would have a right of objection to any proposed tariff as indicated in the report
Staffing	None
Risk Management	There is a reputation risk if tariff are agreed which substantially disadvantages either the travelling public or the trade. The recommendations ensure that both benefit.
Equal Opportunities	None arising from this report.

Consultations

19. As detailed earlier in the report.

Effect on Annual Priorities and Corporate Objectives

20.	Work in partnership to manage growth to benefit everyone in South Cambridgeshire now and in the future
	N/A
	Delivery high quality services that represent best value and are accessible to all our community
	The new tariffs would make the charging system easier to understand for the general public and benefit those taking longer journeys. A tariff change will not adversely affect this objective
	Enhance quality of life and build a sustainable South Cambridgeshire where everyone is proud to live and work
	N/A

Conclusions/Summary

21. The current tariffs were last reviewed in 2002. Since this time costs have significantly increased and it is the view of the trade, supported by officers, that a further review is now required.
22. The trade would largely welcome any increase in tariffs, however there would be cost advantages to the trade and travelling public (except for single travellers over short

distances) by adopting an ongoing tariff structure in line with that of Cambridge City Council.

Recommendations

23. It is recommended that the Licensing Committee recommends to the Environmental Services Portfolio Holder that Cabinet:
- (a) Approves the new tariff structure and fees for advertising as set out in the Cambridge City tariff (Appendix B).
 - (b) Agrees to future fee increases being in line with that of Cambridge City Council i.e. follow the Public Carriage Office (London Cabs) formulation.
 - (c) That if, after advertising the proposed tariffs, no objections are received then the Corporate Manager Health & Environmental Services be delegated to set an implementation date as soon as possible with the trade and meter manufacturers.

Background Papers: the following background papers were used in the preparation of this report: Town Police Clauses Act 1847

Contact Officers: Myles Bebbington – Licensing officer
Telephone: (01954) 713132
Dale Robinson – Corporate Manager Health & Environmental Services
Telephone: (01954) 713229

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Appendix A

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

HACKNEY CARRIAGE FARES EFFECTIVE 1ST APRIL 2002**(a) FARES FOR DISTANCE**

- | | | |
|-----|---|-------|
| i) | Minimum charge for the first mile | £2.50 |
| ii) | Distance travelled for each 1/10 th of one mile after the first mile | £0.13 |

(b) WAITING TIME

- | | | |
|--|---|-------|
| | For each period of three minutes or uncompleted part of | £0.55 |
|--|---|-------|

(c) EXTRA CHARGES

- | | | |
|------|--|----------------------|
| i) | Luggage – for each wheeled vehicle or article of luggage, excluding the following items. Articles of personal luggage not exceeding two feet in length in the form of attaché cases, bags, satchels, parcels or other similar packages or articles. Wheelchairs, walking frames or similar devices when being used by disabled persons | £0.35 |
| ii) | For each bicycle | £1.60 |
| iii) | For each passenger in excess of one, except that this charge shall not be made where a person is carried whose illness or physical incapacity requires that he or she must be accompanied at all times when away from his or her place of residence | £0.35 |
| iv) | For each arrangement concluded by telephone, letter or otherwise with the proprietor or driver prior to the commencement of a hiring | £0.55 |
| v) | Where the entire journey takes place between 2100 hours and 0700 hours or on any Sunday or on any Bank Holiday | £1.25 |
| vi) | Where the entire journey takes place between 8.00pm on 24 th December and 6.00am on 26 th December or between 8.00pm on 31 st December and 6.00am on 1 st January | £2.65 |
| vii) | For cleaning, following the soiling of the interior of the vehicle through Sickness | Not exceeding £42.00 |

NB. Only one of the charges listed at v) and vi) is payable in respect of one hiring

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Appendix B

PROPOSED CAMBRIDGE CITY COUNCIL FARES

Tariff 1: Between 0700 – 1900 hours	£2.20
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Tariff 2: Between 1900 – 0700 And Sundays and Bank Holidays	£3.20
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Tariff 3: 1900 Christmas Eve – 0700 Boxing Day 1900 New Years Eve – 0700 New Years Day	£4.20
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Each tariff includes initial distance of 94 metres or part thereof

For each subsequent 187 metres or part thereof	.20p
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HIRING CHARGES – WAITING TIME AS INDICATED BELOW –
Will be charged when the vehicle is motionless or when it is travelling at below the
changeover speed of 16.79 km/p/h

For each period or part thereof 42 seconds	.20p
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EXTRA CHARGE FOR SOILING - Vehicle unfit to continue working	£80.00
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Appendix C

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

HACKNEY CARRIAGE FARES EFFECTIVE 2008

(a) FARES FOR DISTANCE

- | | | |
|-----|--|-------|
| i) | Minimum charge for the first mile | £3.00 |
| ii) | Distance travelled (for each 1/10 th after the first mile | £0.20 |

(b) WAITING TIME

- | | | |
|--|---|-------|
| | For each period of Two minutes or uncompleted part of | £0.55 |
|--|---|-------|

(c) EXTRA CHARGES

- | | | |
|------|--|----------------------|
| i) | Luggage – for each wheeled vehicle or article of luggage, excluding the following items. Articles of personal luggage not exceeding two feet in length in the form of attaché cases, bags, satchels, parcels or other similar packages or articles. Wheelchairs, walking frames or similar devices when being used by disabled persons | £0.35 |
| ii) | For each passenger in excess of one, except that this charge shall not be made where a person is carried whose illness or physical incapacity requires that he or she must be accompanied at all times when away from his or her place of residence | £0.35 |
| iii) | Where the entire journey takes place between 2100 hours and 0700 hours or on any Sunday or on any Bank Holiday | £1.30 |
| iv) | Where the entire journey takes place between 8.00pm on 24 th December and 6.00am on 26 th December or between 8.00pm on 31 st December and 6.00am on 1 st January | £3.00 |
| v) | For cleaning, following the soiling of the interior of the vehicle through Sickness | Not exceeding £80.00 |

NB. Only one of the charges listed at iii) and iv) is payable in respect of one hiring

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