

## LICENSING COMMITTEE

Tuesday, 16 June 2020 at 6.30pm  
(Remote meeting via Zoom)

Due to Covid-19, this meeting will be held remotely and will be livestreamed here:  
<https://www.youtube.com/channel/UCdfb6ZRbYnZ1-rRliLmjUwg>  
(Copy and paste the link in your browser)

**Committee Members: The Chairman (Councillor Myers) and Councillors Handley, Heseltine, Ireton, Jaquin, Madeley, Metcalfe, Moorby, Mulligan, Pighills, Solloway and Whitaker.**

### AGENDA

1. **Apologies for absence**
2. **Confirmation of Minutes** of meeting held on 27<sup>th</sup> January 2020.
3. **Public Participation** – In the event that any questions/statements are received or members of the public attend, the public participation session will proceed for a period of up to fifteen minutes.
4. **Declarations of Interest** – All Members are invited to declare at this point any interests they have in items appearing on this agenda, including the nature of those interests.

(Note: Declarations should be in the form of:

a “***disclosable pecuniary interest***” under Appendix A to the Council’s Code of Conduct, or “***other interests***” under Appendix B or under Paragraph 15 where a matter arises at the meeting which relates to a financial interest of a friend, relative or close associate.

A Member of Council who has a disclosable pecuniary interest must leave the room and not take part in the discussion or vote. When declaring interests under Appendix B or Paragraph 15 of the Code, Members must move to the public seating area, not vote, and speak only if members of the public are also allowed to speak at the meeting.)

5. **Taxi Cameras (CCTV)** – Report of the Licensing Manager. Attached.

Purpose of Report – To review the implementation date of mandatory CCTV in licensed vehicles in light of the economic impact of COVID-19.

6. Any other items which the Chairman decides are urgent in accordance with Section 100B(4) of the Local Government Act, 1972.

**Agenda Contact Officer:**

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8<sup>th</sup> June 2020

If you would like this agenda or any of the reports listed in a way which is better for you, please telephone (01756) 706494.

## **LICENSING COMMITTEE**

27<sup>th</sup> January 2020

**Present** – Councillors Myers (Chairman), Handley, Metcalfe, Moorby, Solloway and Whitaker.

**Officers** – Solicitor to the Council (Monitoring Officer), Licensing Manager, Webmaster and Senior Democratic Services Officer.

Apologies for absence were received from Councillors Heseltine, Jaquin, Madeley, Mulligan and Pighills.

Start: 6.35pm

Finish: 8:26pm

The minutes of the Committee's meeting held on 1<sup>st</sup> October 2019 were confirmed and signed by the Chairman.

### **Minutes for Report**

LIC.231

#### **ON-LINE TAXI LICENCE RENEWALS**

The Chairman introduced Jamie Fletcher, the Council's Webmaster who gave an overview on the progress that had been made on introducing an on-line taxi licence renewals system. It was hoped that taxi drivers/operators would find the on-line system straightforward and easier than paper applications and it was anticipated that there would be a reduction in the number of visits applicants would need to make to the Licensing Office. On-going support and training would be provided to those applicants who found the completion of computerised forms difficult. Whilst the on-line system would not be mandatory drivers would be encouraged to submit electronic applications and pay for their licences on-line.

**Resolved** – That, the verbal report is noted.

LIC.232

#### **VEHICLE TESTING UPDATE**

The Licensing Manager submitted a report informing Members of the outcome of the tendering process to appoint suitably qualified MOT testing stations across to perform hackney carriage and private hire vehicle tests. Members had wanted to see additional testing stations across the District to improve the choice and convenience available to the taxi trade. Currently only one garage was undertaking the work for the whole of Craven.

Out of the 24 MOT testing stations in the District, only the existing provider had submitted a tender to provide vehicle testing for Craven taxis. It was anticipated that the contract would commence from 17 February 2020 for one year with the option to extend by mutual agreement for up to one year each time.

Members were disappointed with the response and wanted to see more garages on Craven's approved list of testing stations which the taxi trade could utilise. Ideally, Members had wanted to see testing stations in the North and South of the District as well as Skipton. Members suggested that, before the next tendering process commenced, Licensing Officers could review the tender forms to make them more user friendly and perhaps hold a drop-in session to explain what was involved as well as answering any specific questions and concerns.

**Resolved** – (1) That, the report is noted.

(2) That, following the tendering process, the list of approved garage(s) is noted.

LIC.233

### CCTV

The Licensing Manager submitted a report presenting Members with the results of a consultation exercise carried out as part of the introduction of mandatory CCTV in licensed vehicles. As part of the new Taxi Licensing Policy introduced in June 2018, Members made an in principle decision to make CCTV in licensed vehicles mandatory effective from 1<sup>st</sup> April 2020.

The Licensing Manager also circulated at the meeting details setting out some of the complaints that had been received from members of the public regarding their taxi journeys.

In June 2019 Members were advised about the Surveillance Camera Commissioner's response to the Department of Transport's consultation on national standards for Hackney Carriages and Private Hire Vehicles. Following on from that, and recommendations made by the Council's Information Governance Manager, Members requested that a consultation exercise be undertaken regarding the implementation of mandatory CCTV.

The consultation period ran from 11<sup>th</sup> November 2019 to 8<sup>th</sup> December 2020 and was available to complete on-line or by paper from the Council's offices. In addition, a list of stakeholders were actively approached. A total of 112 responses were received, of which 41 came from the trade, representing only 25% of drivers licensed in Craven. The results of the consultation were attached to the Licensing Manager's report.

Members felt that whilst the Licensing Authority had to act proportionately, they re-iterated that, as a Licensing Authority, the safety of the travelling public, which included vulnerable passengers, was paramount. Members also held the view that CCTV would also provide protection to drivers who were sometimes placed in challenging situations. In relation to potential security issues surrounding CCTV Members were comforted by the fact that the devices would be heavily encrypted and fitted to vehicles well away from public access with only three or four authorised officers having access to the data. As well as this, CCTV would meet all the compliance requirements of the Data Protection laws and regulations.

Regarding the purchase and installation of CCTV, Members were mindful of the expenditure that the taxi trade would have to incur and discussed an implementation date that would be realistic to all concerned, and it was

**Resolved** – (1) That, CCTV in all Craven's licensed vehicles is mandatory from 1<sup>st</sup> September 2020.

(2) That, an exception to (1) above is given for vehicles that are within four months of the end of the period they can be licensed.

(3) That, the Council's Data Controller registration with the Information Commissioner's Office is updated as required.

LIC.234

### SCHEME OF DELEGATION

The Licensing Solicitor submitted a report asking Members to consider undertaking a review of the Terms of Reference for the Licensing and Appeals Sub-Committee. At a recent meeting of the Licensing and Appeals Sub-Committee there was some concern expressed that officers hadn't taken immediate action in relation to a taxi licensing matter and, given that it had been some time since both the Terms of Reference and the Scheme of Delegation to Officers were last reviewed, Members were asked to consider whether it would now be appropriate to review them, particularly

Craven District Council

as the revised Hackney Carriage and Private Hire Licensing Policy had been in force for over 12 months.

**Resolved** – That, a review is undertaken of the Terms of Reference for the Licensing and Appeals Sub-Committee and Scheme of Delegation and a report is presented to the next meeting of the Licensing Committee for consideration.

LIC.235

**LEGAL UPDATE**

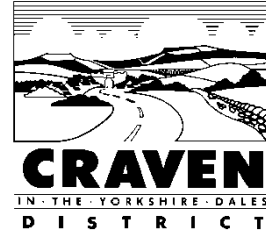
The Solicitor to the Council (Monitoring Officer) verbally updated Members on national licensing matters.

**Resolved** – That, the update is noted.

Chairman.

## Licensing Committee – 16<sup>th</sup> June 2020

### Mandatory CCTV in Licensed Vehicles



#### Report of the Licensing Manager

Ward(s) affected: All

1. **Purpose of Report** – To review the introduction of mandatory CCTV (Taxi Camera) in Licensed Vehicles due to the Covid-19 pandemic.
2. **Recommendations** – Members are recommended to:
  - i. Consider the report; and
  - ii. Confirm the proposed revised implementation date 1st April 2021 or an alternative date
3. **Background**

3.1 As part of the new Taxi Policy introduced in June 2018, members decided, to make Taxi Cameras in Licensed Vehicles mandatory. Initially this was effective from 1<sup>st</sup> April 2020. Following further consultation with the licensed trade in 2019, with members of the public and key stakeholders a decision was made on 27<sup>th</sup> January 2020 (Minute LIC.233) to delay the adoption of the mandatory condition until 1<sup>st</sup> September 2020 after considering a number of concerns raised by the taxi trade about the cost of purchasing the required Taxi Camera systems.

3.2 The change in date was also to allow further work to be carried out by officers on the operational implications of implementing the new condition. The further work that was required was;

- Process for reporting non-working Taxi Cameras and if the vehicle can still be used in the interim, while awaiting repairs.
- Authorised officers for viewing and requesting taxi camera footage
- Handling data subject requests
- When cameras/audio can be turned off (ie. when the vehicle is used in a private capacity)
- Information on fair processing on display in vehicles and on the CDC's website
- A Download Policy
- Enforcement Policy ensuring licence holders are using the system.
- Set up the systems required to view and download footage
- Train staff in using these systems

#### 4. Report

4.1 Since the Licensing Committee meeting in January 2020 Members will be aware of the ongoing Coronavirus (COVID-19) pandemic which has had a widespread economic impact on the country. The compulsory business shutdowns implemented in March will inevitably have had a knock on impact to the Taxi trade. While the Licensing Manager doesn't have the figures of income loss, it is assumed this will be a significant loss of income for proprietors. In addition, the response of garages has been varied with a number of garages who fit CCTV units closing or have only remained open for limited work such as emergency repairs. Members will be aware that the Council's approved garage for taxi testing closed for a period of time but has now reopened. It is not known if there are delays in the supply chain relating to CCTV systems.

4.2 The cost of obtaining and fitting units was a consideration for Members when the date for implementation was set for April 2020. The whole of the cost is to be paid by the vehicle proprietor. In light of the effects of the Covid-19 pandemic on proprietors, likely drop in income and the availability of fitting services, Members are asked to consider changing the date of mandatory implementation to April 2021.

4.3 Taxi camera units that meet the required specification cost around £350-£700 depending on the supplier chosen to install the unit.

4.4 It is proposed the implementation date is amended to 1<sup>st</sup> April 2021. While it is unknown when a more stable economy will commence from, it is considered that the leisure and tourist industry, which is a large part of the income for the trade, will not begin to reopen until July and even then it will be a number of months at least before this sector is fully operational. In addition to this it is anticipated there will be limited appointments due to new working practices and a possible back log of work for suppliers. Which may limit proprietor's ability to install units.

4.5 Officers would also be required to check each licensed vehicle (160 approx.) to ensure compliance. Due to new working restrictions and safety concerns with Covid-19, it would be challenging for officers to achieve this and safely by the 1<sup>st</sup> September 2020.

4.6 By the 1<sup>st</sup> April 2021 proprietors will then have been afforded 3 years to save for the cost of installation of Taxi Cameras.

4.7 An enforcement policy will be presented for approval at the licensing committee in October.

#### 5.0 Implications

**5.1 Financial Implications** – Installation of taxi camera systems would be covered by licence holders. There would be administrative costs to maintain suggested suppliers lists. If the implementation date was a set date, then there would be the cost to issue new licences.

**5.2 Legal Implications** – Any vehicle licence holder aggrieved by the imposition of a condition relating to CCTV can appeal to the Magistrates with 28 days of the condition being imposed.

The Council must be able to show that any mandatory Taxi Camera (CCTV) policy is proportionate and justified by a local evidence base.

**5.3 Contribution to Corporate Priorities** – Promoting the wellbeing of Craven's communities

**5.4 Risk Management** –. None

**5.5 Equality Impact Assessment** – The Council's Equality Impact Assessment has not been carried out.

**6 Consultations with Others** – Legal Services

**7 Access to Information : Background Documents** – None

**8. Author of the Report** – Tim Chadwick – Licensing Manager 01756 706257

Note: Members are invited to contact the author in advance of the meeting with any detailed queries or questions.

Appendices – None