

LICENSING COMMITTEE

Tuesday, 6 October 2020 at 6.30pm
(Online meeting)

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, Harbron, Heseltine, Ireton, Jaquin, Madeley, Moorby, Mulligan, Solloway and Whitaker.

AGENDA

1. **Apologies for absence** – To receive any apologies for absence.
2. **Minutes** – To approve the minutes of meeting held on 16 June 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. **Summary of decisions taken by the Chief Executive during the COVID-19 outbreak** – Report of the Solicitor of the Council (Monitoring Officer)

Purpose of Report – to inform Members of the urgent decisions made by the Chief Executive during the coronavirus (COVID-19) pandemic.

6. **Requirements for Submission of Group 2 Medical Assessment** – Report of the Licensing Manager

Purpose of Report – to review temporary amendments to driver requirements.

7. Date for introduction of mandatory CCTV (Taxi Camera) in Licensed Vehicles –
Report of the Licensing Manager

Purpose of Report – to further review and decide upon the timescale for the introduction of mandatory CCTV (Taxi Camera) in Licenced Vehicles, in light of the Covid-19 pandemic.

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

9. Date and Time of Next Meeting – Tuesday, 5 January 2021 at 6.30pm.

Agenda Contact Officer:

Vicky Davies, Senior Democratic Services Officer

Tel: (01756) 706486

E-mail: committees@cravendc.gov.uk

28th September 2020

LICENSING COMMITTEE

Remote Zoom Meeting

16th June 2020

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

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

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

Start: 6.30pm

Finish: 6:55pm

The minutes of the Committee's meeting held on 27th January 2020 were confirmed.

Minutes for Report

LIC.236

CCTV

The Chairman introduced the Licensing Manager who submitted a report which proposed to review the introduction of mandatory CCTV in Licensed Vehicles due to the Covid-19 pandemic.

The Licensing Manager reminded Members of the new Taxi Policy introduced in June 2018, members decided to make Taxi Cameras in Licensed Vehicles mandatory. After further consideration at a subsequent meeting Members decided to delay the mandatory condition until 1 September 2020. The uncertainty of economic recovery due to the current climate was emphasised by the Licensing Manager, with this in mind the Licensing Manager invited Members to consider a revised implementation date.

The Democratic Services and Scrutiny Officer read a statement to Committee on behalf of Mr John Pickering which agreed the need to delay implementation, emphasised the financial implications of Covid-19 on drivers and requested the Council's support.

After brief discussion, Members agreed that in light of current circumstances that the implementation date should be reconsidered. Once Member suggested a further review of the implementation date at the October Licensing Committee when hopefully the situation would have more clarity.

A recorded vote took place which was unanimously in favour of delayed implementation and review date.

Resolved – That, the implementation date of the mandatory CCTV is delayed and reviewed at the October Licensing Committee.

LIC.237

LICENSING UPDATE

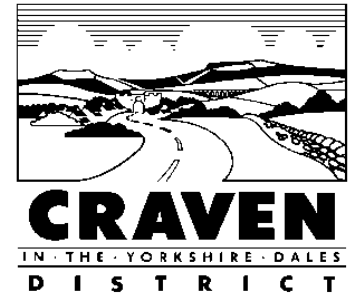
The Licensing Manager provided Members with a brief verbal update. The Licensing Team structure was explained to Members, the recent recruitment of a Licensing Officer, and the job vacancy (to be advertised soon) currently occupied by an agency staff member. Members were pleased to note the continued demand for service including premise applications and licenses.

Craven District Council

Chairman.

Licensing Committee –
6th October 2020

Summary of decisions taken by the Chief Executive during the COVID-19 outbreak



Report of the Solicitor to the Council (Monitoring Officer)

Lead Member for Internal Services, Councillor Metcalfe

Ward(s) affected: All

1. **Purpose of Report** – to inform Members of the urgent decisions made by the Chief Executive during the coronavirus (COVID-19) pandemic.
2. **Recommendations** – Members are recommended to:
 - 2.1 Note the urgent decisions made by the Chief Executive (or his authorised deputy) between the 26th March 2020 and 1st June 2020, as set out in paragraph 3.6 of the report.
3. **Report**
 - 3.1 On the 16th March 2020, the Government announced social distancing measures to limit the spread of the coronavirus COVID-19. These measures were extended on the 23rd March and meetings of the Council and its Committees were subsequently suspended.
 - 3.2 The Council's Scheme of Delegation to Officers provides for the Chief Executive to ***“take any action necessary, including incurring expenditure, in the event of an emergency or disaster in Craven”***. Clearly, a declared pandemic is an emergency and it has been necessary for the Chief Executive to exercise this emergency power.
 - 3.3 A formal emergency decision-making procedure was established to ensure that appropriate Members and Statutory Officers were consulted before the Chief Executive made his decision. The decision and the reason(s) for it were formally recorded, reported to all Members and also published on the Council website. However, once the Council was able to convene meetings again, details of the decisions made under these emergency arrangements were to be reported to the Committee or Council as appropriate.

- 3.4 On the 4th April 2020 the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 came into force. These Regulations enable meetings of the Council and its Committees to take place remotely while social distancing rules prevent meetings taking place in person.
- 3.5 On the 21st May 2020, the Chief Executive, using his emergency power, approved the adoption of a Remote Meetings Protocol.
- 3.6 Set out below is a list of the decisions made by the Chief Executive (or his authorised deputy), which would ordinarily have been made or confirmed by this Committee:

| Date | Decision |
|------------------------------|--|
| 7 th April 2020 | Hackney Carriage and Private Hire Vehicle Testing; |
| 10 th August 2020 | Pavement Licensing. |

- 3.7 To date, the Licensing Authority has issued only one pavement licence but is aware of a number of premises trading in a manner which would require a licence. These premises have been contacted and advice given. A more formal approach will be taken in the coming weeks.

4. Financial and Value for Money Implications

- 4.1 There are no financial implications arising directly from the report.

5. Legal Implications

- 5.1 These are set out in the body of the report.

6. Contribution to Council Priorities

- 6.1 Not applicable.

7. Risk Management

- 7.1 Not applicable.

8. Equality Impact Analysis

- 8.1 Not applicable.

9. Consultations with Others

- 9.1 Members as detailed in the individual decision records and Statutory Officers (where appropriate).

10. Background Documents

10.1 Decision records are available on the Council website.

11. Appendix

None.

12. Author of the Report

Annette Moppett, Solicitor to the Council (Monitoring Officer)

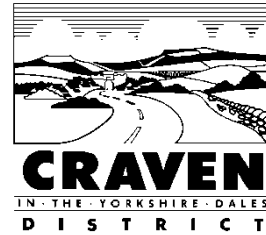
Telephone: 01756 706325

E-mail: amoppett@cravendc.gov.uk

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

Licensing Committee –6th October 2020

Requirements for Submission of Group 2 Medical Assessment



Report of the Licensing Manager
Ward(s) affected: All

1. **Purpose of Report** – To review temporary amendments to driver requirements
2. **Recommendations** – Members are recommended to:
 - i. Consider the report
 - ii. Agree that Grade 2 Medical Assessments may be carried out by any professionally qualified medical practitioner until 31st March 2021 in the event that the Licensing Manager is satisfied in any particular case that it is not reasonable to expect the assessment to be carried out by the applicant's own GP.

3. **Background**

3.1 As part of the Hackney Carriage and Private Hire Licensing Policy, adopted by the Council, it is a requirement that all licence holders meet the Group 2 Medical Standards of Fitness as applied by the DVLA. This is the same requirement that applies to Lorry and Bus Drivers. The policy requires that a Group 2 Medical Assessment must be completed by an applicant's General Practitioner (GP) on first application then at age of 45 and every 5 years thereafter until the age of 65 when examinations are required annually.

3.2 The Coronavirus (COVID-19) pandemic initially stopped GP's carrying out Group 2 Medical Assessments. Following the lifting of the national lockdown in July, it is clear that there continue to be either actual or potential regional/local lockdowns, with the result that some GP's are not yet carrying out these medical assessments. This has an impact on applications both for new drivers and renewals, because it is a requirement that the Group 2 Medical must have been completed by applicants own GP. In usual times this requirement has not caused a problem, but during the current public health crisis, it has restricted the ability of some drivers to obtain the assessment.

3.3 On the 11th August 2020, following consultation with the Chair and Vice Chair of the Licensing Committee temporary steps were taken to resolve the problems facing current drivers renewing hackney and private hire driver's licences, and this is set out in Appendix A to this report and are due to expire on 31st October 2020 (if the recommendation in this report is not adopted).

4.0 Report

4.1 Since the temporary changes were introduced, there continues to be difficulties for some drivers in obtaining medicals from their own GP. There is also the ever present threat that continues of localised lockdowns in Craven and in neighbouring districts, which would have an adverse impact on the operations of GP's in those areas.

4.2 For these reasons, it is proposed that until 31st March 2021, the temporary measures adopted in August remain. This shall allow an opportunity for the 10 drivers renewing before March 31st 2021, the option to obtain a medical assessment from any Doctor, if their own GP is unable to carry it out.

4.3 Members are asked to allow new drivers applying for a hackney or private hire drivers badge until 31st March 2021 this same exemption.

4.4 The key difference between a medical assessment at a patient's registered GP as opposed to an assessment obtained from another doctor, focus upon the records available to them during the assessment. Doctors will use either a full medical history or summary record to form part of the assessment. The full medical history is only available to the registered GP of the patient.

4.5 Having consulted a GP for clarification of the difference between a full history and summary, it has been concluded that all significant illnesses that would potentially impact upon driving ability should be in the summary report. The full medical records contain every phone call and consultation with nurses and doctors, which can in fact be extensive and difficult to work through. It is perhaps worthy of note that any medical practitioner performing an assessment (whether from full history or summary) will be professionally obliged to provide an assessment which they are prepared to stand over and justify on a professional basis. Accordingly, it is submitted that it is something upon which the Licensing Authority could reasonably rely.

4.6 It should also be noted by members, that the Department of Transport has been in contact with all licensing authorities (see Appendix B), requesting them to assess ways in which they can assist new licence holders. While members should prioritise public safety when making any decision, it will be appreciated that the Council has statutory obligations to process licence applications, and in light of the observations set out in paragraph 4.5 above, it should perhaps be noted that the actual risk of a driver having been assessed for their medical assessment by a Doctor that is not their own practitioner, having an adverse impact on public safety appears quite low. This is due to the fact that any assessment must still be carried out and signed off by a qualified medical practitioner.

5.0 Implications

5.1 Financial Implications – None

5.2 Legal Implications – The recommendation shall ensure that the Council can continue to process licence applications (in accordance with the statutory functions it carries out as Licensing Authority) whilst requiring an appropriate medical assessment to be provided by a qualified medical practitioner, to ensure public safety.

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

5.4 **Risk Management** –. None

5.5 **Equality Impact Assessment** – The recommendation would have equal impact on all relevant categories of persons under the Equality Act 2010.

6 Consultations with Others – Council Solicitor

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 – Appendix A – Medical Assessment Briefing
 Appendix B - Department for Transport Taxi & PHV Licensing

Medical Assessment Briefing

Temporary arrangements regarding Group 2 Medical Assessment

Background

As part of the Hackney Carriage and Private Hire Licensing Policy. It is a requirement that all licence holders meet the Group 2 Medical Standards of Fitness as applied by the DVLA. This is the same requirement as Lorry and Bus Drivers.

A Group 2 Medical Assessment must be completed by an applicant's General Practitioner on first application then at age of 45 and every 5 years thereafter until 65 when examinations are required annually. Licence holders are also required without undue delay to notify the Council in writing of any change in circumstances to their health.

The Policy also provides that where there is any doubt as the medical fitness of the applicant, the Council may require the applicant to undergo and pay a further medical examination by a Medical Doctor appointed by the Council. Any fees will be payable by the applicant/licence holder.

The policy regarding medical assessments can be found at (Appendix A)

As your aware the ongoing Coronavirus (COVID-19) pandemic initially stopped General Practitioners carrying out Group 2 Medical Assessments. Initially from March to June we automatically extended any drivers licence for three months. This was in order to assess the situation and at a time when limited numbers of drivers were continuing to work.

Change to Medical Assessment Arrangements

There remains ongoing uncertainty as to when some GP's will resume testing and this varies between practitioners and the area they are based, in part due to continued risk of localised restrictions if COVID-19 cases increase. The result of this is while some GP's have now restarted offering medicals, for some licence holders they are still unable to obtain a medical assessment from their own GP.

In order to assist those who are finding it difficult to obtain a medical from their own GP it is proposed that Licensing will, until October 2020 allow current licence holders only, to obtain a Group 2 Medical assessment from any GP and not restrict it to their own GP. This will balance the need to ensure a driver's health and suitability to drive and allow drivers wishing to continue working to do so. Any driver wishing to take up this option will be asked to confirm the steps taken to try to secure a medical from their own GP.

This arrangement is proposed to be permitted under the provision;

"Where there is any doubt as the medical fitness of the applicant, the Council may require the applicant to undergo and pay a further medical examination by a Medical Doctor appointed by the Council. Any fees will be payable by the applicant/licence holder."

I trust that this temporary arrangement is satisfactory however if you have any comments or concerns please do let me know. I am intending to bring a report to the next Licensing Committee regarding any ongoing issues obtaining medicals, this proposal is intended to allow applications to be dealt with in the interim.

Tim Chadwick
Licensing Manager
11/08/2020

Appendix A

Hackney Carriage and Private Hire Licensing Policy

P20 - 5.7 Medical Assessment

The Council recognises that licensed drivers should have more stringent medical standards than those applicable to normal car drivers because they carry members of the public who have expectations of a safe journey; they are on the road for longer hours than most car drivers; they may have to assist disabled passengers and handle luggage – this requires them to meet the Group 2 Medical Standards of Fitness as applied by the DVLA to lorry and bus drivers.

Applicants shall provide a completed medical examination form supplied by the Council and complete by their own General Practitioner on first application then the age of 45 and every 5 years thereafter until aged 65 when annual examinations are required. Licence holders with certain medical conditions (for example certain neurological conditions) may also be required to submit annual forms and adhere to additional requirements in order for them to retain their drivers' licence.

Holders of Public Service Vehicle (PSV) and/or Large Goods Vehicle (LGV) licences, where the holder is able to produce proof of current medical examination less than 3 months old, shall not be required to undergo a medical examination on first application.

Licence holders must advise the Licensing Unit of any deterioration or other change in their health that may affect their driving capabilities.

Where there is any doubt as to the medical fitness of the applicant, the Council may require the applicant to undergo and pay a further medical examination by a Medical Doctor appointed by the Council. Any fees will be payable by the applicant/licence holder.

Where there remains any doubt about the fitness of any applicant, the Licensing Committee will review the medical evidence and make any final decision in light of the medical evidence available.

No licence shall be issued until medical clearance (if required) has been established.

A licence application will not be accepted/processed until all elements of the application process have been completed.

Licensed drivers are under a legal duty to carry guide, hearing and other prescribed assistance dogs in their vehicles without additional charge. Drivers who have a medical condition which is aggravated by exposure to dogs may apply to the Council for exemption from the duty on medical grounds. If an application is successful they will be issued with an exemption certificate, and also be issued with a notice of exemption. The notice of exemption must be exhibited in the vehicle by fixing it, facing outwards, either on the windscreen or in a prominent position on the dashboard. In addition, if a driver has a vehicle which is on a designated list of wheelchair accessible vehicles then there is a legal duty to provide assistance to those passengers. Drivers who have a medical condition which prevents them from carrying out this duty they may apply to the Council for exemption from the duty on medical grounds. If an application is successful they will be issued with an exemption certificate, and also be issued with a notice of exemption.



Department for Transport

Head of Taxi & Private Hire Vehicle
Licensing

Stephen Fidler
DIRECTOR
LOCAL TRANSPORT
DEPARTMENT FOR TRANSPORT
GREAT MINSTER HOUSE
33 HORSEFERRY ROAD
LONDON
SW1P 4DR
DIVISIONAL ENQUIRIES: TAXIS@DFT.GOV.UK

Web Site: www.dft.gov.uk

10 September 2020

Dear colleague,

TAXI & PHV LICENSING – SUPPORTING THE SECTOR & SCHOOL RETURN

Many thanks for all the hard work that has been undertaken by you and your teams, to overcome the challenges to the licensing system created by the Coronavirus outbreak.

The Department recognises that the pandemic has created a very challenging environment for local government to operate in, with the need to adapt quickly and decisively to maintain business as usual. We appreciate, too, that taxi and private hire vehicle licensing teams have been particularly affected, as a key part of many licensing regimes was face to face interactions with applicants to determine if they are fit and proper to hold a licence,

You will be aware that as the economy has started to reopen it is important there are sufficient licensed taxi and private hire drivers and vehicles available to meet the returning passenger demand. Concerns have been recently raised with the Department that, in some places, difficulties in licensing new drivers and operators could lead to shortages of supply in the sector. We understand that, in response to the initial lock down restrictions, a number of licensing authorities put new applications on hold in order to focus on dealing with renewal applications, and that some have not yet resumed their processing.

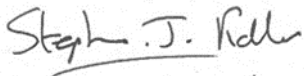
Taxi and private hire vehicle licensing is a statutory function of local licensing authorities and it is important that it continues during these challenging times, both to support the restart of schools and support local economies and to limit any long-term impacts on the sector. We are aware that licensing authorities across England have come up with innovative solutions to overcome challenges around issues such as DBS checks, identification verification, medical and local tests and training requirements to enable the continued processing of all applications. If your authority is one of these many thanks for your efforts and hard work.

If your authority is not yet processing new applications, however, we would urge you to urgently identify solutions that will enable you to resume this service to ensure that you can fulfil your statutory licensing function. You may wish to seek advice from your representative bodies, such as the Local Government Association or the Institute of Licensing, and/or other local licensing authority contacts in areas that are accepting new applications.

Hopefully some of the solutions found will help make the licensing function easier to carry out in the long-term. I appreciate it has been a difficult time and welcome your continued commitment to a fully functioning licensing system that ensures public safety.

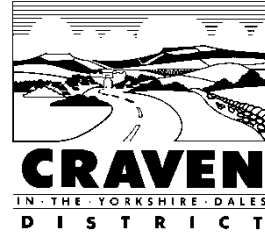
If you have any questions about this letter please contact the Department's taxi and private hire vehicle policy team at taxis@dft.gov.uk.

Yours faithfully,

A handwritten signature in black ink that reads "Stephen J. Kelly". The signature is written in a cursive style with a horizontal line underneath the name.

Director: Local Transport

Licensing Committee – 6th October 2020



Date for introduction of mandatory CCTV (Taxi Camera) in Licensed Vehicles

Report of the Licensing Manager

Ward(s) affected: All

1. **Purpose of Report** – To further review and decide upon the timescale for the introduction of mandatory CCTV (Taxi Camera) in Licenced Vehicles, in light of the Covid-19 pandemic.
2. **Recommendations** – Members are recommended to:
 - i. Consider the report; and
 - ii. Confirm the revised implementation date as 1st April 2021 for CCTV to be introduced in all current licensed vehicles; and
 - iii. Require all new vehicle licence applications received from the 1st January 2021 to be subject to a requirement for Taxi Cameras to be fitted to the vehicle; and
 - iv. Approve the Policy set out in Appendix A in respect of CCTV in Licensed Vehicles
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 1st April 2020. Following further consultation with the licensed trade in 2019 with members of the public and key stakeholders, a decision was made on 27th January 2020 (Minute LIC.233) to delay the adoption of the mandatory condition from 1st April 2020 until 1st 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 On the 16th June 2020 the Licensing Committee decided to delay the mandatory implementation date, 1st of September 2020, for Taxi Cameras in light of the Coronavirus (COVID-19) pandemic. This decision was made due to the uncertain economic impact of the virus. (Minute LIC.236)
 - 3.3 The delay to 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 June 2020 Members will be aware COVID-19 pandemic continues to have a widespread economic impact on the country. The compulsory business shutdowns implemented in March inevitably will have had a lasting and adverse impact to the Taxi trade. However, since June 2020 the economy has partially reopened, with some return to normality for the taxi trade, particularly since the reopening of schools in September.

4.2 The cost of obtaining and fitting CCTV units has always been an important consideration by Members of the Committee. This was a deciding factor, when the date for implementation (which was originally set for April 2020) was moved to 1st September 2020. The importance of this issue is due to the fact that the cost of installation of camera units, is to be paid by the vehicle proprietor.

4.3 Members are asked to consider making Taxi Cameras mandatory for all vehicles from April 2021. Members are also asked to consider that new applications for the grant of a vehicle licence from the 1st January 2021 to be subject to a requirement for Taxi Cameras to be fitted to the vehicle. This will have afforded proprietors around 3 years from when members initially decided to mandate Taxi cameras in June 2018. Members will be aware that the primary concern for the Licensing Committee and reason for the introduction of Taxi Cameras was and remains the key issue of public safety.

4.4 Members will also be aware that Government financial assistance payable during the course of the pandemic has comprised grants to those self-employed. Initially these consisted of 80% of trading profits up to a maximum of £2500 a month, with a reduction to 70% until the end of October. In principle therefore, these funds should be available to assist with the implementation of CCTV units.

4.5 The decision was made to also delay the implementation date beyond April 2020, was in part due to concerns with the supply chain and the safety and practicality of officers checking proprietors had fitted the units in accordance with licence requirements. To date, there is no known disruption to the supply chain and working systems are in place to carry

out socially distanced inspections of vehicles. Though this will be kept under review and any major disruption will be reported to the Licensing Committee.

4.6 Further to the reports previously brought before the Licensing Committee a policy has down been drafted for approval that covers the points raised in paragraph 3.2. There will still be staff training required and internal set up of systems in order to download data from camera hard-drives. See Appendix A

4.7 Signs have also been designed for display on vehicles now and a cost of £0.63 per sticker a 4 door vehicle will cost a proprietor £2.52 for four stickers.

4.8 Upon notification of the date for mandatory Taxi Cameras, the licensing team shall arrange an inspection of every vehicle in the lead up to the implementation date. This will be done by way of vehicle inspections at the council offices. Though this will be kept under review and any major disruption will be reported to the Licensing Committee.

4.9 Members are asked to consider the sanctions that should be added to the penalty point scheme for noncompliance with Taxi Camera licence requirements. An inclusion of Failure to Display Correct CCTV signage has 3 points. It is proposed the following is added to the penalty points scheme

- Failure to report non-working system 4 points.
- Vehicle found to have a non-working system 6-12 points. This is to allow some officer discretion if it is found upon investigation that there might be a reasonable reason why a vehicle is found not to have a working system. Though it is felt appropriate still to sanction penalty points.

5.0 Implications

5.1 Financial Implications – Costs for the 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 Court within 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. The Council Solicitor is satisfied that the condition introduced under the Taxi Policy can reasonably be defended should any appeal be lodged.

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 – but the requirements shall apply to all vehicle licence holders..

6 Consultations with Others – Council Solicitor
Council Information Governance Manager

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.

Appendix A – Policy for CCTV in Licensed Vehicles

Taxi Camera Policy (CCTV)



Craven District Council will be the data controller and only authorised members of staff of Craven District Council or its authorised data processor may access any data in accordance with this policy. No other person may access the data such as but not limited to licence holders, vehicle proprietors and camera suppliers.

The policy is as follows:

1. Licensed hackney carriages and private hire vehicles licensed by Craven District Council (CDC) are required, unless an exception is granted in writing, to be fitted with an approved taxi camera. (See Camera Specification document)
2. The cameras are to be set up to be activated by the driver before commencing work and record permanently visual data and remain on for a period on for 30 minutes after the system is switched off. Audio data will only be activated by means of a button available to the driver and passenger(s).
3. All passengers are to be made aware of the fact that they are being recorded by notices placed in prominent positions on and in the vehicles. These notices are to be placed on the dashboard of the vehicle in a prominent position and placed on any door in which a passenger can enter the vehicle.
4. Data will only ever be downloaded by the data controller in the following circumstances;
 - (i) a crime report has been made involving the specific vehicle and the Police have formally requested that data,;
 - (ii) when a substantive complaint has been made to the licensing authority regarding a specific vehicle / driver
 - (iii) where a Data request is received from an applicant e.g. police or social services, that has a legitimate requirement to have access to the data requested to assist them in an investigation that involves a licensed vehicle or driver;
 - (iv) The Council has received a Subject Access Request compliant with the General Data Protection Regulation;
 - (v) Where there is a need to check the operation of the system where there is reasonable reason to believe it may be non-operational;
 - (vi) Where a complaint is made by a licensed driver and the Council Considers that matter should be investigated.
5. To safeguard the data all downloads will be conducted in the presence of at least two relevant people. Relevant people are: a member of staff of Craven District Council or a serving police employee. The downloads will be made at the Council offices with two Licensing staff where possible or at the police station with one police employee and a member of Craven District Council Licensing team where possible.
6. All requests must be in an appropriate format detailing the powers that allow the release of the data and providing all the information required. The request form for download must state the approximate time of the event/occurrence and only the timescale relevant to the specific incident will be downloaded, decrypted and thereafter stored.

Taxi Camera Policy (CCTV)

7. On receipt of a download request to be conducted by a member of the Licensing Team, who will confirm it is a legitimate request. If practical, arrangements will be made with the owner of the licensed vehicle for the vehicle to attend the Licensing Office. If it is not practical, then a member Craven District Council staff will attend the location of the vehicle or data box to facilitate the download. Any download will be carried out in the presence of at least one other person if at the licensing office. If the download is taking place away from the licensing office, then either an additional member of Council staff or a member of the requesting organisation i.e. police officer will be present in addition to the member of staff conducting the download.
8. We will only use a Craven District Council Computer to download from the data box on to. This computer will copy the downloaded footage onto its files. A master copy will be created from this computer and placed on the external hard drive dedicated for such use and retained by CDC Licensing Team. This hard drive will be kept secure to prevent loss of data. A working copy will be produced and either given to the requesting authority or subject or retained by the investigating officer. Data retained by CDC Licensing Team will only be retained for the following periods:
 - a. Cases leading to prosecution 10 years from date of trial
 - b. Formal caution 3 years from date of caution
 - c. Written warning or no formal action 3 years from date of decision
 - d. subject Access request 6 months following the completion of the request.

The file on the dedicated computer will be deleted once the master and working copies are produced.

9. Data will only be viewed by the person performing the download to the extent necessary to facilitate the download process. Data being used in any investigations will only be viewed by persons involved in that investigation but will be released to be used in court if required.
10. After a period of time any data held by the system installed in any vehicle is automatically overwritten dependent upon the specification of the system installed, though must be held for a minimum 28 days.
11. Proprietors may choose the system they install however it remains their responsibility to ensure that the specification meets or exceeds the approved specification. Any equipment may not be tampered with; data may not be interfered with or released to any third party / published. Including any supplier of camera systems.
12. The system must be maintained by the proprietor and any failure in the system must be reported to Craven District Council Licensing in writing within 24 hours, detailing the date and time when the system was found to not be operational
13. The driver must maintain a record on the daily vehicle inspection sheet indicating the system has been checked and is operational. They must alert the proprietor of the vehicle immediately upon discovery of any non-working system.
14. Where a proprietor has notified the licensing department in writing and within 24 hours of the recording system not working and provides evidence of an appointment with a CCTV engineer, a vehicle may continue to be used, if the recording system will be fixed within 5 working days of the unit not working. Unless indicated otherwise by an authorised Council officer.
15. Failure to notify the department of non-working equipment will result in will receive penalty points against their Craven District Council Licence in line with the penalty points scheme.

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