

LICENSING COMMITTEE

Tuesday, 5 January 2021 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, Heseltine, Ireton, Jaquin, Madeley, Metcalfe, 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 6 October 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. **CCTV (Taxi Cameras) in Licensed Vehicles** – Report of the Licensing Manager.

Purpose of Report – To further review the implementation date for taxi cameras of 1st April 2021, in light of the Covid-19 pandemic.

6. **Licensing of Caravan Sites** – Verbal update by the Legal Services Manager.

Purpose of Report – To update Members on the progress made regarding the licensing of caravan/mobile home sites.

7. **Any other items** which the Chairman decides are urgent in accordance with Section 100B(4) of the Local Government Act, 1972.
8. **Date and Time of Next Meeting** – Tuesday, 6 April 2021 at 6.30pm.

Agenda Contact Officer:

Vicky Davies, Senior Democratic Services Officer
Tel: (01756) 706486
E-mail: committees@cravendc.gov.uk

18 December 2020

LICENSING COMMITTEE (ON-LINE)

6th October 2020

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

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

Start: 6.30pm

Finish: 7:07pm

Councillor Jaquin joined the meeting at 6.32pm.

Councillor Madeley joined the meeting at 6.37pm.

The minutes of the Committee's meeting held on 16th June 2020 were confirmed.

Minutes for Report

LIC.238

PUBLIC PARTICIPATION

The Senior Democratic Services Officer read out statements to the Committee from Mr John Pickering and Mr M Shahban urging a delay in the implementation of CCTV in licensed vehicles as the trade had been severely affected by Covid-19 restrictions resulting in drivers struggling financially.

LIC.239

SUMMARY OF DECISIONS TAKEN BY THE CHIEF EXECUTIVE DURING THE COVID-19 OUTBREAK

The Solicitor to the Council (Monitoring Officer) submitted a report informing the Committee of the urgent decisions made by the Chief Executive during the coronavirus (Covid-19) pandemic. The two decisions relevant to the Licensing Committee were in respect of hackney carriage and private hire vehicle testing and pavement licensing. These decisions would ordinarily have been made or confirmed by this Committee.

Resolved – That, 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 now submitted, are noted.

LIC.240

REQUIREMENTS FOR SUBMISSION OF GROUP 2 MEDICAL ASSESSMENT

The Licensing Manager submitted a report asking Members to seek Member approval to continue with temporary arrangements until 31st March 2021 to enable Grade 2 Medical Assessments to be undertaken by any qualified medical practitioner should the Licensing Manager be satisfied that it would not be reasonable to expect the assessment to be carried out by the applicant's own GP.

The Taxi Licensing Policy stated that Group 2 Medical Assessments had to be completed by the applicant's own GP. However, due to Covid-19 it had not always been possible for applicants to see their own GP having an impact on new drivers and renewals. Therefore, in consultation with the Chairman and Vice Chairman of this Committee, urgent temporary measures were put in place until 31st October 2020 to resolve those issues and details were set out in Appendix A to the report now submitted.

Due to the continuing Covid-19 pandemic and various localised restrictions, the Committee was asked to agree to extend the temporary arrangement until 31st March 2021.

Resolved – That, approval is given for Grade 2 Medical Assessments to 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.

LIC.241

INTRODUCTION OF MANDATORY CCTV (TAXI CAMERA) IN LICENSED VEHICLES

Further to Minute Lic.236-19/20, the Licensing Manager submitted a report asking Members to consider and agree upon the timescale for the introduction of mandatory CCTV in licensed vehicles as a result of the Covid-19 pandemic.

Whilst acknowledging the need to approve an implementation date, Members were mindful of the down turn in business the Covid-19 pandemic was having on the taxi trade and the resultant financial hardship. In approving an implementation date of 1st April 2021, Members felt that the date should be reviewed in the New Year taking into account the latest Covid-19 situation and economic climate and, it was

Resolved – (1) That, mandatory CCTV in currently licensed vehicles is implemented with effect from 1st April 2021, subject to review in the New Year should the Covid-19 pandemic situation continue to affect economic recovery and the resultant financial implications for the taxi trade.

(2) That, there is a requirement for 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.

(3) That, the Policy as set out in Appendix A to the report now submitted, in respect of CCTV in licensed vehicles is approved.

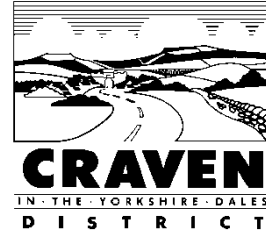
LIC.242

ANY OTHER BUSINESS

The Chairman brought to Members attention the current state regarding the licensing of caravan sites and holiday homes and he suggested that Licensing Committee could undertake a review ensuring the licensing regime was fit for purpose, best practice was being followed and the process was transparent and open. The Council's Licensing Solicitor agreed to discuss the situation with relevant officers and bring forward an interim report to the next meeting of this Committee.

Chairman.

Licensing Committee – 5th January 2021



CCTV (Taxi Camera) in Licensed Vehicles

Report of the Licensing Manager

Ward(s) affected: All

1. **Purpose of Report** – To further review the implementation date for Taxi Cameras, 1st April 2021, in light of the Covid-19 pandemic.
2. **Recommendations** – Members are recommended to:
 - 2.1 Consider the report.
 - 2.2 Confirm the current implementation date as 1st April 2021 for CCTV to be introduced in all current licensed vehicles.
 - 2.3 Require all new vehicle license applications received from 1st January 2021 to be subject to a requirement for taxi cameras to be fitted to the vehicle.
 - 2.4 Approve the Policy as set out in Appendix A in respect CCTV in licensed vehicles.
3. **Background**
 - 3.1 As part of the Council's Taxi Policy introduced in June 2018, Members decided to make Taxi Cameras in Licensed Vehicles mandatory. Initially this was to be effective from 1st April 2020. Following further consultation with the licensed trade in 2019, 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 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 for Taxi Cameras to 1st of September 2020, 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 On the 6th October 2020, the Licensing Committee, decided to implement mandatory Taxi Cameras from the 1st of April 2021 for all currently licensed vehicles, with all new applications requiring Taxi Cameras from the 1st January 2021.

4. Report

- 4.1 Since the Licensing Committee meeting in October 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. However further restrictions in November, saw an additional national lockdown for 4 weeks. On the 2nd of December under the new tier system Craven along with North Yorkshire was placed in to tier 2. On the 17th of December it was confirmed that North Yorkshire would remain in this tier with a further review at the end of December. Craven is boarded by 5 non North Yorkshire authorities, 4 of which are in tier 3. Pendle Borough Council, Ribble Valley Borough Council, Bradford Metropolitan District and Lancaster City Council. These tier restrictions have impacted heavily on the leisure and hospitality industry including the night economy.
- 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 and why the matter has been requested to be brought before members again in January 2021. The importance of this issue is due to the fact that the cost of installation of camera units, is to be paid for by the vehicle proprietor, although Members will be aware that this cost needs to be balanced with the key benefit of promoting public and driver safety - a key factor in the implementation of Taxi Cameras.
- 4.3 Members will also be aware that Government financial assistance payable during the course of the pandemic has comprised grants to those persons 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. During the November lockdown the government increased the self-employment income support scheme to 80% of trading profits. In principle therefore, these funds should be available to assist with the implementation of CCTV units.

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** –. Due to the period that has elapsed since the initial evidence was obtained for CCTV there is a risk of legal challenge to the implementation of CCTV on ground of public safety.
- 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** –Solicitor to the Council (Monitoring Officer) and the Information Governance Manager.
- 7 **Access to Information : Background Documents** – None
- 8. **Author of the Report** – Tim Chadwick – Licensing Manager 01756 706257
tchadwick@cravenc.gov.uk

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

Appendix A – CCTV Policy

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.

DRAFT