

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

Minutes of a meeting of the Licensing Committee held on
Monday, 10 February 2020 at 10.30 a.m.

PRESENT: Councillor Anna Bradnam – Chairman
Councillor Eileen Wilson – Vice-Chairman

Councillors: Nigel Cathcart
Peter Fane
Geoff Harvey
Peter McDonald
Heather Williams
Bill Handley

Graham Cone
Jose Hales
Steve Hunt
Deborah Roberts
Mark Howell

Officers: Jennifer Holah
Jane Jackson
Rory McKenna
Trevor Nicoll

Interim Corporate lead for Licensing, Permitting,
Business Operations and Business Process
Improvement
Senior Resource Officer
Deputy Head of Legal Practice
Head of Environment and Waste

1. DECLARATIONS OF INTEREST

There were no declarations of interest.

Cllr Mark Howell commented that he had not discussed any of the proposals with his colleague County Councillor Kevin Cuffley who was a licensed Private Hire Driver.

2. MINUTES OF PREVIOUS MEETING

The minutes of the meeting held on 11 November 2019 were agreed as a correct record, subject to the following amendments:

- Minute 3: 'Vehicles'. The words 'also of concern' would replace 'more significant than vehicle age'. The agreed amended text was therefore '...emission levels were also of concern.'
- Under **3.8 Age of Vehicle**: the number 7 would be replaced with 9. The agreed amended wording was therefore '...unless the vehicle is less than 9 years old and it complies with emissions standards.'

3. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY AND CONDITIONS

The Chairman set out the supplementary information which had been issued with the agenda, as well as the correspondence that committee members had received. Officers addressed all the points on which the council had been challenged in recent correspondence. The committee was informed by officers that discussions of national standards by Parliament had been delayed, however the council could not delay its Hackney Carriage and Private Hire Licencing Policy and Conditions for this. Officers did not anticipate that Parliament's discussion would lead to any changes that would require a re-drafting of the council's policy.

Officers informed the committee of the letters of objection that had been received, some of which had been part of the first public consultation. Others had been received after the close of the first consultation and before the start of the second public consultation. Members were assured that issues and comments raised in this correspondence had

been considered informally at workshops and had been taken into account.

The committee was informed by officers that the draft Private Hire and Taxi handbook had not been available for the first public consultation as it was being drafted at the time. It had however been available to view during the second public consultation and a link to it had been provided.

The Chairman reminded committee members that the changes being proposed to the policy were to protect public safety.

The Corporate Licensing Manager presented the Hackney Carriage and Private Hire Licensing Policy, setting out the process of developing and consulting on the draft policy, which had included a second public consultation. This had closed on 31 January 2020. She informed the committee that all comments from interested parties had been considered and the policy had been amended as appropriate in response to these.

The committee discussed the sections of the policy in turn:

Section 2 Hackney Carriage and Private Hire Drivers

- Reference at 2.9 to the European Economic Area would have to be reviewed in due course.
- The Chairman informed the committee that safeguarding training for drivers was taking place. The aim of this was to increase drivers' understanding of safeguarding issues. If a driver performed poorly in this, officers would work closely with them. It was recognised that language may be an issue.
- Officers informed the committee that drivers were notified of the requirement to submit a safeguarding certificate, three months in advance of their licence renewal date. All existing Private Hire Drivers had a year to complete the safeguarding training.

Section 3.6 External Signage and Livery

- The Chairman informed the committee that council policy had already incorporated the requirement for operator door signage in 2018. Officers had considered the concerns raised during public consultation in relation to this and considered that this requirement did not stop drivers from working for more than one operator and did not infringe on the rights of privacy of the driver.
- Committee members **agreed** that the safety of the public was paramount and that the requirement for operator door signage increased this.
- Committee members commented that it was important for the public to know to who they should make a complaint about a driver or to send praise; external door signage would inform them of this.
- The committee was informed that officers were looking into the specification for the size and typeface of door signage, so that it was legible from the other side of the road.
- Committee members discussed the use of magnetic door signs, recognising that not all vehicles had magnetic doors. The committee **agreed** to delegate to officers the drafting of appropriate wording for this in the policy. The following wording was suggested:
 - f) Hackney carriage vehicles must have affixed permanently on the front and rear external passenger and driver doors in a prominent location, South Cambridgeshire issued door signage. If this is not technically possible, then a position for the signage must be in agreement with South Cambridgeshire District Council.

The Licensing Committee **AGREED** with the requirement for external door signage

and considered these requirements were reasonably necessary.

3.7 Age of vehicle

- Following consultation feedback, the upper vehicle age limit had increased from seven to nine years. This brought the policy in line with that of Cambridge City Council.
- The committee discussed the maximum age of vehicles at first licensing, which should be a maximum of four years old for petrol and diesel vehicles only. The committee **AGREED** that ultra-low emission (ULEV) and zero emission vehicles should be omitted from this.
- The Committee **AGREED** to the introduction of an upper vehicle age limit of nine years, from December 2021.

3.10 CCTV

- The Chairman explained to the committee that the requirement for CCTV extended to plate exempt vehicles. Officers considered that this did not impinge on privacy.
- The committee was informed that the council would be the data manager and the data would only be accessed if needed; only council officers could de-encrypt the data. Members suggested that this should be made clear in the policy. The committee was informed that the data was overwritten within 28 days, which was in accordance with Local Government Association guidance.
- Officers informed the committee that it was left to the driver's judgement whether to turn on the audio recording, as the driver was responsible for their passengers' and their own safety.
- The Chairman informed the committee that several drivers had said that they would value CCTV and the option for audio recording.
- Members suggested that a sign needed to be provided in vehicles, notifying passengers that CCTV recording was taking place. It was also suggested that the sign notify passengers that the recording would only be held for 28 days. The committee **AGREED** that such a sign should be provided.
- Members suggested that it should be reported on a quarterly basis to the Audit and Corporate Governance Committee and to the Licensing Committee, when CCTV recordings were used and the purpose of this.
- Officers informed the committee that the CCTV system had not yet been procured. The committee was also informed that the positioning of the CCTV in the vehicle would be included in the specification. Members would be engaged in the CCTV procurement process and officers would also be liaising with relevant colleagues at Cambridge City Council.
- Officers informed the committee that another data protection impact assessment would be carried out before the procurement of the CCTV.
- Regarding i) Retention of CCTV images, reference to 'hard drive' would be changed to 'storage system'.
- The Chairman proposed adding the following line to the policy: 'The Local Authority reserves the right to amend the CCTV specification from time to time as required'. The committee **AGREED** this amendment.
- Committee members were informed that a consultation would take place if any significant changes to the CCTV specification were to be made.

The Licensing Committee **AGREED** that there was reasonable necessity for CCTV and did not consider that this infringed on privacy.

3.11 Dashcams

The Chairman informed the committee that following public consultation, it had been decided that outward facing dashcams would continue to be permitted.

The committee discussed whether with the introduction of CCTV, dashcams should no longer be permitted. Officers clarified that the requirement was for inward facing CCTV. Members highlighted that drivers used dashcams for various reasons and these were a requirement of some insurance policies. Members suggested that the council should not be prescriptive in its policy regarding dashcams.

Following a full and thorough discussion, the committee **AGREED** this section of the policy without amendment. Councillor Jose Hales requested that his objection to permitting dashcams be recorded in the minutes.

3.19 Private Hire Vehicle Notice of Exemption

The Chairman reminded committee members that the law allowed for plate exempt vehicles.

The committee **AGREED** this section of the policy without amendments.

3.20 Required Information for Passengers

The committee was informed by officers that some private hire drivers had raised concern about the requirement for a licence plate, however this had already been a requirement in existing policy. The only change proposed to the policy was that this plate should be issued by the council.

3.20 Advertising

The committee was informed by officers that the policy regarding advertising, was in line with Cambridge City Council's policy.

Following discussion of advertising, the committee **AGREED**:

- a) That advertising should not be permitted on Private Hire vehicles.
- b) That the public safety factors underpinning the policy were greater than any factors affecting competition.
- a) That there were reasonable grounds for the necessity of this part of the policy.

Wheelchair accessible vehicles were discussed. The Chairman informed the committee that there were not yet any wheelchair accessible ULEV vehicles on the market. It was proposed that on page 52 of the policy, a line should be added to the table to reflect having wheelchair accessible ULEV or electric vehicles when the market allowed. The committee **AGREED** this proposal.

3.26 Environmental Considerations

Members urged caution not to set conditions that would deter drivers from having wheelchair accessible vehicles, such as by stipulating that these should be petrol and not diesel vehicles.

Regarding the table at page 52 of the policy, it was suggested that clarity was needed in the guidance to include other fuel types; reference had only been made to ULEV or zero emission vehicles. It was suggested that the council should not exclude alternatively fuelled vehicles.

Reference to 'Euro 5' rather than 'Euro 6' emissions standards was queried. Members suggested that Euro 5 standards rather than Euro 6 should be referred to as reference to Euro 6 would exclude all vehicles older than 2015.

Cllr Harvey suggested that the council should incentivise the take up of electric vehicles over ultra-low emission vehicles (ULEV), by offering free licensing for electric vehicles as the City Council had done. Cllr Harvey also suggested that the policy should specify petrol

ULEV and not diesel ULEVs. While the Licensing Committee Chairman agreed that these were very important matters, they were for a future consultation. Officers advised the committee that wording in the policy in relation to this should remain unchanged and that other types of low emission vehicles and other types of fuel be looked at as part of a future consultation. The Licensing Committee **AGREED** that it would look at these issues in future.

4. Operators

The Chairman informed the committee that licences would not be granted to operators outside the district, to allow for better enforcement. Committee members indicated their support for this.

5. Enforcement

Committee members expressed disappointment that a right of appeal to the licensing authority was not included in the policy. The committee had an in-depth discussion about this, with members setting out why they believed drivers should have the right of appeal to a council appeals panel, before going to the magistrates' court. Members felt that this provided more assurance of public safety.

In response to the concerns raised by committee members, the Chairman explained that it was still the intention that referrals would still be made to the council's licensing appeals panel by officers. Committee members were informed that Cambridge City Council did not have an appeals process, with all appeals by licence holders or applicants, being made straight to the magistrates' court.

Following an in-depth discussion, committee members **AGREED** that the right of appeal to the council should be included and made clear in the policy.

Referring to the points of concern raised in the letter received from the LPHCA on 9th February 2020, Members confirmed that they were satisfied that due consideration had been given to all public consultation responses. Members were informed by officers that the report to the Licensing Committee had been published on 31st January, which was in accordance with statutory requirements.

Following the committee's consideration of the whole policy, the Licensing Committee **AGREED**:

- a) The Hackney Carriage and Private Hire Licencing Policy and Conditions, subject to the incorporation of the agreed amendments, and recommended the adoption of the policy by Full Council.
- b) That all the requirements discussed were reasonably necessary.
- c) That the incorporation of the agreed amendments to the policy be delegated to the Corporate Licensing Manager, prior to the policy's presentation to Full Council.

The Meeting ended at 1.35 p.m.
