



# EAST CAMBRIDGESHIRE DISTRICT COUNCIL

THE GRANGE, NUTHOLT LANE,  
ELY, CAMBRIDGESHIRE CB7 4EE  
Telephone: 01353 665555

MEETING: **LICENSING COMMITTEE**  
TIME: 09:30am  
DATE: Wednesday 27<sup>th</sup> March 2019  
VENUE: Council Chamber, The Grange, Nutholt Lane, Ely  
ENQUIRIES REGARDING THIS AGENDA: Adrian Scaites-Stokes  
DIRECT DIAL: (01353) 665555 EMAIL: [adrian.scaites-stokes@eastcambbs.gov.uk](mailto:adrian.scaites-stokes@eastcambbs.gov.uk)

## Membership:

### Conservative Members

Cllr Elaine Griffin-Singh (Chairman)  
Cllr Chris Morris (Vice Chairman)  
Cllr Michael Allan  
Cllr Mike Bradley  
Cllr Paul Cox

Cllr Neil Hitchin  
Cllr Julia Huffer  
Cllr Carol Sennitt  
Cllr Alan Sharp  
Cllr Stuart Smith

### Liberal Democrat Member

Cllr Sue Austen  
(Spokesperson)

### Lead Officer:

Liz Knox, Environmental Services Manager

**Quorum:** 5 Members

## A G E N D A

1. **Apologies**
2. **Declarations of Interest**  
To receive declarations of interest from Members for any items on the Agenda in accordance with the Members Code of Conduct
3. **Minutes**  
To receive and confirm as a correct record the Minutes of the Licensing Committee Meeting held on 10<sup>th</sup> October 2018
4. **Chairman's Announcements**
5. **Taxi and Private Hire – DfT Consultation**
6. **Miscellaneous Licensing Policy Amendments**

## 6. Licensing Officers year End Update

## 7. Forward Agenda Plan

### NOTES:

1. Members of the public are welcome to attend this meeting. If you are visiting The Grange during normal hours you should report to main reception desk, where you will be asked to fill in a visitor's pass that must be worn at all times whilst you are in the building. Please remember to return your pass before you leave.

This will not apply if you come to an evening meeting: in this case you will enter via the rear access doors in the glass atrium at the back of the building and a Facilities Assistant will direct you to the room in which the meeting will take place.

The maximum capacity for meetings in the Council Chamber has been set by the Fire Officer at 100 persons. Allowing for Member/Officer attendance and room layout constraints, this will normally give a capacity for public attendance of approx 60 people. Admittance to the Council Chamber is on a 'first come, first served' basis and public access will be from 15 minutes before the start time of the meeting.

There are a number of schemes aimed at encouraging public participation in the Council's activities and meetings. These include public question time and a process to enable petitions to be submitted. Details of these can be obtained by calling any of the telephone numbers below or by logging onto the Council's website.

2. Fire instructions for meetings:
  - If the fire alarm sounds please make your way out of the building by the nearest available exit - i.e. the back staircase or the fire escape in the chamber. Do not to use the lifts.
  - The fire assembly point is in the front staff car park by the exit barrier.
  - This building has an auto-call system to the fire services, so there is no need for anyone to call the fire services.

The Committee Officer will sweep the area to ensure that everyone is out of this area.

3. Reports are attached for each agenda item unless marked "oral".
4. If required all items on the agenda can be provided in different formats (e.g. large type, Braille or audio tape, or translated into other languages), on request, by calling Main Reception on (01353) 665555 or e-mail: [translate@eastcambs.gov.uk](mailto:translate@eastcambs.gov.uk)
5. If the Committee wishes to exclude the public and press from the meeting a resolution in the following terms will need to be passed:  
"That the press and public be excluded during the consideration of the remaining items no. X because it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during the item there would be disclosure to them of exempt information of Categories X Part I Schedule 12A to the Local Government Act 1972 (as Amended)."



EAST  
CAMBRIDGESHIRE  
DISTRICT COUNCIL

**LICENSING COMMITTEE**

Minutes of the meeting of the Licensing Committee held in the Council Chamber, The Grange, Nutholt Lane, Ely on Wednesday, 10<sup>th</sup> October 2018 at 9:57am.

**P R E S E N T**

Councillor Paul Cox  
Councillor Julia Huffer  
Councillor Carol Sennitt  
Councillor Alan Sharp  
Councillor Stuart Smith

**O T H E R S**

Stewart Broome – Senior Licensing Officer  
Maggie Camp – Legal Services Manager and Monitoring Officer  
Adrian Scaites-Stokes – Democratic Services Officer

23. **ELECTION OF CHAIRMAN**

The Democratic Services Officer advised the Committee that, due to the absence of the Chairman and Vice Chairman of the Committee, it was recommended that a Member be elected as Chairman for this meeting. Councillor Julia Huffer was duly proposed and seconded. There being no other nominations, Councillor Julia Huffer was elected to act as Chairman for this meeting.

24. **APOLOGIES**

Apologies for absence were received from Councillors Michael Allan, Sue Austen, Elaine Griffin-Singh and Chris Morris and also from Liz Knox, the Environmental Services Manager.

25. **DECLARATIONS OF INTEREST**

There were no interests declared.

26. **MINUTES**

Councillor Julia Huffer noted two occasions where her first name had been spelling incorrectly and these were amended.

It was resolved:

That the Minutes of the Licensing Committee meeting held on 12<sup>th</sup> September 2018, as amended, be confirmed as a correct record and be signed by the Chairman.

27. **CHAIRMAN'S ANNOUNCEMENTS**

There were no Chairman's announcements.

28. **REVIEW OF LICENSING FEES**

The Committee considered a report, T119 previously circulated, that set out the statutory fees which the Council was required to charge for specific licences and the fees for the period 1<sup>st</sup> April 2019 to 31<sup>st</sup> March 2020.

The Senior Licensing Officer advised the Committee that the report set out the statutory fees to be charged during 2019-2020. With the exception of these fees, the Council could set its own fees providing legislative requirements were followed. This was the third time the fees had been reviewed and any suggested charges could be challenged. Therefore the fee levels had to be proportionate to the work involved and to ensure that no profits were made. The different revenue streams had been analysed to assess the correct level of relevant fees. The Committee was reminded that the fee levels would be brought up to the appropriate levels over the long-term and this process was around half-way through.

The table on page 4 of the report showed the increases in income and expenditure over the past three years and the percentage of costs recovered. The target was 85% cost recovery with last year showing an increased 75% recovery level. The Licensing department had looked at ways to reduce its costs, including challenging the internal costs charged to it. There was a potential central internal expenditure increase expected which would affect those numbers.

Systems had been implemented to gauge the actual costs involved with each licencing activity. This was analysed and suggested that costs were being recovered via the relevant fee levels, though this year had been difficult to assess this, due to a number of one-off projects which had incurred additional costs. This included implementing the new animal welfare requirements and the time spent working on the taxi policy and the taxi fare review. Despite these factors, the figures indicated that driver licence income was still significantly lower than the costs of providing the service, so it was recommended that these fees should be increased by £25. There was no legislative requirement to consult on that fee rise.

Appendix 4 showed the discretionary fees for general licences, with the proposed fees for 2019/20 and the difference from the previous fees. Most fees would remain the same with a few increased. The income from Street Trading fees were covering costs, so there was no justification in proposing any increases. It was proposed that only taxi driver licences be increased due to the current significant deficit.

Overall things were going well and the cost/income gap was being bridged. Things could alter if further legislative changes were made. If this became the case then the fee levels would have to be reviewed again in an effort to find a balance. Hopefully everything would have settled down over the next twelve months, when a further comprehensive review could be undertaken.

Councillor Alan Sharp congratulated the Senior Licensing Officer on getting to the current position regarding costs and income. There was one minor query relating to the £125 income from zoos. The Senior Licensing Officer explained that there was one establishment at Stretham that fell into the category of a zoo. Its primary function was to visit schools to educate them about a number of animals. As it had an establishment it fell into the relevant category and had incurred a fee of £500, which had been paid in instalments over four years.

It was resolved:

- (i) That the statutory fees that East Cambridgeshire District Council was required to charge in respect of the specified licences under the Licensing Act 2003 and the Gambling Act 2005 as set out in Appendix 1 and Appendix 2, be noted and that these fees (or if subject to statutory amendment, the relevant amended fees) be implemented on the 1 April 2019.
- (ii) That Officers be instructed to implement, as appropriate, any other statutory fees that may be brought into force during the 2018/19 financial year.
- (iii) That Officers be instructed to include the agreed fees in the 2019/20 annual fees and charges report that is presented to full Council.
- (iv) That, with any necessary modification, the proposed fees relevant to those licences and licensing related activities where the authority has the discretion to determine the fees, as set out in Appendix 3 and Appendix 4, on the 1 April 2019, be implemented.
- (v) That, with any necessary modification, the proposed fees relevant to scrap metal licences, as set out in Appendix 4, with an understanding that if Council do not approve the measure, refunds will be given, be implemented immediately.
- (vi) That the inclusion of the new Animal Welfare licence fees, which were agreed by Members on Wednesday 12 September 2018 to come into effect on 1 October 2018 in order to comply with the new animal welfare legislation be noted.
- (vii) That Officers be instructed to include the fees in the 2019/20 annual fees and charges report that is presented to full Council.
- (viii) That, with any necessary modification, the proposed fees relevant to driver licences, as set out in Appendix 5, with an understanding that if Council do not approve the measure, refunds will be given be implemented immediately.
- (ix) That the proposed fees relevant to hackney carriage vehicle, private hire vehicle and operator licences, as set out in Appendix 5 be implemented.

- (x) That Officers be instructed to include the proposed fees, as set out in Appendix 5, in the 2018/19 annual fees and charges report that is presented to full Council.

29. **LICENSING OFFICERS REPORT**

The Senior Licensing Officer advised the Committee that all procedures and necessary processes were in place, all licence renewals had been set out to ensure there would be no gaps in trade, and everybody affected had been spoken to. This had resulted in no complaints being received about the new fee increases. There had been one occasion where a licence holder had two different licences expiring at different times, so they had been contacted to arrange the two licences to be merged as from January. The last of the items on the priority list were nearing completion and the necessary inspections would be commencing shortly. The taxi meters had been re-calibrated to handle the new fare charges and this had been completed at an event at the Leisure Centre car park. During 2017/18 788 licence applications had been dealt with and currently this year 801 had been processed.

30. **LICENSING COMMITTEE FORWARD AGENDA PLAN**

The Committee noted its forward agenda plan. The Senior Licensing Officer queried the need for either of the November and December scheduled meetings due to the workload of the Department. Confirmation would be given to the Democratic Services Officer whether those meetings would be required.

31. **EXCLUSION OF THE PUBLIC INCLUDING REPRESENTATIVES OF THE PRESS**

It was resolved:

That the press and public be excluded during the consideration of item 9 because it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during the item(s) there would be disclosure to them of exempt information of Category 3 of Part I Schedule 12A to the Local Government Act 1972 (as amended).

32. **MINUTES**

It was resolved:

That the Exempt Minutes of the Licensing Committee meeting held on 12<sup>th</sup> September 2018 be confirmed as a correct record and be signed by the Chairman

The meeting closed at 10:07.

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**TITLE: TAXI AND PRIVATE HIRE – DfT CONSULTATION**

**COMMITTEE: LICENSING COMMITTEE**

**DATE: 27 MARCH 2019**

**AUTHOR: SENIOR LICENSING OFFICER**

[T226]

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1.0 PURPOSE OF REPORT

1.1 To inform Members of the current Department for Transport (DfT) “Taxi and Private Hire Vehicle Licensing: Protecting Users” consultation document, and to receive Member’s comments on the official Licensing Authority response to this consultation.

2.0 RECOMMENDATION(S)

2.1 That Members consider the proposed response, and instruct officers to return the consultation response, subject to any amendments they wish to see.

3.0 BACKGROUND

3.1. The Secretary of State for Transport was given the power via the Policing and Crime Act 2017 to issue Statutory Guidance on exercising Hackney Carriage and Private Hire licensing functions to protect children and vulnerable adults from harm whilst using these services.

3.2 As a result of receiving this power, the DfT has produced a draft document with the title “Taxi and Private Hire Vehicle Licensing: Protecting Users”, and they are seeking opinions from all interested parties.

3.3 The consultation runs until 11:45pm on 22 April 2019.

4.0 PROPOSED CONSULTATION RESONSE

4.1 Appendix 1 contains the consultation response template which has been completed by officers for Member comments.

5.0 IMPLICATIONS

5.1 Once the DfT implement their proposed statutory guidance it will need to be followed by all Councils unless there are reasonable grounds not to do so. Members and Officers will not be able to depart from following the guidance just because they consider it desirable to do so; any decision to depart from statutory guidance is not to be taken lightly, and must be backed by very good reasons. If the decision to depart is taken, and is successfully challenged by an

applicant or licence holder, the Court is likely to be critical of the Council, especially if the reasoning is not sound.

## 6.0 CONCLUSION

6.1 Taxi and Private Hire licensing remains the single largest regulatory sector that the Council deals with in terms of resources used. Therefore, any legal changes will have an impact on a large part of the Licensing Authorities day to day workload. Whilst large parts of the document are very well conceived, Officers do not believe it is without flaws. It is for this reason that Officers believe it is vital that the Council's thoughts are submitted during this consultation period in the hope that the DfT will make suitable amendments before publishing the final version.

## 6.0 FINANCIAL IMPLICATIONS

6.1 There are no financial implications associated with this consultation, other than officer and Member time, which are already factored into the general licensing budget.

## 7.0 APPENDICES

8.1 Appendix 1 Draft Taxi and Private Hire licensing: Protecting Users consultation response document.

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### Background Documents

Taxi and Private Hire Vehicle Licensing: Protecting Users – Statutory Guidance consultation document.

### Location

Room SF208  
The Grange,  
Ely

### Contact Officer

Stewart Broome  
Senior Licensing Officer  
(01353) 616477

# Taxi and private hire vehicle licensing: protecting users

## 1. Introduction

Thank you for taking the time to read the consultation document and to respond to the questions. Your answers will help us to firm up statutory guidance to taxi and private hire vehicle (PHV) licensing authorities on how their licensing powers can be exercised in order to safeguard children and vulnerable adults.

The easiest way to respond to this consultation is online:

<https://www.smartsurvey.co.uk/s/taxis-licence/>

The online version allows you to save your response and continue it later and to save or print off a copy for your records.

### Confidentiality and data protection

The Department for Transport (DfT) is carrying out this consultation to gather views and evidence on measures for inclusion within the statutory guidance issued to taxi and PHV licensing authorities. This consultation and the processing of personal data that it entails is necessary for the exercise of our functions as a government department. If your answers contain any information that allows you to be identified, DfT will, under data protection law, be the controller for this information.

As part of this consultation we're asking for your name and email address. This is in case we need to ask you follow-up questions about any of your responses. You do not have to give us this personal information. If you do provide it, we will use it only for the purpose of asking follow-up questions.

We may contract a third party to analyse the responses we receive to the consultation. If you provide your contact details, we may share this information with a contractor in case they need to contact you regarding your consultation response.

DfT's privacy policy has more information about your rights in relation to your personal data, how to complain and how to contact the Data Protection Officer. You can view it at <https://www.gov.uk/government/organisations/department-for-transport/about/personal-information-charter>.

DfT's privacy policy has more information about your rights in relation to your personal data, how to complain and how to contact the Data Protection Officer. You can view it at <https://www.gov.uk/government/organisations/department-for-transport/about/personal-information-charter>.

Your information will be kept securely and destroyed within 12 months after the consultation has been completed. Any information provided through the online questionnaire will be moved from their system to our internal systems within 2 months of the consultation end date.

Find out more about the [Department for Transport's data protection and privacy policy](#).

## 2. Personal details

1. Your name and email address. We will only use this if we need to contact you to ask about any of your responses.

Your name

Your email

### 3. About you

**2. Are you responding: \***

- as an individual?
- as a taxi driver?
- as a PHV driver?
- as a taxi intermediary?
- as a PHV operator?
- a licensing authority
- the police
- other (specify)?

## 4. Administration of the licensing framework

**3. The draft statutory guidance recommends that all those involved in the determination of licensing matters should receive training covering licensing procedures, natural justice, child sexual abuse and exploitation, disability and equality in addition to any other issues deemed locally appropriate (paragraph 2.18). Do you agree with the recommendation?**

- Yes  
 No  
 No opinion

Comment below if you want to explain your answer.

**4. The draft statutory guidance recommends a council structure for dealing with licensing matters (paragraphs 2.20-2.24). Do you agree with this proposed structure?**

- Yes  
 No  
 No opinion

Comment below if you want to explain your answer.

The proposed recommended structure removes flexibility of approach. It should be left for the authority to determine the best way to ensure that the decisions made are just, proportionate and timely.

## 5. Implementing changes to the licensing policy and requirements

5. The draft statutory guidance recommends that all issued licences should be reviewed following changes in licensing policy (paragraph 2.29). Do you agree with this recommendation?

- Yes
- No
- No opinion

Comment below if you want to explain your answer.

Whilst in agreement, we feel that this will be difficult to implement, and likely to be challenged under human rights legislation. Is someone less “fit and proper” or “safe and suitable” just for failing to attend a two hour safeguarding course, when they have held a licence without incident for many years?

## 6. The Disclosure and Barring Service

**6. The draft statutory guidance recommends that all drivers should be subject to an enhanced Disclosure and Barring Service (DBS) with barred lists check for individuals applying for or renewing taxi and PHV driver licences (paragraph 2.32). Do you agree with this recommendation?**

- Yes  
 No  
 No opinion

Comment below if you want to explain your answer.

**7. The draft statutory guidance recommends that all licence holders should be required to subscribe to the DBS update service (paragraph 2.38). Do you agree with this recommendation?**

- Yes  
 No  
 No opinion

Comment below if you want to explain your answer.

Already a requirement at this Council. Problems encountered are that we have no way of finding out if they have dropped off the scheme until we run a check.

**8. The draft statutory guidance recommends that appropriate DBS checks are conducted every 6 months (paragraph 2.39). Do you agree with this recommendation?**

- Yes  
 No  
 No opinion

Comment below if you want to explain your answer.

We believe annual checks would be sufficient and proportionate to the goal being pursued.

## 7. Licensee self-reporting

9. The draft statutory guidance recommends that drivers and operators should be required to notify the issuing authority within 48 hours upon arrest and release, charge or conviction of any motoring offence or any offence involving dishonesty, indecency or violence (paragraph 2.41). Do you agree with this recommendation?

- Yes
- No
- No opinion

Comment below if you want to explain your answer.

We would go one further and state that standardising notification timeframes would make it easier to remember for the trade rather than 48 hours for this matter, 72 hours for the matter etc.

## 8. Referrals to DBS and the police

10. The draft statutory guidance recommends that licensing authorities should make referrals to the DBS when it considers that an applicant or licence holder is thought to present a potential risk of harm to the public (paragraph 2.43). Do you agree with this recommendation?

- Yes
- No
- No opinion

Comment below if you want to explain your answer.

## 9. Overseas convictions

**11. The draft statutory guidance recommends that a check of overseas criminality information or ‘Certificate of Good Character’ should be required, when an individual has spent a period of more than 3 continuous months outside the UK when over the age of 18 (paragraph 2.47). Do you agree with this recommendation?**

- Yes
- No
- No opinion

Comment below if you want to explain your answer.

Whilst agreeing in principle, we believe this needs to be quantified otherwise there will be a lot of people who travelled abroad whilst at University or on gap years who would fall within this requirement. Perhaps where no other offences are shown on their DBS it should be 3 months within the past 5 years, and where there are other offences it should be in the last 10 years, or since the date of the first UK registered offence. This will reduce a great deal of burden on applicants, licensing authorities and Embassies alike, otherwise we can see a need to contact an Embassy when we have a 55 year old applicant who travelled as an 18 year old student to the USA for summer camp.

## 10. Other information

**12. The draft statutory guidance recommends that licensing authorities should require applicants / licensees to disclose if they have been licensed elsewhere, or have had an application for a licence refused, or have had a licence revoked or suspended by any other licencing authority (paragraph 2.57). Do you agree with this recommendation?**

- Yes
- No
- No opinion

Comment below if you want to explain your answer.

Already asked

**13. The draft statutory guidance recommends that licensing authorities should use tools such as the national register of taxi and PHV driver licence refusals and revocations (NR3) to improve information sharing (paragraph 2.58). Do you agree with this recommendation?**

- Yes
- No
- No opinion

Comment below if you want to explain your answer.

We already use NR3. It should be compulsory for LA's to sign up to NR3 and refer to this before granting any driver or operator licence.

**14. The draft statutory guidance recommends that the authority considering the application / renewal should consult and consider other licensing decisions in its assessment, when an applicant / licensee discloses they: have had an application refused, or had a licence revoked or suspended elsewhere (paragraph 2.60). Do you agree with this recommendation?**

- Yes
- No
- No opinion

Comment below if you want to explain your answer.

## 11. Multi-agency safeguarding hub (MASH)

15. The draft statutory guidance recommends that multi-agency safeguarding hubs (or similar) should be established by licensing authorities to improve the sharing of relevant information (paragraph 2.64). Do you agree with this recommendation?

- Yes
- No
- No opinion

Comment below if you want to explain your answer.

Whilst we agree with the intent, in practical terms this would be difficult to set up and ultimately unnecessary if good communication is in place between authorities.

## 12. Complaints against drivers and operators

**16. The draft statutory guidance recommends that licensing authorities should produce guidance for passengers on making complaints directly to the licensing authority that must be displayed in licensed vehicles (paragraph 2.66). Do you agree with this recommendation?**

- Yes
- No
- No opinion

Comment below if you want to explain your answer.

## 13. Safeguarding awareness

17. The draft statutory guidance recommends that all licensing authorities should require drivers to undertake safeguarding training as a condition of licensing (paragraph 2.72). Do you agree with this recommendation?

- Yes
- No
- No opinion

Comment below if you want to explain your answer.

Already in place.

## 14. Language proficiency

**18. The draft statutory guidance recommends that all licensing authorities should consider whether an applicant for a licence is able to communicate in English orally and in writing with customers (paragraph 2.79). Do you agree with this recommendation?**

- Yes
- No
- No opinion

Comment below if you want to explain your answer.

Further guidance on the exact level an applicant needs to meet should be considered in order to ensure consistency of approach across the Country.

## 15. Enforcement

19. The draft statutory guidance recommends that licensing authorities should, where the need arises, jointly authorise officers from other authorities so that compliance and enforcement action can be taken against licensees from outside their area (paragraph 2.81). Do you agree with this recommendation?

- Yes
- No
- No opinion

Comment below if you want to explain your answer.

## 16. Criminal record checks for PHV operators

20. The draft statutory guidance recommends that PHV operators (applicants or licensees) should be subject to a basic DBS check (paragraph 2.91). Do you agree with this recommendation?

- Yes
- No
- No opinion

Comment below if you want to explain your answer.

Already in place.

## 17. PHV operators - ancillary staff

**21. The draft statutory guidance recommends that PHV operators should, as a condition of licensing, be required to keep a register of all staff that will take bookings or dispatch vehicles (paragraph 2.97). Do you agree with this recommendation?**

- Yes
- No
- No opinion

Comment below if you want to explain your answer.

**22. The draft statutory guidance recommends that PHV operators should be required to evidence that they have had sight of a basic DBS check on all individuals listed on the above register (paragraph 2.97). Do you agree with this recommendation?**

- Yes
- No
- No opinion

Comment below if you want to explain your answer.

**23. The draft statutory guidance recommends that PHV operators should be required to provide to the licensing authority their policy on employing ex-offenders that will take bookings or dispatch vehicles as a condition of licensing (2.98). Do you agree with this recommendation?**

- Yes
- No
- No opinion

Comment below if you want to explain your answer.

We believe that any person who is not capable of holding an operator's licence in their own right due to the results of their basic disclosure should not be permitted to work in an operator base, and that employing someone not permitted should be grounds for suspension or revocation of the operator licence.

## 18. PHV operators - use of passenger carrying vehicles (PCV) licensed drivers

24. The draft statutory guidance that a PHV operator may not use a driver who does not hold a PHV licence (but may hold a PCV licence) to use a public service vehicle to carry out a PHV booking. This would be a condition of the operator's licence (paragraph 2.100). Do you agree with this recommendation?

- Yes
- No
- No opinion

Comment below if you want to explain your answer.

Would ask DfT to provide legal advice that this is lawful.

## 19. PHV operators – record keeping requirements

25. The draft statutory guidance recommends that PHV operators should, as a condition of licensing, be required to record the information detailed in paragraph 2.101. Do you agree with this recommendation?

- Yes
- No
- No opinion

Comment below if you want to explain your answer.

Already in place

## 20. In-vehicle visual and audio recording - CCTV

**26. The draft statutory guidance recommends that licensing authorities should carefully consider potential public safety benefits and potential privacy issues when considering mandating that taxis and PHVs have CCTV installed (paragraphs 2.104 to 2.109). Do you agree with this recommendation?**

- Yes
- No
- No opinion

Comment below if you want to explain your answer.

Although we agree with most of this recommendation, we cannot agree with the proposal to allow the system to be switched off when the vehicle is used domestically. A licensed vehicle is always a licensed vehicle, and any ability to disable the CCTV system opens a door to enable unscrupulous individuals to turn the system off whilst working. Any CCTV system should be tamper proof and engaged at all times the vehicle is in use.

**27. The draft statutory guidance recommends that CCTV recordings in taxis and PHVs should be encrypted and accessible only by licensing authority officials (if acting a data controller), the police or when subject to a data subject access request (paragraph 2.114). Do you agree with this recommendation?**

- Yes
- No
- No opinion

Comment below if you want to explain your answer.

## 21. Stretched limousines

28. The draft statutory guidance recommends that licensing authorities should consider licensing vehicles with an Individual Vehicle Approval certificate, even if the passenger capacity is unclear, but under the strict condition that the vehicle will not be used to carry more than 8 passengers (paragraph 2.118). Do you agree with this recommendation?

- Yes
- No
- No opinion

Comment below if you want to explain your answer.

Already in place.

## 22. Previous convictions guidance

**29. The draft statutory guidance recommends that the Department for Transport should issue guidance on the assessment of previous convictions (paragraph 2.50). Do you agree with this recommendation?**

- Yes
- No
- No opinion

Comment below if you want to explain your answer.

**30. Annex A of the draft statutory guidance provides a list of offences to aid consistency in the 'fit and proper' assessment for licences. Do you think that the list provides enough detail to do this?**

- Yes
- No
- No opinion

Comment below if you want to explain your answer.

It only covers new applicants, it should cover relevance to existing licence holders who commit such offences.

**31. Are there any offences that should be added to the list in Annex A?**

- Yes
- No
- No opinion

## 23. Other offences

**32. If you answered yes, please list the offence(s) and the period you consider appropriate to prevent the granting of a licence under most circumstances.**

Revocation/Refusal or Suspension of a licence by this or another authority ---- 5 years but periods may be extended depending upon the reason for the action.

## 24. Impact assessment

**33. Do you have data relating to alleged offences committed in licensed vehicles either against or by passengers? If you have and are prepared to share this with us please add to your response.**

During the past 5 years we have had one incident reported by a taxi driver who was threatened by a knife.

**34. If have any comments or other data that may be relevant to the Impact Assessment please provide this.**

None.



## Ways to respond

Email this completed document to:

[SG-Consultation2019@dft.gov.uk](mailto:SG-Consultation2019@dft.gov.uk)

Or post it to:

Department for Transport  
Buses and Taxis Division (Statutory Guidance 2018 Consultation)  
Great Minster House  
33 Horseferry Road  
London  
SW1P 4DR

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**TITLE: LICENSING OFFICERS YEAR END UPDATE**

**COMMITTEE: LICENSING COMMITTEE**

**DATE: 27 MARCH 2019**

**AUTHOR: SENIOR LICENSING OFFICER**

[T288]

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1.0 ISSUE

1.1 To update Members of the Licensing Committee on the work of Officers in the 2018/ 2019 period.

2.0 RECOMMENDATION(S)

2.1 For information purposes only.

3.0 HIGHLIGHTS

**Animal Licensing**

3.1 2018 saw the implementation by Defra of new animal welfare regulations. In order to administer these new regulations, officers had to ensure that the scheme of delegation was correct, the fee structure was suitable, the web-pages were updated, the database was re-configured to record and store the information correctly, the trade were made aware and were assisted as much as was possible with available resources, and finally, the inspections were conducted and the licences issued in a timely fashion.

3.2 I am pleased to state that thanks to the support of Members, it was possible to get all of the above completed, and all 43 licences issued within the required time frame. A feat not replicated by all Councils in England.

**Inspections**

3.3 This past year has seen a program of house-keeping and compliance visits undertaken. Over 150 general inspections have been conducted in addition to the 43 animal inspections, 22 private hire operator inspections and 6 betting premises inspections. The team has also conducted 4 evening compliance initiatives and 4 school compliance initiatives to ensure taxis collecting children are safe.

**Safe-guarding Training**

3.4 Officers arranged and observed safeguarding and customer service training sessions for the licensed taxi trade. Approximately 95% of the Council's taxi drivers have now sat the session with great feedback being provided by those who have attended. Further sessions are being run by officers to ensure that all existing and new drivers attend this course, as required by our local policy.

## Paper-free licensing

- 3.5 The licensing department continues to strive towards being as paper-free as possible. Online forms are now available for almost all application types, and the number of electronic applications received now represents 65% of the total number of applications, up from 47% the previous period.
- 3.6 The team is also on track to have all files back-scanned, and a clear desk policy in place by the end of 2019.

## Audit

- 3.7 The department's taxi procedures were audited in 2018, and the following was noted:

*"The assurance opinions are "Good" for the design of the control environment and "Substantial" for compliance. There is an opportunity to improve the design of the controls to a substantial level once the safeguarding training is in place."*

As mentioned above, safeguarding has now been implemented, and so we have achieved a rating of substantial.

## 4.0 DEPARTMENTAL WORK

### Applications

| Licence type                          | Number 17/18 | Number 18/19 |
|---------------------------------------|--------------|--------------|
| Taxi driver                           | 165          | 156          |
| Taxi vehicle                          | 197          | 213          |
| Taxi operator                         | 18           | 23           |
| TEN's                                 | 321          | 356          |
| New and varied premise licences       | 43           | 32           |
| Animal welfare licences               | 50           | 60           |
| Personal licences                     | 55           | 47           |
| Small lottery licences                | 10           | 14           |
| Other                                 | 146          | 146          |
| DPS and transfers of premise licences | 76           | 65           |
| <b>TOTAL</b>                          | <b>1081</b>  | <b>1112</b>  |

### Inspections

| Inspection type | Number 17/18 | Number 18/19 |
|-----------------|--------------|--------------|
| Complaint       | 6            | 14           |
| Enforcement     | 9            | 32           |
| Routine         | 51           | 218          |
| Re-visit        | 1            | 14           |
| <b>TOTAL</b>    | <b>67</b>    | <b>278</b>   |

LICENSING COMMITTEE

LEAD OFFICER: Liz Knox, Environmental Services Manager

ANNUAL AGENDA PLAN

DEMOCRATIC SERVICES OFFICER: Adrian Scaites-Stokes

| Meeting on: 26 <sup>th</sup> June 2019<br>9:30am   |          | Meeting on: 31 <sup>st</sup> July 2019<br>9:30am   |          | Meeting on: 11 <sup>th</sup> September 2019<br>9:30am  |          |
|--|----------|--|----------|--|----------|
| Deadline for reports/dispatch: 14 <sup>th</sup> June 2019  |          | Deadline for reports/dispatch: 19 <sup>th</sup> July 2019  |          | Deadline for reports/dispatch: 30 <sup>th</sup> August 2019  |          |
| <ul style="list-style-type: none"> <li>Chairman's Announcements</li> <li>Forward Agenda Plan</li> <li>Licensing Officers Update</li> </ul> | S Broome | <ul style="list-style-type: none"> <li>Chairman's Announcements</li> <li>Forward Agenda Plan</li> <li>Licensing Officers Update</li> </ul> | S Broome | <ul style="list-style-type: none"> <li>Chairman's Announcements</li> <li>Forward Agenda Plan</li> <li>Licensing Officers Update</li> </ul> | S Broome |

LICENSING COMMITTEE

LEAD OFFICER: Liz Knox, Environmental Services Manager

ANNUAL AGENDA PLAN

DEMOCRATIC SERVICES OFFICER: Adrian Scaites-Stokes

| Meeting on: 9 <sup>th</sup> October 2019<br>9:30am   |          | Meeting on: 13 <sup>th</sup> November 2019<br>9:30am   |          | Meeting on: 11 <sup>th</sup> December 2019<br>9:30am   |          |
|--|----------|--|----------|--|----------|
| Deadline for reports/dispatch: 27 <sup>th</sup> September 2019   |          | Deadline for reports/dispatch: 1 <sup>st</sup> November 2019   |          | Deadline for reports/dispatch: 29 <sup>th</sup> November 2019  |          |
| <ul style="list-style-type: none"> <li>Chairman's Announcements</li> <li>Forward Agenda Plan</li> <li>Licensing Officers Update</li> </ul> | S Broome | <ul style="list-style-type: none"> <li>Chairman's Announcements</li> <li>Forward Agenda Plan</li> <li>Licensing Officers Update</li> </ul> | S Broome | <ul style="list-style-type: none"> <li>Chairman's Announcements</li> <li>Forward Agenda Plan</li> <li>Licensing Officers Update</li> </ul> | S Broome |