

TEWKESBURY BOROUGH COUNCIL

**Minutes of a Meeting of the Licensing Committee held at the Council Offices,
Gloucester Road, Tewkesbury on Thursday, 16 February 2023
commencing at 2:30 pm**

Present:

Chair
Vice Chair

Councillor G J Bocking
Councillor E J MacTiernan

and Councillors:

C L J Carter, P A Godwin, D W Gray, J W Murphy, P W Ockelton, C Reid, R J G Smith,
R J Stanley, M G Sztymiak and M J Williams

LIC.26 ANNOUNCEMENTS

26.1 The evacuation procedure, as noted on the Agenda, was advised to those present.

LIC.27 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

27.1 Apologies for absence were received from Councillors K Berliner, G F Blackwell and C Softley. There were no substitutes for the meeting.

LIC.28 DECLARATIONS OF INTEREST

28.1 The Committee's attention was drawn to the Tewkesbury Borough Council Code of Conduct which was adopted by the Council on 24 January 2023 and took effect from 1 February 2023.

28.2 There were no declarations of interest made on this occasion.

LIC.29 MINUTES

29.1 The Minutes of the Licensing Committee meeting held on 6 October 2022 and the Licensing Sub-Committee (Street Trading and Hackney Carriage and Private Hire Vehicles, Drivers and Operators) meetings held on 13 October 2022, 8 November 2022, 8 December 2022 and 16 January 2023, copies of which had been circulated, were approved as correct records and signed by the Chair.

LIC.30 AMENDMENT TO CURRENT VEHICLE REQUIREMENTS FOR HACKNEY CARRIAGE (TAXI) AND PRIVATE HIRE VEHICLES

- 30.1 Attention was drawn to the report of the Licensing Operations and Development Team Leader, circulated at Pages No. 14-74, which provided the responses to the consultation in relation to the amendment to the current Hackney Carriage (Taxi) and Private Hire Licensing Policy to specify that all converted vehicles which had not been recategorised on the V5 (vehicle logbook) provide documentation to demonstrate that the vehicle is safe. Members were asked to consider the responses and to recommend to the Executive Committee that the proposed amendment be approved.
- 30.2 The Licensing Operations and Development Team Leader advised that the report outlined the outcomes from the consultation that had taken place last year. As reported to the Committee previously, it had been discovered that a number of licensed private hire vehicles were N1 category vehicles as could be seen from the V5 (logbook) – this meant that the vehicles had been converted from good vehicles to private hire vehicles and there was a need to ensure this had been done safely. Throughout June and July 2022, all relevant vehicles had been tested to a Basic Individual Vehicle Approval (IVA) standard by an approved local garage and, following the Special Licensing Committee meeting in August, a 12 week consultation was undertaken with all licence holders and Gloucestershire County Council on an amendment to the Hackney Carriage (Taxi) and Private Hire Licensing Policy with the wording set out at Paragraph 3.2 of the report. Since that time, the Department for Transport had advised that the wording should be changed following a change in vehicle type approval standards following Brexit and had been introduced on 1 January 2023. The amended wording had been circulated around the table and Members were advised that it did not change what the amendment was trying to achieve but simply provided more clarity. It was noted that there were 55 N1 vehicles licensed by Tewkesbury Borough Council currently – this included two new vehicles since the testing in June/July – and, should the amendment be approved, they would all need to obtain a Basic IVA from a Driver and Vehicle Standards Agency (DVSA) approved test station, the closest ones being in Bristol and Kidderminster, by 1 April 2023. Once approved by the Executive Committee, the wording would take effect immediately.
- 30.3 Accordingly, it was

RESOLVED

That it be **RECOMMENDED TO THE EXECUTIVE COMMITTEE** that an amendment to the Hackney Carriage (Taxi) and Private Hire Licensing Policy be **APPROVED** to insert updated wording as follows:

Where a wheelchair accessible vehicle has been converted by a bona fide converter **before** first registration, and the vehicle has then been registered with DVLA after conversion, the Council will accept that this vehicle will have passed the appropriate approval in order to be registered and so the vehicle will be accepted for licensing without need for further documentation unless it appears that further conversions have been made to the vehicle following registration.

Where a wheelchair accessible vehicle has been converted **after** first registration, e.g. from a van (N1 or N2 category shown on V5C), the applicant must provide the following M1 approval (where there are 8 or fewer passenger seats) following conversion:

- UK Voluntary Individual Vehicle Approval (Normal or Basic IVA accepted)

For vehicles that have been converted and currently licensed with Tewkesbury Borough Council, an IVA will be required by 30 April 2023.

Acceptable forms of approval for wheelchair accessible vehicles converted before registration include GB whole vehicle type approval (GB WVTA), EU whole vehicle type approval (ECWVTA/EUWVTA), UK(NI) whole vehicle type approval (UK(NI) WVTA), UK(NI) National Small Series type approval (UK(NI) NSSTA), GB Small series type approval (GB SSTA), and Individual Vehicle Approval (IVA).

LIC.31 HACKNEY CARRIAGE (TAXI) AND PRIVATE HIRE LICENSING POLICY REVIEW STAGE 2 - CCTV

- 31.1 The report of the Licensing Operations and Development Team Leader, circulated at Pages No. 75-104, asked Members to consider the results of the consultation feedback on the draft county CCTV consultation document in hackney carriage (taxi) and private hire vehicles and to agree there was not enough strong local evidence to support mandatory CCTV in taxis and private hire vehicles and that the current policy on optional CCTV in taxis and private hire vehicles be reviewed and enhanced.
- 31.2 The Licensing Operations and Development Team Leader explained that, due to the poor response to the consultation across the county as a whole, the results of did not give strong enough justification to impose mandatory CCTV on all taxi and private hire vehicles at this time. A working group was being set up with Gloucestershire County Council and the local district authorities to work with the Local Government Association, the Institute of Licensing and Gloucestershire County Council's school contracts team to consider changing the wording of the policy in terms of CCTV across the county.
- 31.3 A Member found it interesting that seven of the 10 responses had agreed that CCTV would benefit the safety of the licensed driver; the same number agreed that video CCTV would reduce the fear of crime and six agreed that CCTV would benefit the safety of passengers. It seemed to him that, should there be an incident locally, everyone would be asking why CCTV had not been made mandatory. The Licensing Operations and Development Team Leader advised there had been a similar pattern in responses across Gloucestershire where it was recognised that CCTV would benefit both the driver and passenger. The policy allowed drivers to install CCTV if they so wished, provided it was compliant with Information Commissioner's Office (ICO) standards; however, making it mandatory in licensed vehicles would put the licensing authority in the position of being the data controller which would require a significant piece of work. A Member asked if it had been mandated by any other Councils and was informed that, in the last survey in 2020, 13 of more than 200 licensing authorities had mandatory CCTV in their licensed vehicles. In response to a query as to whether the Police had a view, Members were advised that the Police had been consulted and had indicated there were no incidents where CCTV would have been beneficial.
- 31.4 A Member expressed disappointment with the response rate and that there was no intention to engage further. He noted there were Councils which had mandated CCTV in licensed vehicles and felt this should be monitored in some way to obtain information to gain a better perspective on how useful it could be. The Licensing Operations and Development Team Leader explained that Greater Manchester had just mandated CCTV in licensed vehicles and she was in touch with that authority;

furthermore, she currently chaired the Gloucestershire Licensing Officers Group (GLOG) and Southampton City Council had attended the last meeting and provided useful information which had helped the investigation when CCTV had been mandated at that authority. There were concerns regarding cost to the licence holder with a good system in the region of £300 per year. She provided assurance that discussions would be ongoing and it was possible that things would move forward quickly over the next 12 months. A Member sought clarification as to the make-up of the county group and was advised that it comprised the Licensing Managers from the six district authorities within Gloucestershire with County Council involvement in terms of the school contracts compliance team and the Police. Another Member asked for a rough idea of when something substantial would be brought back to the Committee in order for Members to make an informed decision and the Licensing Operations and Development Team Leader advised there were no timescales and there was no legal requirement – the statutory Taxi and Private Hire Vehicle Standards issued in 2020 had put the onus on licensing authorities to consider whether there was a need for CCTV in licensed vehicles and that requirement had been fulfilled. Notwithstanding this, there was a need to update the wording; however, as the County Council was currently looking to tighten up its own policy wording, it was prudent to wait until that had been done.

- 31.5 A Member indicated that he had expected the industry to be against mandatory CCTV but the consultation responses suggested they actually felt it was worthwhile. Nevertheless, no members of the public had been engaged for their views - Parish Councils had been consulted but no responses had been received. Personally, he believed that people would feel safer if CCTV was installed and he was reluctant to agree not to move forward with this. He was interested what the review process would be and was keen for a further consultation exercise to be undertaken which included engaging with the public to establish if there was greater body of evidence to support mandatory CCTV in licensed vehicles, particularly as the limited responses so far did support it. The Chair indicated that the key point was that there was still an option for CCTV to be installed should drivers so wish. He was very disappointed at the absence of any public feedback but, whilst people may feel safer with CCTV, there may also be concerns about what happened to potentially ambiguous footage and control of data etc. The report before the Committee demonstrated there was not enough evidence to make CCTV mandatory at this time, even though those who had responded to the consultation were largely in favour. The Licensing Operations and Development Team Leader indicated that she would be happy to bring a report to a future meeting of the Committee to update Members on progress of the working group and consider whether it would be appropriate to set up a Licensing Committee Working Group to look into this further. A Member expressed the view that it made sense to do something jointly with Cheltenham Borough Council given that the majority of drivers licensed by Tewkesbury Borough tended to work in Cheltenham. The Licensing Operations and Development Team Leader clarified that the Gloucestershire authorities were working together on this, it would be a County Council decision and all policies would align with that. Several Members indicated that they did not recall Parish Councils being consulted and, in response to a query as to whether any acknowledgement of receipt was required, Members were informed that an email had been sent to all Parish and Town Councils on the Council's distribution list but no formal acknowledgement was requested. The Chair recognised that greater engagement from communities was needed but that was an issue for the Council as a whole as opposed to this Committee.

31.6 It was

RESOLVED

That it be **AGREED** that:

- i) there is not strong enough local evidence to support mandatory CCTV in taxis and private hire vehicles;
- ii) to review and enhance the current policy on optional CCTV in taxis and private hire vehicles; and
- iii) a report on the progress of the county working group be brought to a future Licensing Committee meeting.

LIC.32 SEPARATE BUSINESS

32.1 On a proposal from the Chair, it was

RESOLVED

That, under Section 100(A)(4) of the Local Government Act 1972, the public be exclude from the meeting for the following items on the grounds that they involve the likely discussion of exempt information as defined in Part 1 of Schedule 12A of the Act.

LIC.33 SEPARATE MINUTES

33.1 The separate Minutes of the Licensing Sub-Committee (Street Trading and Hackney Carriage and Private Hire Vehicles, Drivers and Operators) meetings held on 13 October 2022, 8 November 2022, 8 December 2022 and 16 January 2023, copies of which had been circulated, were approved as correct records and signed by the Chair.

The meeting closed at 3:00 pm