

TEWKESBURY BOROUGH COUNCIL

Minutes of a Meeting of the Special Licensing Committee held at the Council Offices, Gloucester Road, Tewkesbury on Thursday, 25 August 2022 commencing at 2:30 pm

Present:

Chair
Vice Chair

Councillor G J Bocking
Councillor E J MacTiernan

and Councillors:

G F Blackwell, P A Godwin, D W Gray, J W Murphy, P W Ockelton, C Reid, R J G Smith, M G Sztymiak and M J Williams

LIC.12 ANNOUNCEMENTS

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

LIC.13 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

13.1 Apologies for absence were received from Councillors K Berliner and C Softley. There were no substitutes for the meeting.

LIC.14 DECLARATIONS OF INTEREST

14.1 The Committee's attention was drawn to the Tewkesbury Borough Council Code of Conduct which was adopted by the Council on 26 June 2012 and took effect from 1 July 2012.

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

LIC.15 AMENDMENT TO CURRENT VEHICLE REQUIREMENTS FOR HACKNEY CARRIAGE (TAXI) AND PRIVATE HIRE VEHICLES

15.1 Attention was drawn to the report of the Licensing Operations and Development Team Leader, circulated at Pages No. 1-4, which asked Members to approve the proposed amendment to the current Hackney Carriage (Taxi) and Private Hire Licensing Policy in relation to vehicle requirements, as set out at Paragraph 3.2 of the report, for a 12 week consultation with licence holders.

15.2 The Licensing Operations and Development Team Leader advised that, where vehicles were converted from goods vehicles (N1) to passenger vehicles (M1), they should obtain a Basic Individual Vehicle Approval (IVA) test at a Driver and Vehicle Standards Agency (DVSA) approved test station. In autumn 2021, the Interim Licensing Team Leader had discovered that a number of licensed private hire vehicles were N1 category vehicles as seen on the V5 logbook; this meant they had not been through any testing to ensure they were safe which meant there was a risk to public safety. All licence holders had been written to in October 2021 informing them of the requirement to obtain updated V5s to demonstrate that the conversions were safe and complied with M1 standards; however, representations made by the trade stated that the DVLA was reluctant to update V5s and that this request could not be met. Counsel advice had subsequently been sought which was clear that the Council should satisfy itself as quickly as possible that the

vehicles were safe for use, whilst also updating its policy so the requirement was adhered to when licensing vehicles.

15.3 Throughout June/July 2022, all relevant vehicles had been tested by an approved garage in Gloucestershire so all were safe to be on the road but a Basic IVA needed to be obtained from the DVSA; whilst the check carried out by the garage was to IVA standard, the garage was not DVSA approved. It was proposed to include this as a requirement within the Hackney Carriage (Taxi) and Private Hire Licensing Policy and all licence holders had been made aware of that. The proposed wording of the requirement was set out at Paragraph 3.2 of the report and included a list of acceptable approvals e.g. new vehicles may have a European Whole Vehicle Type approval which was a different type of document where conversion had taken place; this wording reflected that within the policies of the other licensing authorities in Gloucestershire.

15.4 With regard to insurance, a Member asked whether the Council would be liable if a vehicle without the right paperwork was involved in an accident. In response, the Licensing Operations and Development Team Leader clarified that there was no legal requirement to obtain a Basic IVA. As the vehicles had been tested and were now deemed as being safe to be on the road, Officers were satisfied this was not a risk to the authority. It was noted that licence holders had also been asked to notify their insurance companies so they were aware that the vehicles had been converted.

15.5 It was

RESOLVED That the proposed amendment to the current Hackney Carriage (Taxi) and Private Hire Licensing Policy in relation to vehicle requirements, as set out at Paragraph 3.2 of the report, be **APPROVED** for a 12 week consultation with licence holders.

LIC.16 HACKNEY CARRIAGE (TAXI) AND PRIVATE HIRE LICENSING POLICY REVIEW STAGE 2 - CCTV

16.1 The report of the Licensing Operations and Development Team Leader, circulated at Pages No. 5-13, asked Members to approve a public consultation on CCTV in taxi and private hire vehicles as detailed at Appendix A to the report.

16.2 The Licensing Operations and Development Team Leader advised that the Licensing Committee had adopted the Gloucestershire Common Standards for taxi and private hire licensing in October 2021 – this was the first stage of work undertaken by the Gloucestershire Licensing Officer Group to consider and comply with the statutory standards issued by the Department of Transport in 2020. Following on from that work, a second stage of the Common Standards was now being undertaken in relation to the recommendation that all licensing authorities should consult on the impact of having CCTV in vehicles. The Gloucestershire Licensing Officer Group had come up with the proposed consultation questions set out at Pages No. 11-13 of the report with the aim of identifying if there was local evidence that would support each local authority introducing a mandatory CCTV policy. It was intended that each of the Gloucestershire licensing authorities would use the same consultation document and consult at the same time and the Gloucestershire Licensing Officer Group would meet to discuss the responses before looking at any further steps.

16.3 A Member asked what views had been expressed to date and the Licensing Operations and Development Team Leader advised it was very mixed, some did

not want CCTV due to the financial implications - it was noted that a decent system could be purchased for around £300 – whereas the Police were quite keen to introduce it. She pointed out that Gloucestershire County Council already had a requirement for CCTV to be used for school contracts. The Member felt that the views of passengers would be important but they were not necessarily easy to reach so he asked how it was proposed to consult with them. The Licensing Operations and Development Team Leader indicated that it was intended to work with the Communications team to promote the consultation on social media and the Council's website. Another Member asked who was collating the responses and whether the Licensing Committee would be able to see the responses received by the other Gloucestershire licensing authorities. The Licensing Operations and Development Team Leader advised that there was a lot of work still to do but she undertook to keep Members updated and indicated that the responses would be brought back to the Committee in due course.

- 16.4 A Member drew attention to Page No. 13 of the report and indicated there was a typographical error in question 2 under the 'Extra Questions for licence holders' section where 'have' had been placed at the end of the sentence. The Licensing Operations and Development Team Leader undertook to ensure this was amended. It was subsequently

RESOLVED That a public consultation on CCTV in taxi and private hire vehicles be **APPROVED** as detailed at Appendix A to the report, subject to an amendment to Page No. 13, question 2 as follows: Do you **have** a CCTV system installed in your current licensed vehicle?**have**

The meeting closed at 2:40 pm